

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 #2021-12

8 On December 13, 2021, 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 twenty-one prior occasions that the
14 conditions described in Government Code section 68115(a) were met
15 with regard to the Superior Court of California, County of Merced
16 (Court). Based on those determinations, and pursuant to the Court's
17 requests, corresponding prior emergency orders issued, authorizing
18 the Court to implement certain relief under Government Code section
19 68115. Upon the renewed request of Presiding Judge Donald J.
20 Proietti, it is now determined that the conditions described in
21 Government Code section 68115(a) continue to exist (Gov. Code, §
22 68115(c)), and it is ordered that the Court is authorized to do the
23 following:

- 24 • Hold sessions anywhere in the county, including in correctional
25 and juvenile detention facilities, from January 1, 2022 to
26 March 31, 2022, inclusive (Gov. Code, § 68115(a)(1);
- 27 • Extend the time periods provided in sections 583.310 and
28 583.320 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,
2022 to February 28, 2022, 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

1 original or previously extended statutory deadline otherwise
2 would expire from December 16, 2021 to January 15, 2022,
3 inclusive. (Gov. Code, § 68115(a)(10); Executive Order N-38-
4 20 (03-27-20)).

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

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

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

- 20 1. Hold sessions anywhere in the county, including in correctional and
21 juvenile detention facilities, from January 1, 2022 to March 31, 2022,
22 inclusive (Gov. Code, § 68115(a)(1);
- 23 2. Extend the time periods provided in sections 583.310 and 583.320 of
24 the Code of Civil Procedure to bring an action to trial by not more
25 than 30 days, applicable only to cases in which the deadline otherwise
26 would expire from February 1, 2022 to February 28, 2022 inclusive
27 (Gov. Code, § 68115(a)(6)); and
- 28 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 December
16, 2021 to January 15, 2022, inclusive. (Gov. Code, § 68115(a)(10);
Executive Order N-38-20 (03-27-20)).

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6 deadline falls within the above-specified time period, this order
7 authorizes the Court to extend the previously extended deadline by up
8 to an additional 30 days. For any case in which the initial section
9 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.

10 THIS ORDER IS EFFECTIVE IMMEDIATELY.

11 Dated: December 13, 2021

12
13 *Donald J. Proietti*

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Hon. Donald J. Proietti, Presiding Judge