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## SUPERIOR COURT OF THE STATE OF CALIFORNIA IN AND FOR THE COUNTY OF MERCED

# GENERAL ORDER RE: IMPLEMENTATION OF EMERGENCY RELIEF AUTHORIZED PURSUANT TO GOVERNMENT CODE SECTION 68115 BY CHAIR OF JUDICIAL COUNCIL

#### #2021-03

On March 9, 2021, the Chief Justice of California and Chair of the Judicial Council ruled as follows:

Because of the COVID-19 pandemic, leading to health and safety concerns resulting in substantial operational impediments, and the proclamations of states of emergency by federal, state, and local officials, it was determined on twelve prior occasions that the conditions described in Government Code section 68115(a) were met with regard to the Superior Court of California, County of Merced (Court). Based on those determinations, and pursuant to the Court's requests, corresponding prior emergency orders issued, authorizing the Court to implement certain relief under Government Code section 68115. Upon the renewed request of Presiding Judge Donald J. Proietti, it is now determined that the conditions described in Government Code section 68115(a) continue to exist (Gov. Code, § 68115(c)), and it is ordered that the Court is authorized to do the following:

- Hold sessions anywhere in the county, including in correctional and juvenile detention facilities from April 1, 2021 to June 30, 2021, inclusive (Gov. Code. § 68115(a)(1);
- 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 not more than 30 days, applicable only to cases in which the deadline otherwise would expire from May 1, 2021 to May 31, 2021, inclusive (Gov. Code, § 68115(a)(6)); and
- Extend the time period provided in section 1382 of the Penal Code (section 1382) for the holding of a criminal trial by not more than 30 days, applicable only to cases in which the original or previously extended statutory deadline otherwise

would expire from March 16, 2021 to April 15, 2021, inclusive. (Gov. Code, § 68115(a)(10); Executive Order N-38-20 (03-27-20)).

This authority supplements the authority to extend section 1382 deadlines previously granted in statewide emergency orders and emergency orders specific to the Court. Accordingly, for any case in which the time to bring a defendant to trial previously was extended under one or more of those prior emergency orders, and the extended deadline falls within the above-specified time period, this order authorizes the Court to extend the previously extended deadline by up to an additional 30 days. For any case in which the initial section 1382 deadline falls within the above-specified time period and is not governed by a prior emergency order, this order authorizes the Court to extend the time to bring a defendant to trial by a total of up to 30 days.

Accordingly, the Presiding Judge of the Merced Superior Court, hereby orders as follows:

The Judges of the Merced Superior Court are hereby authorized to:

- 1. Hold sessions anywhere in the county, including in correctional and juvenile detention facilities from April 1, 2021 to June 30, 2021, inclusive (Gov. Code. § 68115(a)(1);
- 2. 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 not more than 30 days, applicable only to cases in which the deadline otherwise would expire from May 1, 2021 to May 31, 2021, inclusive (Gov. Code, § 68115(a)(6)); and
- 3. Extend the time period provided in section 1382 of the Penal Code (section 1382) for the holding of a criminal trial by not more than 30 days, applicable only to cases in which the original or previously extended statutory deadline otherwise would expire from March 16, 2021 to April 15, 2021, inclusive. (Gov. Code, § 68115(a)(10); Executive Order N-38-20 (03-27-20)).

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### THIS ORDER IS EFFECTIVE IMMEDIATELY.

Dated: March 9, 2021

Hon. Donald J. Proietti, Presiding Judge

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