

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BENITO

EMERGENCY COURT RULE

No. 3

WHEREAS Governor Gavin Newsom on March 4, 2020 proclaimed the existence of a state of emergency in California in response to the global COVID-19 outbreak, and on March 19, 2020 issued Executive Order N-33-20 recommending the practice of social distancing;

WHEREAS the Centers for Disease Control, the California Department of Public Health, and local county health departments have recommended increasingly stringent social distancing measures of at least six feet between people, and encouraged vulnerable individuals to avoid public spaces;

WHEREAS Chief Justice Cantil-Sakauye recognized in her Statewide Order dated March 23, 2020 that the health restrictions implemented to combat the spread of COVID-19 prevent superior courts from operating normally;

WHEREAS the health and safety of the parties in civil and criminal proceedings, the public, court staff, judicial officers, attorneys, witnesses, jurors, and others present at these proceedings is of great importance;

WHEREAS, Penal Code section 409.5 provides for the closure of the courthouse, or portions thereof, for the duration of a menace to the public health or safety created by a calamity such as the COVID-19 disaster as declared to be an emergency by Governor Newsome and the Board of Supervisors of the County of San Benito;

WHEREAS, with the support of the Judicial Council of California, Chief Justice Cantil-Sakauye issued a subsequent statewide emergency order on March 30, 2020 authorizing the actions taken herein, and

WHEREAS, the Judicial Council of California adopted certain Emergency Rules on April 6, 2020, to address the COVID-19 emergency.

NOW, THEREFORE, I find good cause to order the following.:

1. All appearances in all civil, criminal and juvenile cases, excluding jury trials, shall be by remote internet-facilitated proceedings (via ZOOM or otherwise) or telephonically conducted, consistent with and except as otherwise required by California Rules of Court, Emergency Rule 3 and 5, as adopted by the Judicial Council of California on April 6, 2020. All litigants and counsel in any court

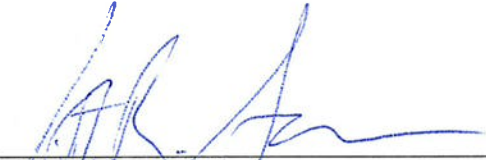
proceeding shall provide to the clerk of the appropriate department (civil, criminal or juvenile) such person's email address or telephone number within two (2) court days of such proceedings, should such person desire to remotely appear. For any proceedings conducted remotely, the litigant (or counsel for such litigant, if represented) is responsible for arranging for the remote appearance of an out-of-custody party or witness. The San Benito County Jail shall facilitate the remote appearance and confidential communication with counsel of any person incarcerated therein.

2. Due to the nature of this national, state and local emergency, admitting the public in person to proceedings would subject the entire community to a serious risk to the public health and safety. Therefore, public attendance of court proceedings in the physical courtrooms is suspended pursuant to Penal Code section 409.5. However, members of the public shall be able to obtain an electronic record of any matter that otherwise would be open to the public upon request, free of charge.
3. Members of the press may request of the judge presiding over any matter that otherwise would be open to the public, to join such proceeding as a non-participating member of the remotely conducted proceeding.
4. The time period provided in section 859b of the Penal Code for the holding of preliminary examination and the defendant's right to release is extended from 10 court days to 30 court days.
5. 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 extended from 48 hours to seven days.
6. The time period is extended provided in section 1382 of the Penal Code for the holding of a criminal trial is extended by 60 days from the last date on which the statutory deadline otherwise would have expired.
7. The time periods provided in sections 583.310 and 583.320 of the Code of Civil Procedure to bring an action to trial are extended by sixty days from the last date on which the statutory deadline otherwise would have expired.
8. These extensions are in addition to any orders previously made by the Chief Justice of the California State Supreme Court or any relief or order granted under Government Code section 68115 or by any actions by the Judicial Council of California.

9. This Local rule may be deemed part of the record in affected cases without the need to file the order in each case.
10. All orders made previous to this court rule in response to the national, state and local COVID-19 emergency shall be deemed a local rule and enforced as such. Such orders shall be appended to this local rule.
11. San Benito County Emergency Court Rule #1 is superseded by this Rule.
12. This Rule shall be in effect April 1, 2020, *nunc pro tunc*, until ninety (90) days after the COVID-19 state of emergency in the State of California ends, or until otherwise repealed or amended.

**SO ORDERED.**

Dated this 7<sup>th</sup> of April, 2020.

  
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Steven R. Sanders  
Presiding Judge of the Superior Court