

Superior Court of California, County of Los Angeles
Media Relations

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NEWS RELEASE: COVID-19



**FOR IMMEDIATE RELEASE:
April 2, 2020**

PRESIDING JUDGE KEVIN C. BRAZILE: TIME DEADLINES FOR ARRAIGNMENTS, PRELIMINARY HEARINGS AND TRIALS EXTENDED

Presiding Judge Issues Implementation Order of Chief Justice's March 30, 2020 Emergency Order

Presiding Judge Kevin C. Brazile announced today the implementation of the Emergency Order issued by Chief Justice Tani G. Cantil-Sakauye on March 30, 2020, that was in response to Governor Gavin Newsom's executive order issued on Friday, March 27, 2020, and the unanimous action taken by the Judicial Council of California (JCC) on Saturday, March 28, 2020.

Presiding Judge Brazile said: "The continuous operation of our courts is essential for our constitutional form of government, for providing due process and protecting the public. Therefore, the courts must remain open."

On March 28, 2020, the Judicial Council met in emergency session to consider the Chief Justice's order requiring superior courts to suspend jury trials for 60 days, among other actions. The Judicial Council unanimously

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authorized and supported the Chief Justice issuing statewide emergency orders to extend statutory guidelines for preliminary hearings, arraignments, and last day trials, in both Criminal and Civil proceedings.

The Court will also implement, where possible, technology for telephonic and video arraignments in Misdemeanor and Felony courtrooms. Also, by next week, every Dependency courtroom should be using video WebEx for hearings.

For the latest updates on Coronavirus/COVID-19-related impacts to Court operations, please consult the Court's COVID-19 News Center located at the top of our homepage (www.lacourt.org), and follow us on Twitter ([@LASuperiorCourt](https://twitter.com/LASuperiorCourt)).

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Sherri R. Carter, Executive Officer/Clerk

By Rizalinda Mina, Deputy
Rizalinda Mina

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

ADMINISTRATIVE ORDER OF THE
PRESIDING JUDGE RE COVID-19
PANDEMIC

GENERAL ORDER

The World Health Organization, the United States Centers for Disease Control and Prevention (CDC), and the State of California have recognized that the world, country, and state face a life-threatening pandemic caused by the COVID-19 virus.

In response to the spread of COVID-19, Governor Gavin Newsom on March 4, 2020, declared a state of emergency in California, which was followed on March 13, 2020, by President Donald J. Trump declaring a national emergency. Beginning on March 16, 2020, California counties, including Los Angeles, began issuing shelter-in-place or stay-at-home orders. On March 19, 2020, Governor Newsom issued Executive Order N-33-20, requiring all Californians to stay home, subject to certain limited exemptions. Courts are included in this exemption.

Public Health agencies, including the CDC, the California Department of Public Health, and local county health departments have recommended increasingly stringent social distancing measures of at least six feet between people, and encouraged vulnerable individuals to avoid public gatherings and spaces. The continuous operation of our courts is essential for our constitutional form of government, for providing due process and protecting the public. However, courts are clearly places with high risks during this pandemic because they require gatherings of judicial officers, court staff,

1 litigants, attorneys, witnesses, defendants, law enforcement, and juries—well in excess of the numbers
2 allowed for gathering under current executive and health orders.

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4 In response, on March 20, 2020, the Chief Justice of California, the Honorable Tani Cantil-
5 Sakauye, issued an advisory recommending steps superior courts could take to mitigate the effect of
6 reduced staffing and court closures and to protect the health of judges, court staff, and court users. On
7 March 23, 2020, the Chief Justice also issued an order requiring superior courts to suspend jury trials
8 for 60 days, unless they were able to conduct such a trial at an earlier date, upon a finding of good
9 cause shown or through the use of remote technology. That order also extended holding last day trials
10 in criminal and civil proceedings; and authorized courts to adopt any proposed local rules or rule
11 amendment intended to address the impact of the COVID-19 pandemic to take effect immediately,
12 without advance circulation for public comment.

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14 On March 27, 2020, Governor Newsom issued Executive Order N-38-20, which among other
15 things, suspends Government Code section 68115 and any other provision of law to the extent that
16 those laws impose or imply a limitation on the Chief Justice's authority to authorize, via emergency
17 order or statewide rule, any court to take any action that is necessary to maintain the safe and orderly
18 operation of the courts. On March 28, 2020, the Judicial Council met in an emergency session and
19 unanimously authorized and supported the Chief Justice issuing statewide emergency orders to extend
20 statutory deadlines for preliminary hearings, arraignments, and last day trials in both criminal and civil
21 proceedings.

22
23 On March 30, 2020, the Chief Justice issued an order that, inter alia, (a) extended the time
24 period provided in section 859b of the Penal Code for the holding of a preliminary examination and
25 the defendant's right to release from 10 court days to not more than 30 court days; (b) extended the
26 time period provided in section 825 of the Penal Code within which a defendant charged with a felony
27 offense must be taken before a magistrate from 48 hours to not more than seven days; (c) extended the
28 time period provided in section 1382 of the Penal Code for the holding of a criminal trial by no more

1 than 60 days from the last date on which the statutory deadline otherwise would have expired; and (d)
2 extended the time periods provided in sections 583.310 and 583.320 of the Code of Civil Procedure to
3 bring an action to trial by no more than 60 days from the last date on which the statutory deadline
4 otherwise would have expired.

5
6 These time extensions are in addition to any relief provided pursuant to a court-specific
7 emergency order issued under a subdivision of Government Code section 68115 related to another
8 time extension or form of relief.

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10 In light of these actions and orders, and as supplemented by the specific authority granted to
11 the Superior Court of California, County of Los Angeles, by the Chief Justice pursuant to the
12 provisions of 68115 of the Government Code,

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14 This court **HEREBY FINDS AND ORDERS AS FOLLOWS:**

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16 1. The time period provided in section 859b of the Penal Code for the holding of a
17 preliminary examination and the defendant's right to release is extended from 10 court
18 days to not more than **thirty (30) court days**.
- 19
20 2. The time period provided in section 825 of the Penal Code within which a defendant
21 charged with a felony offense must be taken before a magistrate is extended from 48 hours
22 to no more than **seven (7) days**.
- 23
24 3. The time period provided in section 1382 of the Penal Code within which a trial must be
25 held is extended to **sixty (60) days** from the last date on which the statutory deadline would
26 otherwise have expired.
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1 4. The 60-day continuance of jury trials, which the Chief Justice authorized in her order of
2 March 23, 2020, is to be calculated from the date for which the trial was set or extended, as
3 provided in paragraph 3 above, whichever is longer.
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5 5. These extensions are in addition to any relief provided pursuant to a court-specific
6 emergency order issued under a subdivision of Government Code section 68115 related to
7 another extension or form of relief.
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9 **THIS ORDER IS EFFECTIVE IMMEDIATELY AND WILL REMAIN IN EFFECT**
10 **UNTIL FURTHER NOTICE.**

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14 DATED: April 2, 2020



15 *Kevin C. Brazile*
16 KEVIN C. BRAZILE
17 Presiding Judge
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