

1 SUPERIOR COURT
2 COUNTY OF SAN BERNARDINO
247 West Third Street, Eleventh Floor
San Bernardino, CA 92415

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7 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**
8 **FOR THE COUNTY OF SAN BERNARDINO**

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11 IN RE:)

12 EXTENDING DATES FOR CRIMINAL)
13 TRIALS AND PRELIMINARY)
14 EXAMINATIONS)

**GENERAL ORDER OF THE
PRESIDING JUDGE**

EMER ORDER 48

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16)
17 On March 4, 2020, Governor Gavin Newsom proclaimed a state of emergency in
18 California as a result of COVID-19. On March 13, 2020, former President Trump
19 declared a national emergency in the United States due to COVID-19. Since the states
20 of emergency were declared, State and County public health officials have issued
21 guidelines and mandates targeted at limiting the spread of COVID-19 and its variants.

22 The State received its first doses of COVID-19 vaccines in mid-December 2020
23 and the rate of COVID-19 infections and COVID-19-related deaths diminished in the
24 spring and part of the summer months before increasing starting in July 2021. The
25 Centers for Disease Control and Prevention (CDC) attributed the dramatic increase in
26 COVID-19 infections and deaths to the Delta variant of COVID-19. The court has
27 maintained enhanced sanitization of court facilities since April 2020, but on July 6,
28 2021, in accordance with Cal/OSHA'S emergency temporary standards, the court

1 eliminated physical distancing and face covering requirements for vaccinated persons.
2 However, less than three weeks later, due to a rapid increase in COVID-19 infections in
3 San Bernardino County and among court staff, the court reinstated mandatory face
4 coverings for all persons while onsite at the court districts.

5 In November 2021, a new variant of COVID-19, Omicron, was identified in
6 Botswana and South Africa. This new variant, which the CDC describes as more
7 resistant to existing vaccines and significantly more transmissible than the Delta variant,
8 was detected in the United States in December 2021, resulting in high transmission
9 rates and increased hospitalizations nationwide. On December 13, 2021, the State
10 reinstated a mandate requiring masks to be worn in all indoor public settings,
11 regardless of vaccination status, from December 14, 2021, through January 15, 2022.
12 On January 5, 2022, due to rampantly increasing COVID cases and hospitalizations,
13 the State extended the indoor mask mandate to February 15, 2022. On February 28,
14 2022, the California Department of Public Health issued guidance strongly
15 recommending, but no longer requiring, that everyone wear face coverings indoors in
16 public settings, regardless of vaccination status.

17 Approximately 57% of San Bernardino County's residents are fully vaccinated
18 but the vaccination rate has remained flat for the past several months. The County has
19 experienced several spikes in COVID-19 infections and COVID-19-related deaths since
20 early July 2021 with the most recent increase occurring right after Thanksgiving and
21 continuing through February 2022. When the court issued its last general
22 implementation order regarding criminal trials and preliminary examinations, there were
23 565,595 confirmed COVID-19 cases in San Bernardino County. As of March 28, 2022,
24 the number of confirmed COVID-19 cases in San Bernardino County is 565,727.

25 While the recent surge in COVID exposures and confirmed cases has started to
26 decline, the pandemic is still adversely impacting court operations, particularly the
27 court's backlog of criminal matters. In early January 2022, the court, in the interest of
28 public health and safety and based on practical challenges associated with managing

1 court operations with a significant number of quarantined judges and staff, continued
2 jury trials for several case types, including criminal trials. Although trials have resumed,
3 the court is experiencing substantial practical challenges associated with scheduling
4 and managing criminal jury trials and other criminal-related proceedings due to extreme
5 shortages of judges and court reporters.


6 The court must balance access to justice with protecting the health and safety of
7 the public, judicial officers, staff, vendors, Sheriff's department staff, and inmates.
8 Based on the burdensome circumstances associated with conducting court operations
9 during this pandemic, Chief Justice Tani G. Cantil-Sakauye has issued several
10 emergency orders permitting the court to extend the original or extended dates for
11 criminal trials by no more than 30 days, and during this timeframe the court has
12 implemented every reasonable measure to bring criminal cases to trial.

13 Consequently, after careful deliberation, the Presiding Judge has concluded that
14 extending last-day deadlines for criminal trials and preliminary examinations is
15 necessary under the present circumstances. For the reasons stated herein, the court
16 finds good cause to implement the authority granted to it under California Rule of Court,
17 Rule 10.603; case authority recognizing the court's broad powers to ensure the orderly
18 administration of justice (*see e.g., Walker v Superior Court* (1991) 53 Cal.3d 257, 266-
19 267); Chief Justice Tani G. Cantil-Sakauye's March 30, 2020, and April 29, 2020,
20 statewide Orders; the Chief Justice's March 28, 2022, Emergency Order; and
21 Government Code Section 68115, and HEREBY ORDERS AS FOLLOWS:

- 22 1. Effective immediately, and in accordance with the Chief Justice's March 28,
23 2022, Order, the time for conducting criminal trials under Penal Code section
24 1382 is extended up to an additional 30 days, applicable only to cases in
25 which the original or previously extended statutory deadline otherwise would
26 expire from April 1, 2022, through April 30, 2022, inclusive. The court may
27 conduct a trial at an earlier date, upon a finding of good cause shown, or
28 through the uses of remote technology, when appropriate, and if feasible.

1 2. Effective immediately, and in accordance with the Chief Justice's March 30,
2 2020, statewide Order, the time period provided in section 859b of the Penal
3 Code for the holding of a preliminary examination is extended from 10 court
4 days to not more than 30 court days. The order will remain in effect until April
5 30, 2022, after which date it will be rescinded.

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7 Dated: March 29, 2022

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10 R. Glenn Yabuno
11 Presiding Judge of the Superior Court