

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SHASTA

Date: March 16, 2020

In the Matter of:

ORDER RE EMERGENCY RELIEF DUE TO COVID-19

NATURE OF PROCEEDINGS: ADMINISTRATIVE ORDER 11-2020


Effective this date, pursuant to authorization granted by the Chief Justice of California, Chair of the Judicial Council, the Superior Court of California, County of Shasta orders all jury trials where jury selection has not yet commenced continued for not more than 29 days.

This order is made as a result of the threat of COVID-19 and to comply with the recommendations made by the California Department of Public Health to reduce the size of gatherings and maintain social distancing of six feet.

All jury duty summonses with reporting dates falling March 17, 2020 through April 13, 2020 are cancelled.

The attached order of the Chief Justice and the court's General Order are incorporated as a part of this Administrative Order.

Dated: March 16, 2020



Daniel E. Flynn
Presiding Judge

Dated: March 16, 2020



Monique D. McKee
Asst. Presiding Judge

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SHASTA**

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

Exercising the authority granted under Government Code section 68115 and the March 17, 2020 Order (“Order”) of Chief Justice Tani G. Cantil-Sakauye, Chair of the Judicial Council of California, issued in response to the March 16, 2020 request for an emergency order made by the Superior Court of Shasta County (“Court”), this Court HEREBY FINDS AND ORDERS AS FOLLOWS:

The time period provided in section 1382 of the Penal Code for the holding of a criminal trial is extended by not more than 29 days, in cases in which the statutory deadline otherwise would expire from March 16, 2020, to April 13, 2020, inclusive, (Gov. Code, § 68115(a)(10)).

THIS ORDER IS EFFECTIVE IMMEDIATELY.

Dated: 3/17/2020



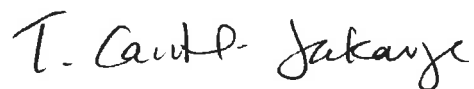
Daniel E. Flynn, Presiding Judge

THE JUDICIAL COUNCIL OF THE STATE OF CALIFORNIA

Because of the COVID-19 epidemic, leading to health and safety concerns resulting in the temporary cessation of jury services and substantial operational impediments, and the proclamation of a state of emergency by federal and state officials, it has been determined that the conditions described in section 68115 of the Government Code are met with regard to the Superior Court of California, County of Shasta. Upon the request of Presiding Judge Daniel Flynn, it is ordered that the Superior Court of California, County of Shasta is authorized to do the following:

Extend the time period provided in section 1382 of the Penal Code for the holding of a criminal trial by not more than 29 days, applicable only to cases in which the statutory deadline otherwise would expire from March 16, 2020, to April 13, 2020, inclusive (Gov. Code, § 68115(a)(10)).

Date: March 17, 2020



Hon. Tani G. Cantil-Sakauye
Chief Justice of California and
Chair of the Judicial Council

TO: Hon. Tani G. Cantil-Sakauye, Chair of the Judicial Council
Judicial Council of California
c/o Legal Services Supervising Attorney Charles Perkins
415-865-4609
charles.perkins@jud.ca.gov
415-865-8767 (fax)

FROM: *Name* : Hon. Daniel Flynn
Title: Presiding Judge
Court: Superior Court of Shasta County
Telephone: (530) 225-5570
Fax: (530) 999-2382
E-mail Address: dflynn@shasta.courts.ca.gov

DATE: 3/16/2020

SUBJECT: Request for Judicial Emergency Order

I hereby request an order allowing the court to implement the following emergency procedures pursuant to the provisions of section 68115 of the Government Code¹:

The court may hold sessions anywhere in the county, including in correctional and juvenile detention facilities, on _____ [*or* from _____, to _____, inclusive]. (Gov. Code, § 68115(a)(1).)

(Fill in date(s) above.)

With the consent of all parties to the case, the court may transfer pending civil cases to a superior court in any county on _____ [*or* from _____, to _____, inclusive]. (Gov. Code, § 68115(a)(2)(A).)

(Fill in date(s) above.)

Upon a finding by a court that extreme or undue hardship would result unless the case is transferred for trial, the court may transfer pending civil cases to any superior court in an adjacent county or to any superior court within 100 miles of the border of the county in

¹ Government Code section 68115, as amended, effective January 1, 2019, provides that, upon the request of a presiding judge, the Chairperson of the Judicial Council may authorize relief as set forth in the statute, “[w]hen war, an act of terrorism, public unrest or calamity, epidemic, natural disaster, or other substantial risk to the health and welfare of court personnel or the public, or the danger thereof, the destruction of or danger to the building appointed for holding the court, a large influx of criminal cases resulting from a large number of arrests within a short period of time, or a condition that leads to a state of emergency being proclaimed by the President of the United States or by the Governor pursuant to Section 8625, threatens the orderly operation of a superior court location or locations within a county or renders presence in, or access to, an affected court facility or facilities unsafe”

which the court impacted by the emergency is situated on _____ [or from _____, to _____, inclusive]. (Gov. Code, § 68115(a)(2)(B).)
(Fill in date(s) above.)

- The court may declare that _____, [or from _____, to _____, inclusive,] be deemed a holiday/holidays for purposes of computing the time for filing papers with the court under Code of Civil Procedure sections 12 and 12a. (Gov. Code, § 68115(a)(4).)
(Fill in date(s) above.)

The court may declare that _____, [or from _____, to _____, inclusive,] be deemed a holiday/holidays for purposes of computing the time under (**check all that apply below**):

(Fill in date(s) above. Pursuant to Government Code section 68115(a)(5), this authority “applies to the fewest days necessary under the circumstances of the emergency, as determined by the Chairperson of the Judicial Council.”)

- Penal Code section 825 (time to bring criminal defendant before magistrate after arrest);
- Welfare and Institutions Code section 313 (time to release minor taken into custody pending dependency proceedings);
- Welfare and Institutions Code section 315 (time to hold detention hearing for minor taken into custody pending dependency proceedings);
- Welfare and Institutions Code section 334 (time to hold hearing on dependency petition);
- Welfare and Institutions Code section 631 (time to release minor taken into custody pending wardship proceedings);
- Welfare and Institutions Code section 632 (time to hold detention hearing for minor taken into custody pending wardship proceedings);
- Welfare and Institutions Code section 637 (time to hold detention rehearing in wardship proceedings if parent/guardian files affidavit asserting lack of notice of hearing or minor requests evidence of prima facie case); or
- Welfare and Institutions Code section 657 (time to hear wardship petition).

(Gov. Code, § 68115(a)(5).)

- The court may 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 _____ days. (Gov. Code, § 68115(a)(6).)

(Fill in number of days above. Pursuant to Government Code section 68115(a)(6), “[t]he extension shall be for the fewest days necessary under the circumstances of the emergency, as determined by the Chairperson of the Judicial Council.”)

This request applies only to cases in which the statutory deadline otherwise would expire on _____ [or from _____, to _____, inclusive].

(Fill in date(s) above.)

- The court may extend by not more than _____ days the duration of any temporary restraining order that would otherwise expire because the emergency condition prevented the court from conducting proceedings to determine whether a permanent order should be entered. (Gov. Code, § 68115(a)(7).)

(Fill in date above. Pursuant to Government Code section 68115(a)(7), “[t]he extension shall be for the fewest days necessary under the circumstances of the emergency, as determined by the Chairperson of the Judicial Council.”)

This request applies only to cases in which the restraining order otherwise would expire on _____ [or from _____, to _____, inclusive].

(Fill in date(s) above.)

- The court may extend the time period provided in section 859b of the Penal Code for the holding of a preliminary examination from 10 court days to not more than _____ court days. (Gov. Code, § 68115(a)(9).)

(Fill in number of court days, not exceeding 15.)

This request applies only to cases in which the statutory deadline otherwise would expire on _____ [or from _____, to _____, inclusive].

(Fill in date(s) above.)

- The court may extend the time period provided in section 1382 of the Penal Code within which a trial must be held by not more than 29 days. (Gov. Code, § 68115(a)(10).)

(Fill in number of days, not exceeding 30. Pursuant to Government Code section 68115(a)(10), “the trial of a defendant in custody whose time is so extended shall be given precedence over all other cases.”)

This request applies only to cases in which the statutory deadline otherwise would expire on _____ [or from 3/16/2020, to 4/13/2020, inclusive].

(Fill in date(s) above.)

PLEASE NOTE: The following options are only available if the court is within a county in which the President of the United States or the Governor has declared a state of emergency. If

you are unsure whether a state of emergency has been declared, the Judicial Council's Legal Services office can assist you in determining this.

- Upon a finding by a court that extreme or undue hardship would result unless the case is transferred for trial, the court, which is within the boundary of a state of emergency proclaimed by the Governor, may transfer pending civil cases to any superior court within 100 miles of the outer boundary of the state of emergency on _____ [or from _____, to _____, inclusive]. (Gov. Code, § 68115(a)(2)(B).)²
(Fill in date(s) above.)

- The court may extend 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 from 48 hours to not more than _____ days. (Gov. Code, § 68115(a)(8).)

(Fill in number of days, not exceeding seven.)

This request applies only to defendants for whom the statutory deadline otherwise would expire on _____ [or from _____, to _____, inclusive].

(Fill in date(s) above.)

- The court may extend the time period provided in section 313 of the Welfare and Institutions Code within which a minor taken into custody pending dependency proceedings must be released from custody to not more than _____ days. (Gov. Code, § 68115(a)(11).)

(Fill in number of days, not exceeding seven. Pursuant to Government Code section 68115(a)(11), "[t]he extension of time shall be for the shortest period of time necessary under the circumstances of the emergency.")

This request applies only to minors for whom the statutory deadline otherwise would expire on _____ [or from _____, to _____, inclusive].

(Fill in date(s) above.)

- The court may extend the time period provided in section 315 of the Welfare and Institutions Code within which a minor taken into custody pending dependency proceedings must be

² The recent amendments, effective January 1, 2019, to Government Code section 68115 added this provision to account for major emergencies affecting multiple adjacent counties. Where a court-specific emergency exists, the court may be authorized to transfer civil cases to courts located within 100 miles of the border of the county in which the affected court sits. When a state of emergency has been declared, however, a case may be transferred to a court located within 100 miles of the *outer* boundary of the declared emergency zone, which may be more than 100 miles from the boundary of the county of the transferor court. Additionally, whereas all other provisions of authorized relief discussed below apply when a state of emergency has been declared by the President or the Governor, this provision is limited to emergencies proclaimed by the Governor alone. It would seem unlikely, however, that a major emergency in California would lead to the President, but not the Governor, proclaiming a state of emergency.

given a detention hearing to not more than _____ days. (Gov. Code, § 68115(a)(11).)

(Fill in number of days, not exceeding seven. Pursuant to Government Code section 68115(a)(11), “[t]he extension of time shall be for the shortest period of time necessary under the circumstances of the emergency.”)

This request applies only to minors for whom the statutory deadline otherwise would expire on _____ [or from _____, to _____, inclusive].

(Fill in date(s) above.)

- The court may extend the time periods provided in sections 632 and 637 of the Welfare and Institutions Code within which a minor taken into custody pending wardship proceedings and charged with a felony offense must be given a detention hearing or rehearing to not more than _____ days. (Gov. Code, § 68115(a)(11).)

(Fill in number of days, not exceeding seven. Pursuant to Government Code section 68115(a)(11), “[t]he extension of time shall be for the shortest period of time necessary under the circumstances of the emergency.”)

This request applies only to minors for whom the statutory deadline otherwise would expire on _____ [or from _____ to _____, inclusive].

(Fill in date(s) above.)

- The court may extend the time period provided in section 334 of the Welfare and Institutions Code within which a hearing on a juvenile dependency petition must be held by not more than _____ days. (Gov. Code, § 68115(a)(12).)

(Fill in number of days, not exceeding 15.)

This request applies only to minors for whom the statutory deadline otherwise would expire on _____ [or from _____, to _____, inclusive].

(Fill in date(s) above.)

- The court may extend the time period provided in section 657 of the Welfare and Institutions Code within which a hearing on a wardship petition for a minor charged with a felony offense must be held by not more than _____ days. (Gov. Code, § 68115(a)(12).)

(Fill in number of days, not exceeding 15.)

This request applies only to minors for whom the statutory deadline otherwise would expire on _____ [or from _____, to _____, inclusive].

(Fill in date(s) above.)

The circumstances necessitating an emergency order are described below. (Please attach additional pages as necessary.)

Please insert description of emergency circumstances:

On March 12, 2020, California Governor Gavin Newsom issued Executive Order N-25-20, proclaiming a state of emergency in California as a result of threat of COVID-19. The order references guidance from the California Department of Public Health, and that, among other things, "smaller gatherings held in venues that do not allow social distancing of six feet per person should be postponed or canceled..." On March 13, 2020, the President of the United States also issued a proclamation declaring a national emergency concerning the COVID-19 outbreak.

On March 15, 2020, multiple school districts in Shasta County notified the public of closures to school facilities for approximately three weeks, with pending instructions for at home education. Following the three week closure period is the scheduled spring break for students in the County. Due to the school closures, it is anticipated that a large number of summoned jurors will be unable to appear due to the necessity of staying home with dependents who are students of closed schools and/or whose alternate care providers are unavailable during the spring break. Additionally, it is expected that a portion of the Shasta County Superior Court's staff will be unable to work while they remain home with children who are students of the schools that have been closed.

Although court proceedings are essential, postponing jury trials is necessary to greatly reduce large groups of people in close proximity, in accordance with the CDPH guidelines and Governor's order, for the purpose of protection of public health and safety. The reduction in available court staff, and anticipated absence of the necessary number of jurors limits the ability to sufficiently conduct jury trials at this time, resulting in significant interference with such proceedings.

Please insert a description of the service or facilities that have been adversely affected as well as the anticipated duration of any suspension of court operations or facilities closure:

The Court will postpone jury trials for four weeks.

The public defender, the district attorney, and other interested local entities have / have not (check one box) been notified of this request for emergency order.

The court has / has not (check one box) advised these entities to immediately notify the Judicial Council's Legal Services office of any opposition or questions regarding the request.

Please list the names and telephone numbers of the district attorney, the public defender, and other notified parties affected by the order:

District Attorney: Stephanie Bridgett (530-945-7168)

Public Defender: William Bateman (530-245-6585)

Other Parties Affected: Aaron Williams (Alternate Public Defender, 530-524-4436)

The court has / has not (check one box) been informed of any opposition to this request.

If the court has been informed of potential opposition to this request, please state below the party or parties who may oppose the request and any stated reasons for the opposition:

Submitted by: 
(Presiding Judge or Presiding Judge's delegate)

Date: 3/16/2020