

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 #2020-19

8 On December 11, 2020, the Chief Justice of California and Chair of the
9 Judicial Council ruled as follows:

10 Because of the COVID-19 pandemic, leading to health and safety
11 concerns resulting in substantial operational impediments, and the
12 proclamations of states of emergency by federal, state, and local
13 officials, it was determined on March 18, March 23, April 13, May
14 19, June 11, July 29, September 3, 2020, October 13, 2020, and
15 November 10, 2020 that the conditions described in Government
16 Code section 68115 were met with regard to the Superior Court of
17 California, County of Merced (Court). Based on those
18 determinations, and pursuant to the Court's requests, nine prior
19 emergency orders issued, authorizing the Court to implement certain
20 relief under Government Code section 68115. Upon the renewed
21 request of Presiding Judge Donald J. Proietti, it is determined that the
22 conditions described in Government Code section 68115(a) continue
23 to exist (Gov. Code, § 68115(c)), and it is ordered that the Court is
24 authorized to do the following:

- 25 1. Hold sessions anywhere in the county, including in correctional and
26 juvenile detention facilities on from January 1, 2021 to March 31,
27 2021, inclusive. (Gov. Code § 68115(a)(1));
- 28 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 February 1, 2021, to February 28, 2021,
inclusive (Gov. Code, § 68115(a)(6)); and

- 1 3. Extend the time period provided in section 1382 of the Penal Code
2 (section 1382) for the holding of a criminal trial by not more than 30
3 days, applicable only to cases in which the original or previously
4 extended statutory deadline otherwise would expire from December
5 16, 2020 to January 15, 2021, inclusive. (Gov. Code, § 68115(a)(10);
Executive Order N-38-20 (03-27-20)).

6 This authority supplements the authority to extend section 1382
7 deadlines previously granted in the March 23, March 30, and April 29,
8 2020 statewide emergency orders and in the May 19, June 11, July 29,
9 September 3, October 13, 2020, and November 10, 2020 emergency
10 orders specific to the Court. Accordingly, for any case in which the
11 time to bring a defendant to trial previously was extended under one
12 or more of those prior emergency orders, and the extended deadline
13 falls within the above-specified time period, this order authorizes the
14 Court to extend the previously extended deadline by up to an
15 additional 30 days. For any case in which the initial section 1382
16 deadline falls within the above-specified time period and is not
17 governed by a prior emergency order, this order authorizes the Court
18 to extend the time to bring a defendant to trial by a total of up to 30
19 days.

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

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

- 23 1. Hold sessions anywhere in the county, including in correctional
24 and juvenile detention facilities on from January 1, 2021 to March
25 31, 2021, inclusive. (Gov. Code § 68115(a)(1));
- 26 2. Extend the time periods provided in sections 583.310 and 583.320
27 of the Code of Civil Procedure to bring an action to trial by not
28 more than 30 days, applicable only to cases in which the deadline
otherwise would expire from February 1, 2021, to February 28,
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

1 30 days, applicable only to cases in which the original or
2 previously extended statutory deadline otherwise would expire
3 from December 16, 2020, to January 15, 2021, inclusive (Gov.
4 Code, § 68115(a)(10); Executive Order N-38-20 (03-27-20)).

5 This authority supplements the authority to extend section 1382
6 deadlines previously granted in the March 23, March 30, and
7 April 29, 2020 statewide emergency orders and in the May 19,
8 June 11, July 29, September 3, and October 13, 2020 emergency
9 orders specific to the Court. Accordingly, for any case in which
10 the time to bring a defendant to trial previously was extended
11 under one or more of those prior emergency orders, and the
12 extended deadline falls within the above-specified time period,
13 this order authorizes the Court to extend the previously extended
14 deadline by up to an additional 30 days. For any case in which
15 the initial section 1382 deadline falls within the above-specified
16 time period and is not governed by a prior emergency order, this
17 order authorizes the Court to extend the time to bring a defendant
18 to trial by a total of up to 30 days.

- 19 4. Given the recent increase in COVID-19 reported cases and deaths
20 in Merced County, jury trials currently in process should be
21 completed, but the commencement of new jury trials prior to
22 December 31, 2020 is strongly discouraged. However, each trial
23 judge must exercise their discretion to determine if the totality of
24 the circumstances dictate that a given trial should be started rather
25 continued to a later date.

26 THIS ORDER IS EFFECTIVE IMMEDIATELY.

27 Dated: December 14, 2020

28 *Donald J. Proietti*

Hon. Donald J. Proietti, Presiding Judge