

MAR 23 2021

STEPHANIE CAMERON, CLERK

BY: 

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF TULARE

ADMINISTRATIVE ORDER OF THE
PRESIDING JUDGE RE: COVID-19
PANDEMIC

GENERAL ORDER

No. 21-02

Upon application from this court, Chief Justice Tani G. Cantil-Sakauye, Chair of the Judicial Council of California issued her emergency order on March 17, 2020 authorizing the court to limit operations of the Tulare County Superior Court in response to the COVID-19 crisis under Government Code 68115. Pursuant to orders dated April 13, 2020, May 11, 2020, June 8, 2020, July 8, 2020, August 10, 2020, September 17, 2020, November 19, 2020, and January 21, 2021, the Chief Justice extended certain emergency orders through March 23, 2021. The court issued its General Order 21-01 on January 22, 2021 to implement emergency orders granted through March 23, 2021.

The COVID19 epidemic and federal, state, and local declarations of a public health emergency continue to adversely impact the court's ability to conduct operations while protecting the safety of court users as directed through limiting personal contacts and maintaining personal distancing. On March 18, 2021, the court made application to the Judicial Council to provide relief

1 related to deadlines for criminal jury trials. On March 22, 2021, the Chief Justice and Chair of the
2 Judicial Council issued her emergency order authorizing this court to implement emergency relief for
3 the period from March 24, 2021 through May 28, 2021 pursuant to Government Code 68115. A copy
4 of the March 22, 2021 emergency order is attached.

5 Since the initial emergency orders were granted, the court has implemented extensive
6 procedures and processes to enable the court to increase services provided by the court while
7 protecting public safety by designing and implementing a comprehensive social distancing and public
8 health plan in all court facilities. At this time all departments of the court are conducting the court's
9 business. Local and state emergency orders remain in effect and the court will continue to operate so
10 that those with essential business at court facilities can come to the court safely and in accordance with
11 guidance issued by public health officials. The court will make its clerks' offices available by
12 appointment starting April 1, 2021, has made telephone access to clerks' offices available, and has
13 provided a number of means (other than by in person visit to the court) by which parties and the public
14 can file documents with the court. The court has implemented audio streaming of court proceedings.
15 In order to comply with public health directives, the court is committed to gradually increasing the
16 number of persons who can safely enter all courthouse facilities.

17 Although the federal Constitution generally precludes closure of substantive courtroom
18 proceedings in criminal cases and California's Code of Civil Procedure section 124 generally
19 precludes closure of substantive courtroom proceedings in civil proceedings, the current COVID-19
20 crisis resulting in federal, state, and local public health orders and advisories clearly demonstrates an
21 overriding interest in temporarily limiting courthouse entry and permitting access to only those
22 persons who have essential business or are required to appear in person in any Tulare County
23 courthouse. Public health and safety would be threatened absent such a temporary restriction, which is
24 narrowly tailored to permit only those required to enter the County's courthouses; there is no less
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1 restrictive means of achieving this overriding interest. (*NBC Subsidiary (KNBC-TV), Inc. v. Superior*
2 *Court* (1999) 20 Cal.4th 1178, 1181-1182.)

3 **IT IS ORDERED:**

4 For any court proceedings occurring while this order is in effect, any judge of the court may
5 permit press coverage of proceedings in accordance with California Rules of Court 1.150.

6 Access to any and all courthouse facilities is restricted to persons with an appointment and to
7 those persons either required to appear in person for a court hearing or have essential business within
8 the courthouse. Persons required to appear generally include parties, their attorneys, victims, jurors,
9 and witnesses subpoenaed to testify. Any judge of the court may approve additional access to
10 courtroom proceedings for good cause shown. Members of the public can access audio streaming of
11 court proceedings by accessing the court's web site.

12 In accordance with the Judicial Council's Statewide Emergency Order dated March 30, 2020,
13 any judge of the court may suspend any rule in the California Rules of Court to the extent such rule
14 would prevent a court from using technology to conduct judicial proceedings and court operations
15 remotely, in order to protect the health and safety of the public, court personnel, judicial officers,
16 litigants, and witnesses.

17 Any judge of the court may extend the time period provided in section 1382 of the Penal Code
18 for the holding of a criminal trial by not more than an additional 30 days. This applies to cases in
19 which the original statutory deadline otherwise would expire from March 24, 2021 through May 28,
20 2021 and to any case for which a previously extended deadline would expire from March 24, 2021
21 through May 28, 2021.

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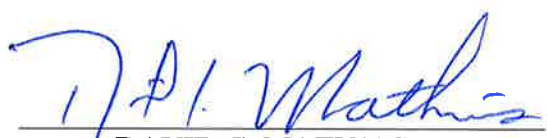
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THIS ORDER IS EFFECTIVE IMMEDIATELY. IT WILL REMAIN IN EFFECT THROUGH
May 28, 2021. THIS ORDER MAY BE AMENDED AS CIRCUMSTANCES REQUIRE.

Date: March 23, 2021



DAVID C. MATHIAS,
Presiding Judge



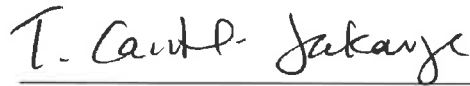
THE JUDICIAL COUNCIL OF THE STATE OF CALIFORNIA

Because of the COVID-19 pandemic, leading to health and safety concerns resulting in substantial operational impediments, and the proclamations of states of emergency by federal, state, and local officials, it was determined on nine prior occasions that the conditions described in Government Code section 68115 were met with regard to the Superior Court of California, County of Tulare (Court). Based on those determinations, and pursuant to the Court's requests, corresponding emergency orders issued authorizing the Court to implement certain relief under Government Code section 68115. Upon the renewed request of Presiding Judge David C. Mathias, it is now determined that the conditions described in Government Code section 68115(a) continue to exist (Gov. Code, § 68115(c)), and it is ordered that the Court is authorized to do the following:

- Hold sessions anywhere in the county, including in correctional and juvenile detention facilities, from March 24, 2021, to May 28, 2021, inclusive (Gov. Code, § 68115(a)(1)); 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 to cases in which the original or previously extended statutory deadline otherwise would expire from March 24, 2021, to

May 28, 2021, inclusive (Gov. Code, § 68115(a)(10); Executive Order N-38-20 (03-27-20)).*

Date: March 22, 2021



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

* This authority supplements the authority to extend section 1382 deadlines granted in previous statewide emergency orders and emergency orders specific to the Court. Accordingly, for any case in which the time to bring a defendant to trial previously was extended under one or more of those prior emergency orders, and the extended deadline falls within the above-specified time period, this order authorizes the Court to extend the previously extended deadline by up to an additional 30 days. For any case in which the initial section 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.



Superior Court of the State of California

COUNTY OF TULARE

ADMINISTRATION

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Marsha Cortez – South County Justice Center – Clerks
Danette Borba – Director of Safety and Risk Management
Rob Blue – Judicial/Research Attorney
Richard Langevin – Judicial/Research Attorney

Law Enforcement/Justice Partners

Tim Ward – District Attorney
Erin Brooks – Public Defender
David Allen – Conflict Counsel
Jason Britt, County Administrative Officer – County of Tulare
Mike Boudreaux, Sheriff – Tulare County Sheriff Department/Asst. Sheriff K. Douglas/Asst. Sheriff C. Lehner
Sue Gunderman – Tulare County Sheriff Department – Headquarters
Lt. Duane Cornett – Tulare County Sheriff Department – Court Services
Lt. Jason Villareal & Lt. David Winters & Lt. Cyrena Robles – Tulare County Sheriff Department – Detention Unit
Michelle Bonwell – Tulare County Probation Department
Jennifer Flores – Tulare County Office of County Counsel/Tammie Weyker-Adkins, Chief of Staff-PIO
Devon Popovich, Chief – Dinuba Police Department
John Hall, Chief – Exeter Police Department
Mario Krstic, Chief – Farmersville Police Department
Chris Hughes, Chief – Lindsay Police Department
Wes Hensley, Chief – Tulare Police Department
Mike Marquez, Chief – Woodlake Police Department
Jason Salazar, Chief – Visalia Police Department
Eric Kroutil, Chief – Porterville Police Department
Timothy Lutz – HHSA
Anita Ortiz – CWS
Jennifer Menne – CWS
Kennon Keoseyan, Director – County IT
Patrick Hamblin – Tulare County Animal Services
Roger Dixon – Tulare County Department of Child Support Services (DCSS)
Doug Barnhart – California Department of Fish & Game
Damon Gilmore – California Highway Patrol – Visalia Division
Susan Rodriguez – CDCR Department of Adult Parole
Pete Bisacca, Commander – Office of Protective Services – Porterville Developmental Center
Tulare County Bar Association
James Koontz, Assistant City Attorney – City of Visalia