

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF ALAMEDA

IN RE: COVID-19 PANDEMIC

IMPLEMENTATION ORDER REGARDING
TIME FRAMES IN CRIMINAL AND CIVIL
MATTERS PURSUANT TO MARCH 30,
2020, STATEWIDE ORDER OF CHIEF
JUSTICE

On March 17, 2020, upon request of the Court, Hon. Tani G. Cantil-Sakauye, Chief Justice of California and Chair of the Judicial Council of California, issued an Emergency Order authorizing the Court to take certain actions pursuant to Government Code section 68115.

On March 23, 2020, Chief Justice Cantil-Sakauye issued a Statewide Order that provided, among other things, as follows: “The time period provided in Penal Code section 1382 for the holding of a criminal trial is extended for a period of sixty (60) days from the date of this order. Courts may conduct such a trial at an earlier date, upon a finding of good cause shown or through the use of remote technology, when appropriate.”

On March 27, 2020, Governor Gavin Newsom issued Executive Order N-38-20. Among other things, that Executive Order suspended any limitations in Government Code section 68115 “or any other provision of law” to the extent that such law “imposes

or implies a limitation on the subject matter the Chairperson of the Judicial Council may address via emergency order or statewide rule issued pursuant to section 68115.”

On March 30, 2020, Chief Justice Cantil-Sakauye issued a second Statewide Order in which she, among other things, found good cause to do the following:

- A. Authorize superior courts to issue implementation orders that:
 1. Extend the time period provided in section 859b of the Penal Code for the holding of a preliminary examination and the defendant’s right to release from 10 court days to not more than 30 court days;
 2. Extend the time period provided in section 825 of the Penal Code within which a defendant charged with a felony offense must be taken before a magistrate from 48 hours to not more than seven days;
 3. Extend the time period provided in section 1382 of the Penal Code for the holding of a criminal trial by no more than 60 days from the last date on which the statutory deadline otherwise would have expired;
 4. Extend the time periods provided in sections 583.310 and 583.320 of the Code of Civil Procedure to bring an action to trial by no more than 60 days from the last date on which the statutory deadline otherwise would have expired;
 5. These extensions are in addition to any relief provided pursuant to a court-specific emergency order issued under a subdivision of Government Code section 68115 related to another extension or form of relief.
- B. Order that the 60-day continuance of jury trials, which I authorized in my order of March 23, 2020, is to be calculated from the date for which the trial was set or extended as provided in A.3 or A.4 above, whichever is longer

In light of the foregoing, the court ORDERS:

1. The time period provided in section 859b of the Penal Code for the holding of a preliminary examination is hereby extended from 10 court days to 30 court days.
2. The time period provided in section 825 of the Penal Code within which a defendant charged with a felony offense must be taken before a magistrate is hereby

extended from 48 hours to 7 days.

3. The time period provided in section 1382 of the Penal Code for the holding of a criminal trial is hereby extended by 60 days; this includes in criminal matters in which the trial date was already continued pursuant to the March 17, 2020, Order of the Chair of the Judicial Council.

4. The time period provided in sections 583.310 and 583.320 of the Code of Civil Procedure to bring an action to trial is hereby extended by 60 days; this includes in matters in which the trial date was already continued pursuant to the March 17, 2020, Order of the Chair of the Judicial Council.

5. Notwithstanding the above-ordered time extensions, the Court will endeavor to calendar preliminary examinations, arraignments, and criminal trials sooner than indicated above, as Court resources permit.

6. The relief ordered above is temporary, intended to address the current COVID-19 crisis as it poses a challenge to court proceedings.

7. The Court reserves the authority to rescind or modify this order, as appropriate, to address changing circumstances.

DATED: 4/2/2020




TARA M. DESAUTELS
PRESIDING JUDGE
ALAMEDA COUNTY SUPERIOR COURT