

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA
2 IN AND FOR THE COUNTY OF MERCED

3
4 GENERAL ORDER RE: IMPLEMENTATION OF EMERGENCY RELIEF
5 AUTHORIZED PURSUANT TO GOVERNMENT CODE SECTION 68115 BY
6 CHAIR OF JUDICIAL COUNCIL

7 #2020-14

8 On June 10, 2020, the Chief Justice of California and Chair of the Judicial
9 Council ruled as follows:

10 Pursuant to my constitutional and other legal authority, including the
11 authority granted by Governor Newsom and the Judicial Council, and
12 by the California Constitution, article VI, section 6, and Government
13 Code section 68115, and after careful consideration, balancing the
14 constitutional due process rights of defendants in criminal proceedings
15 with the health and safety of these defendants, the public, court staff,
16 judicial officers, attorneys, witnesses, jurors, and others present at
these proceedings, among other considerations, I find good cause to
order:

17 1. The provision in my March 30 order, in which I authorized courts
18 to issue implementation orders to extend the time period provided in
19 section 825 of the Penal Code within which a defendant charged with
20 a felony offense must be taken before a magistrate from 48 hours to
not more than seven days is rescinded effective June 20, 2020.

21 2. The statewide authority to extend the time period provided in
22 section 825 of the Penal Code will cease to apply beginning with
23 those defendants charged with a felony offense who are arrested on or
24 after June 20, 2020. Courts will retain the statewide authority to
25 extend the time period provided in section 825 of the Penal Code as to
26 defendants charged with a felony offense who are arrested on or
before June 19, 2020.

27 3. Any extensions of time I authorized in an emergency order or
28 orders issued to an individual court pursuant to Government Code
section 68115(a)(8) are not affected by this order.

1 4. To the extent a court needs a further extension of the time period
2 provided in section 825 of the Penal Code, it shall submit a request
3 seeking relief under Government Code section 68115(a)(8) and
4 describe the specific facts supporting the request, and specifically
5 address the efforts the court is making to avoid the necessity of further
6 extensions, including collaboration with justice partners and use of
7 available technology.

8 I reserve the authority to rescind or modify this order, as appropriate,
9 to address changing circumstances. This order may be deemed part of
10 the record in affected cases for purposes of appeal, without the need to
11 file the order in each case.

12 Pursuant to the authority provided in the March 30, 2020 Order by the Chief
13 Justice of California and Chair of the Judicial Council, this court issued General
14 Orders 2020-03, 2020-10, and 2020-12 Amended. The relevant provisions General
15 Orders 2020-02, 2020-03, 2020-10, and 2020-12 Amended provide:

16 General Order 2020-03

17 2. The time period provided in section 825 of the Penal Code within
18 which a defendant charged with a felony offense must be taken before
19 a magistrate is extended from 48 hours to not more than 7 days.

20 General Order 2020-10

21 c. The court extends the time period provided in section 825 of the
22 Penal Code within which a defendant charged with a felony offense
23 must be taken before a magistrate is extended from 48 hours to not
24 more than 7 days. This applies only to cases in which the statutory
25 deadline otherwise would expire between March 23, 2020 to April 17,
26 2020, inclusive. This period has been extended to May 12, 2020.

27 General Order 2020-12 Amended

28 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 extended from 48 hours to not more than 7 days.

