

APR 03 2020

By: C. McCoy

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THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN DIEGO

**IN RE: RESTRICTIONS ON ENTRY TO
COURT FACILITIES AND ACCESS TO
COURT PROCEEDINGS**

**GENERAL ORDER OF THE
PRESIDING DEPARTMENT
ORDER NO. 040320-40**

The COVID-19 pandemic continues to cause significant health and safety concerns nationally, throughout the State of California, and in San Diego County. Due to the growing severity of the pandemic, Governor Newsom issued Executive Order N-33-20 on March 19, 2020, which, among other things, requires individuals to stay at home or at their place of residence with certain specified exemptions. Also on March 19, 2020, the County of San Diego Health and Human Services Agency issued an amended order prohibiting all gatherings of 10 or more people.

Due to the health and safety concerns caused by the COVID-19 pandemic, the court has suspended all but the most essential functions. (See San Diego Superior Court General Orders of the Presiding Department, Order Nos. 031820-34, 032420-35, 032420-36, and 040320-39; see also Statewide Orders by Hon. Tani G. Cantil-Sakauye, Chief Justice of California, dated March 23, 2020 [staying all trials for a period of 60 days], and March 30, 2020 [extending certain deadlines and supporting the use of technology].) Due to the pandemic and the governmental recommendations in response thereto, the court finds it is unsafe to conduct in-person proceedings that would require convening large groups of people, including parties, judicial officers, court staff, attorneys, witnesses, jurors, the public, and others.

1 However, the court is cognizant of the pressure the court “shutdown” has placed on the
2 timely disposition of criminal and juvenile cases and the strain this puts on criminal defendants
3 and juveniles, particularly those who remain in custody. To this end, the court has taken
4 affirmative steps to more fully protect the rights of those arrested/detained in order to facilitate a
5 speedy and possible early resolution of those cases. Specifically, the court has actively worked
6 with its justice partners to devise and implement procedures to reduce the local detention
7 population and reduce or eliminate the need for various criminal and juvenile court proceedings,
8 including adjusting the bail schedule, ordering stipulated releases from custody, conducting
9 juvenile hearings remotely, accelerating certain releases, and appointing counsel to prepare cases.
10 (See San Diego Superior Court General Orders of the Presiding Department, Order Nos. 032720-
11 37 and 040120-38A.) To further attempt to reduce this pressure, the court is working to implement
12 the use of technology to conduct certain arraignments and preliminary hearings remotely utilizing
13 video and/or audio systems.

14 Pursuant to the court’s inherent authority to control its own calendars and the Presiding
15 Judge’s duty to take into account the needs of the public and court as they relate to the efficient
16 and effective management of the court (Cal. Rules of Court, rule 10.603), this court **HEREBY**
17 **FINDS AND ORDERS AS FOLLOWS:**

- 18 1. Through April 30, 2020, access to any and all San Diego Superior Court courthouses,
19 courtrooms, business offices, and public areas shall be restricted at all times to judges,
20 commissioners, court staff, persons seeking emergency services as provided in General
21 Order 040320-39 and any subsequent orders, persons required to appear for scheduled
22 hearings, and other authorized persons; and
- 23 2. Through April 30, 2020, access to any and all court proceedings, including, but not
24 limited to, arraignments, preliminary hearings, and ex partes, shall be limited to parties,
25 their attorneys, witnesses subpoenaed to testify or statutorily permitted to attend, and
26 other authorized persons; and
- 27 3. The term “other authorized persons” in Paragraphs 1 and 2 above includes, but is not
28 limited to, news reporters and news media representatives subject to prior approval

1 pursuant to the procedures outlined in the California Rules of Court, the San Diego
2 Superior Court Rules, San Diego Superior Court General Order of the Presiding
3 Department, Order No. 010120-02, or any other applicable rule, order, or policy; and

4 4. This order does not restrict or otherwise abrogate the express and inherent authority of
5 the court and its judges to provide for the orderly conduct of proceedings, including the
6 decision to permit or deny access to any courtroom or hallways adjacent to courtrooms;
7 and

8 5. Social distancing of at least six (6) feet shall be enforced in all courthouses, courtrooms,
9 business offices, and public areas to the extent possible.

10 **THIS ORDER IS EFFECTIVE IMMEDIATELY AND MAY BE AMENDED AS**
11 **CIRCUMSTANCES REQUIRE.**

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14 DATED: April 3, 2020



15 **HON. LORNA A. ALKSNE**
16 **PRESIDING JUDGE**
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