

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 #2020-12 Second Amended  
8

9 This Court has previously issued Standing Order #2020-04 and General  
10 Orders #2020-01, #2020-02, #2020-03, #2020-04, #2020-05, #2020-06, #2020-07  
11 amended, #2020-09, #2020-10, #2020-11, #2020-12, and #2020-12 Amended  
12 pursuant to Government Code section 68115 limiting the services provided by this  
13 court during the State of Emergency declared by the Governor in response to the  
14 COVID-19 pandemic. On June 1, 2020, this Court issued General Order #2020-12  
15 Amended authorizing a limited resumption of services and clarifying the status of  
16 the previously issued orders in light of the limited resumption of services.

17 Effective June 2, 2021, this court will authorize an additional resumption of  
18 services. Accordingly, this order authorizes the nature of the services being  
19 resumed, the rules in effect for court facilities during this period of additional  
20 resumption of services, and clarifying the status of the previously issued orders in  
21 light of this additional resumption of services.

22 Remote appearances are strongly encouraged, and may be required by some  
23 judicial officers. The court has established video and/or telephone conferencing in  
24 all courtrooms and will continue to limit physical access to all courthouse  
25 buildings.  
26  
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1 **Entrance to Courthouse Building:**

- 2 1. Only parties, their attorneys and witnesses, will be admitted to any  
3 courthouse. Spectators and friends of parties will not be admitted to any  
4 courthouse with exceptions for criminal jury trials and criminal  
5 preliminary hearings. Seating is limited and subject to judicial officer  
6 discretion. Public access to court proceedings is provided online and can  
7 be accessed via [www.mercedcourt.org](http://www.mercedcourt.org). In Los Banos, parties, witnesses  
8 and attorneys may only be admitted to the public area of the courthouse  
9 where they will have access to terminals enabling them to participate in  
10 remote hearings. Exceptions are made for criminal preliminary hearings.  
11 Seating is limited and subject to the discretion of the judicial officer.
- 12 2. Every courthouse will designate Screeners to determine which  
13 individuals will be admitted to the court.
- 14 3. Individuals who advise the Screeners that they are ill or have been ill  
15 with flu like symptoms or have suffered a fever or cough or shortness of  
16 breath, will not be admitted to the courthouse. Individuals who are not  
17 permitted to enter must contact their attorney or the clerk's office to  
18 arrange for their matters to be continued.
- 19 4. Prior to admission to the courthouse, each person shall submit to a non-  
20 invasive temperature screening process and/or declaration. Any  
21 individual showing a temperature of 100.4 degrees or greater will not be  
22 admitted to the courthouse. Individuals who are not permitted to enter  
23 must contact their attorney or the clerk's office to arrange for their  
24 matters to be continued.
- 25 5. All persons entering the court facilities shall wear a face covering or face  
26 mask while in any of the public areas of any Merced Court Facility and in  
27 the courtrooms unless advised by the judicial officer that a mask may be  
28

1 removed while in the courtroom. Individuals entering the courthouse are  
2 strongly encouraged to bring their own masks.

3 6. Individuals scheduled to appear in a given courtroom will be admitted to  
4 the courthouse. Individuals permitted to enter will proceed through  
5 security and will be directed to take a seat marked with an “X” or as  
6 instructed by the deputy in the courtroom. Individuals admitted to the  
7 courthouse shall not congregate in hallways.

8 7. Individuals admitted to the courthouse shall observe social distancing and  
9 avoid contact with other individuals and avoid standing, walking or  
10 sitting within six feet of another individual whenever possible.

11 8. When an individual’s hearing is completed, the individual will exit the  
12 courthouse promptly.

13 9. Screeners shall have the discretion to refuse to admit any person to the  
14 courthouse if in their judgment, the person is ill or otherwise poses a  
15 potential danger. Individuals who are denied entrance must contact their  
16 attorney or the clerk’s office to arrange for their matters to be continued.

17  
18 **Entrance to Specific Courtrooms:**

19 **2260 “N” Street, Merced, CA Courthouse:**

20  
21 **Courtroom 1:**

22 1. Courtroom seating is limited to allow for social distancing. Courtroom  
23 Deputies shall designate seating by “X”s or other means.

24 **Courtroom 2:**

25 1. Courtroom seating is limited to allow for social distancing. Courtroom  
26 Deputies shall designate seating by “X”s or other means.

1 **Courtroom 3:**

- 2 1. Courtroom seating is limited to allow for social distancing. Courtroom  
3 Deputies shall designate seating by “X”s or other means.

4 **Courtroom 4:**

- 5 1. Courtroom seating is limited to allow for social distancing. Courtroom  
6 Deputies shall designate seating by “X”s or other means.

7 **Courtroom 5:**

- 8 1. Courtroom seating is limited to allow for social distancing. Courtroom  
9 Deputies shall designate seating by “X”s or other means.

10 **Courtroom 6:**

- 11 1. Courtroom seating is limited to allow for social distancing. Courtroom  
12 Deputies shall designate seating by “X”s or other means.

13 **Courtroom 7:**

- 14 1. Courtroom seating is limited to allow for social distancing. Courtroom  
15 Deputies shall designate seating by “X”s or other means.

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17  
18 **627 West 21<sup>st</sup> Street, Merced, CA Courthouse:**

19 **Courtroom 8:**

- 20 1. Courtroom 8 will be combined with Courtroom 10, with hearings held in  
21 Department 10.

22 **Courtroom 9:**

- 23 1. Courtroom seating is limited to allow for social distancing. Courtroom  
24 Deputies shall designate seating by “X”s or other means.  
25 2. Courtroom 9 will continue its normal traffic, small claims and limited civil  
26 matters and offers remote appearances for all matters but will permit  
27 individuals to appear in the courtroom.

1 **Courtroom 10:**

- 2 1. Courtroom 10 will continue with remote hearings only, although a limited  
3 number of individuals who appear at the courthouse may be permitted to use  
4 the courthouse terminals to participate in the remote hearings. Nobody will  
5 be allowed in the courtroom itself.
- 6 2. Courtroom 8 matters will continue to be heard in Courtroom 10 and will  
7 provide remote hearings only, although a limited number of individuals who  
8 appear at the courthouse may use the courthouse terminals to participate in  
9 the remote hearings. Nobody will be allowed in the courtroom itself.

10  
11 **2840 West Sandy Mush Road, Merced, CA Courthouse:**

12 **Courtroom 11:**

- 13 1. Courtroom 11 will continue to provide remote hearings for all matters  
14 although a limited number of individuals involved with the case may be  
15 permitted to appear in the courtroom at the discretion of the hearing officer.  
16 Privacy requirements dictate that only individuals involved in a given case  
17 may be present when that case is proceeding.

18  
19 **1159 "G" Street, Los Banos, CA Courthouse:**

20 **Courtroom 12:**

- 21 1. Courtroom 12 will continue to provide remote hearings, although a limited  
22 number of individuals who appear at the courthouse may be permitted to use  
23 the courthouse terminals to participate in the remote hearings. In person  
24 access is limited to viewing criminal preliminary hearings. Seating is  
25 subject to judicial officer discretion.

1 **Courtroom 13:**

- 2 1. Courtroom 13 will resume its Family Law matters and will continue to  
3 provide remote hearings only, although a limited number of individuals who  
4 appear at the courthouse may be permitted to use the courthouse terminals to  
5 participate in the remote hearings. Nobody will be allowed in the  
6 courtroom.

7  
8  
9 **STANDING ORDER #2020-04**

10 Policies outlined in Standing Order #2020-04 have concluded and no longer  
11 applicable except:

- 12 • Family Court Services will continue with remote mediation services and will  
13 schedule telephonic and remote mediation opportunities for litigants. This  
14 policy will continue.
- 15 • Self-Help Centers will continue with telephonic appointments and remote  
16 services. Members of the public can reach the Self-Help office by emailing  
17 [selfhelp@mercedcourt.org](mailto:selfhelp@mercedcourt.org). This policy will continue.

18  
19 The court had previously ordered that No-time-waiver criminal matters, restraining  
20 order hearings, emergency family law Requests for Order, and other case or  
21 calendar types and hearings not specifically listed as essential. All categories have  
22 resumed.

23  
24 **GENERAL ORDERS**

25  
26 The following General Orders are superseded by a current order, rescinded or are  
27 no longer applicable: #2020-01, #2020-02, #2020-05, #2020-06, #2020-08, #2020-  
28 09 and #2020-10.

1 The following General Orders remain in effect.

2 **GENERAL ORDER #2020-03**

3 General Order #2020-03 provided for the extension of time periods in  
4 criminal matters and has been superseded by General Order #2020-11 except with  
5 respect to extension of time periods for arraignments and the time period for  
6 preliminary hearings. Those provisions that remain in effect are provided as  
7 follows:

8 The Chief Justice, incorporating the same herein, does **HEREBY FIND AND**  
9 **ORDER:**

10 A. Extensions of Time Periods

- 11 1. That the time period provided in section 859b of the Penal Code for  
12 the holding of a preliminary examination and the defendant's right to  
13 release is extended from 10 court days to not more than 30 court days.  
14 2. That the time period provided in section 825 of the Penal Code within  
15 which a defendant charged with a felony offense must be taken before  
16 a magistrate is extended from 48 hours to not more than 7 days.

17  
18 **GENERAL ORDER #2020-04**

19 **JUVENILE DELINQUENCY ORDER**

- 20 1. Except for minors arrested for an offense listed in Welfare and Institutions  
21 Code section 707(b) offenses, felony sex offenses, a felony domestic  
22 violence offense, an offense involving personal use or possession of a  
23 firearm, a felony assault with a gang enhancement, or a minor with a  
24 placement order that has been issued by the Juvenile Delinquency Division,  
25 arrested minors shall be cited and released by Probation. Probation has the  
26 discretion to select a citation date that is not sooner than April 17, 2020.  
27 2. Except for minors who are serving commitments for Welfare and  
28 Institutions Code section 707(b) offenses, felony sex offenses, a felony

1 domestic violence offense, an offense involving personal use or possession  
2 of a firearm, a felony assault with a gang enhancement, all minors with a  
3 tentative release date within sixty days of April 6, 2020, shall be released  
4 forthwith to a parent or guardian on previously ordered Probation terms; the  
5 balance of the custodial commitment is commuted. As to these released  
6 youth, any commitment to the juvenile global positions system is vacated.  
7 The judges jointly makes this order, with the following additional provision:  
8 If any such youth are subject to Placement Orders, Probation is to release  
9 such youth as soon as suitable placement can be arranged, or to a parent or  
10 guardian, if appropriate. Probation is directed to ex parte on a placement  
11 review, with such hearings to take place within ten judicial days of the  
12 reopening of the court.

13  
14 **GENERAL ORDER #2020-07**

15 This General Order summarizes this Court's findings concerning the quality  
16 and effectiveness of the remote hearings conducted since March 23, 2020. The  
17 Merced Superior Court conducted Juvenile, Criminal and Family Law remote  
18 hearings. The Presiding Judge conducted a number of remote hearings himself and  
19 consulted with each of the other Merced Superior Court Judges conducting remote  
20 hearings and this Court **HEREBY FINDS AND ORDERS AS FOLLOWS:**

- 21 1. The remote hearings provided by the Merced Superior Court since March  
22 23, 2020 are the fully functional equivalent of live in-court hearings.  
23 While they do not proceed as quickly as live in-court hearings, the sound  
24 quality and video picture quality is as good as or better than available to a  
25 person participating in a live in-court hearing. In all hearings conducted,  
26 the Judicial Officer has been able to understand the testimony and fully  
27 evaluate the demeanor of each speaker, unless the speaker appears by  
28 telephone.

- 1           2. Just as in a live hearing, there are times where a participant fails to speak  
2           into their microphone and must be prompted to repeat what they said,  
3           there are occasions where participants forget to unmute their connection  
4           or do not speak clearly and must be prompted to repeat their statements.  
5           While a connection has occasionally failed during a hearing, such failure  
6           usually comes to the immediate attention of the courtroom clerk  
7           controlling the video conference and the hearing is paused until a new  
8           and satisfactory connection can be made.
- 9           3. When an interpreter is required, the hearing proceeds more slowly  
10           because the interpreter must proceed with sequential rather than  
11           simultaneous interpretation, but the quality of interpretation is as good or  
12           better than the use of simultaneous interpretation during a live in-court  
13           hearing.
- 14           4. When a participant and their attorney need to conduct a private  
15           conversation, the court has developed several processes for  
16           accommodating that need.
- 17           5. Remote hearings also preserve the right of the public of observe court  
18           proceedings as certain non-confidential remote hearings are being  
19           streamed by the Merced Superior Court to the public via a livestream.
- 20           6. The remote hearings have been so successful, that there have been  
21           inquiries from justice partners, including criminal defense counsel and  
22           civil counsel, requesting that the option to provide remote hearings in lieu  
23           of in-court hearings continue after the state of emergency is over.
- 24           7. This court concludes that the remote hearings conducted by the Merced  
25           Superior Court since March 23, 2020 have fully accommodated the rights  
26           of all the participating parties and constitute the fully functional  
27           equivalent of live in-court hearings.
- 28

- 1 8. This court finds that the threat of contagion is such that live in-court  
2 criminal hearings would jeopardize the health of the Deputy District  
3 Attorney participating in the hearing, the District Attorney's Office, and  
4 its ability to function in other matters; would jeopardize the health of the  
5 Deputy Sheriffs or other law enforcement participating in the hearing, the  
6 Sheriff's office or other law enforcement agencies participating in the  
7 hearing, their staff, and their ability to function in other matters; would  
8 jeopardize the health of defense counsel and the ability of defense  
9 counsel's firm or the public defender to function in other matters; would  
10 jeopardize the health of the defendant himself, and would jeopardize the  
11 health of the court staff and its ability to function in other matters.  
12 Similarly, live in-court civil hearings would jeopardize the health of all  
13 participants, including counsel, parties, and witnesses, in such civil  
14 hearings. This court incorporates by this reference, the April 8, 2020  
15 letter from Sheriff Vern Warnke discouraging the transportation of  
16 prisoners in lieu of remote hearings, and the April 22, 2020 Letter from  
17 the Merced County Department of Public Health, discouraging the use of  
18 live hearings, copies of which are attached hereto as Exhibits A and B.
- 19 9. This court finds that remote hearings do not impinge on the rights of any  
20 party in any material way, while adequately protecting the health and  
21 safety of all participants. This court finds that increases in safety  
22 presented by remote hearings far outweighs any potential advantages in-  
23 person hearings might have over remote hearings while the State of  
24 Emergency remains in effect.
- 25 10. This order remains in effect and is consistent with the court's experience  
26 with remote hearings conducted after General Order #2020-07 Amended  
27 was issued. Accordingly, General Order #2020-07 Amended remains in  
28

1 effect, through the decision to conduct live versus remote hearings after  
2 May 31, 2020 rests with the discretion of the hearing officer.

3  
4 **GENERAL ORDER #2020-11**

- 5 1. The authority to hold sessions anywhere in the county, including in  
6 correctional and juvenile detention facilities, is granted from May 13, 2020  
7 through June 10, 2020. This order remains in effect.
- 8 2. The declaration that March 23, 2020 through May 12, 2020, inclusive be  
9 deemed holidays for purposes of computing time under Welfare and  
10 Institutions Code section 313, 315, 334, 631, 632, 637, and 657, is extended  
11 the period May 13, 2020 through June 10, 2020. This order remains in  
12 effect.
- 13 3. The time period provided in section 1382 of the Penal Code within which a  
14 trial must be held an additional 30 days to not more than 120 days in cases  
15 were the initial statutory deadline would otherwise expire from March 16,  
16 2020 to June 15, 2020, inclusive. This order remains in effect.
- 17 4. The period provided in section 313 of the Welfare and Institutions Code  
18 within which a minor taken into custody pending dependency proceedings  
19 must be released from custody to not more than seven (7) days in cases  
20 where the statutory deadline would otherwise expire from March 23, 2020 to  
21 June 10, 2020. This order sunsets by its own terms.
- 22 5. The period provided in section 315 of the Welfare and Institutions Code  
23 within which a minor taken into custody pending dependency proceedings  
24 must be given a detention hearing to not more than seven (7) days in cases  
25 where the statutory deadline would otherwise expire from March 23, 2020 to  
26 June 10, 2020. This order sunsets by its own terms.
- 27 6. The period provided in section 632 and 637 of the Welfare and Institutions  
28 Code within which a minor taken into custody pending wardship

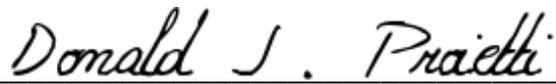
1 proceedings and charged with a felony must be given a detention hearing to  
2 not more than seven (7) days in cases where the statutory deadline would  
3 otherwise expire from March 23, 2020 to June 10, 2020. This order sunsets  
4 by its own terms.

5 7. The period provided in section 334 of the Welfare and Institutions Code  
6 within which a hearing on a juvenile dependency petition must be held by  
7 not more than fifteen (15) days in cases where the statutory deadline would  
8 otherwise expire from March 23, 2020 to June 10, 2020. This order sunsets  
9 by its own terms.

10 8. The period provided in section 667 of the Welfare and Institutions Code  
11 within which a hearing on a wardship petition for a minor charged with a  
12 felony offense must be held by not more than fifteen (15) days in cases where  
13 the statutory deadline would otherwise expire from March 23, 2020 to June  
14 10, 2020. This order sunsets by its own terms.

15  
16 THIS ORDER IS EFFECTIVE IMMEDIATELY.

17 Dated: 06/04/2021

18  
19 

20 Hon. Donald J. Proietti, Presiding Judge



Rebecca Nanyonjo-Kemp, DrPH  
Director

Kenneth Bird, MD, MPH  
Health Officer

April 22, 2020

Attn: Honorable Donald J. Proietti  
Presiding Superior Court Judge  
Merced County



RE: In-Person Court Cases

Dear Judge Proietti,

The reason for this correspondence is to request re-evaluating the need of any in-person court proceedings until State and local Health Officer Orders have been amended or lifted. As you are aware, the State of California has enacted a shelter-in-place order significantly limiting mass gatherings and suspending services deemed non-essential. Merced County duly adopted a local health officer order on March 20, 2020 in alignment with the state-issued directive. Nationally and throughout the state of California, the number of reported cases of COVID-19, a virus that is highly infectious and preventable should appropriate preventative measures be in place, has resulted in 94 confirmed cases with three (3) deaths in this county alone.

The Merced County Department of Public Health is responsible for the health and well-being of all community residents. In-person court proceedings increases social mixing, which could cause an unnecessary health emergency and strain on emergency responders and hospital services. Such proceedings would also endanger the well-being of prosecuting attorneys, defense attorneys, and the defendants. As such, I strongly advise against continuing with in-person court cases of any type as this practice may lead to the development of further cases we are trying to prevent and control through preventative measures. Furthermore, I recommend this suspension stay in effect until further notice, or when the state advises that relaxed measures may resume.

The Department of Public Health continues to monitor and revise public approaches as the COVID-19 situation unfolds. Again, only essential services are permitted at this time. When it is considered safe to resume business - normal or modified - you will be notified.

Please know the welfare of our community members, no matter their current status, is of utmost importance. Should you have any questions, or need further assistance, please utilize us as a point of reference.

Sincerely,

Rebecca Nanyonjo-Kemp, DrPH  
Director

Vicki Jones, MPA, REHS  
Environmental Health Division Director

Jessica Montoya-Juarez, MS  
Assistant Public Health Director

Yadira Vazquez, MBA  
Assistant Public Health Director

James Clark, MICP, MHOAC  
EMS Administrator

C.F. Bludworth Substation  
9481 Shanks Road  
Delhi, CA 95315  
Phone: (209)385-7660  
Fax: (209)669-7771

Animal Services Bureau  
2150 Shuttle Drive  
Atwater, CA 95301  
Phone: (209)385-7436  
Fax: (209)722-3627

Main Detention Facility  
700 W. 22<sup>nd</sup> Street  
Merced, CA 95340  
Phone: (209)385-7410  
Fax: (209)385-7489

# Merced County Sheriff's Office

**Vernon H. Warnke**

*Sheriff/Coroner*

**Jason D. Goins**

*Undersheriff*

Sheriff's Administration

700 W. 22<sup>nd</sup> Street • Merced, CA 95340  
Phone: (209) 385-7451 • Fax: (209) 385-7696

Jess Bowling Substation  
445 "I" Street  
Los Banos, CA 93635  
Phone: (209)827-2110  
Fax: (209)827-1433

Coroner's Bureau  
455 E. 13<sup>th</sup> Street  
Merced, CA 95340  
Phone: (209)385-7369  
Fax: (209)725-3390

John Latoracca  
Correctional Center  
2584 W. Sandy Mush Road  
Merced, CA 95341  
Phone: (209)385-7575  
Fax: (209)725-3944

Date: April 8<sup>th</sup>, 2020  
To: Presiding Judge Donald Proietti  
From: Sheriff Vern Warnke  
Re: Prisoner Transport for Court Hearings

I am authoring this letter to express my concerns over movement of inmates from our jail facilities to the court for judicial hearings at this time based on the COVID-19 pandemic. We are in unprecedented times and we are all trying to adopt the best practices while still accomplishing the mission. As the Sheriff of this County, it is my purpose to do everything in my purview to make public safety paramount. This rings true for not only the public and staff, but also for the inmates we house in our jail facilities. At present, the Merced County Sheriff's Office has no known cases of COVID-19 in our jail population. It is my hope to maintain this current record.

In the past week, my staff has worked in collaboration with the Merced County Superior Court to help facilitate the ability for court hearings to be heard remotely via video conferencing. I am aware there are two video conference systems at each jail facility (Main Jail and JLCC) for a total of four. I am told thus far this endeavor has been successful.

Our jail staff, vendors and anyone entering our jail facilities for legal visits are currently being screened with COVID-19 related questions. They are also required to have their temperature taken. We have also taken several other preventative steps to minimize exposure to our staff and inmates during the current pandemic.

Given the State of Emergency declared and the existing restricted movement of inmates to and from State of California facilities, I would request the Merced County Superior Court adopt the same guidelines. To date, we currently have 21 inmates in our custody that were either committed to the State Hospital or sentenced to State Prison. Based on current restrictions, those inmates will not be received by CDCR or the State Hospital until the State advises it is safe to do so and such restrictions are lifted.

By the Court adopting this restriction, it will halt potential COVID-19 exposure to our staff, our inmates, the public and employees outside the Sheriff's Office control who are not as stringently screened. Additionally, our PPE stockpile is limited and it is necessary to maintain what we have in the event exposure does occur.

We have also developed a protocol with our jail medical provider to set timetables for observation of new inmates. If for some reason this timetable were not met and we were required to transport an inmate to court expeditiously, there is a possibility of us unknowingly bringing a COVID-19 positive inmate into the Court.

I would offer my opinion that we continue to conduct court hearings remotely via video conference. I would hope the Merced County Justice Partners would join in these precautionary measures out of an extreme need for public safety. As we know, the COVID-19 virus is deadly. I cannot imagine potentially trading a life to have an in person court hearing when we clearly have an alternative option. We appreciate the partnership and consideration.