

**FILED**  
Clerk of the Superior Court

**MAR 15, 2022**

**By: C. Browning, Deputy**

THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN DIEGO

**IN RE: EXTENSION OF TIME TO HOLD  
PRELIMINARY HEARINGS**

**GENERAL ORDER OF THE  
PRESIDING DEPARTMENT**

**ORDER NO. 031522-56**

The COVID-19 pandemic has resulted in proclamations of states of emergency by federal, state and local officials. The associated health and safety concerns, along with the County of San Diego public health orders, have caused substantial operational impediments for the court.

On March 30, 2020, the Chief Justice issued a Statewide Order granting emergency powers to all superior courts pursuant to her authority under the California Constitution, article VI, section 6, and Government Code § 68115 ("March 30, 2020 Statewide Order"). Among other things, this order authorized superior courts to issue implementation orders that extend the time period provided in Penal Code § 859b for the holding of a preliminary examination and the defendant's right to release from 10 court days to not more than 30 court days.

On March 3, 2022, the Chief Justice rescinded this provision of the March 30, 2020 Statewide Order, effective April 30, 2022, further stating in part:

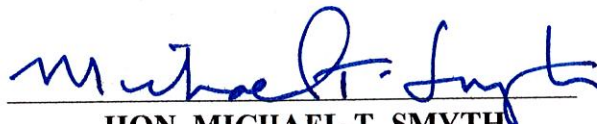
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1 The statewide authority to issue implementation orders to extend to not more than  
2 30 court days the time period for preliminary examinations will cease to apply  
3 beginning with those defendants who, on or after April 30, 2022, are arraigned or  
4 enter a plea of not guilty, whichever occurs later, or are reinstated pursuant to  
5 chapter 6 (commencing with section 1367) of title 10 of part 2 of the Penal Code.  
6 Courts will retain the statewide authority to extend to not more than 30 court days  
7 the time period provided in section 859b of the Penal Code for a preliminary  
8 examination as to defendants who, before April 30, 2022, are arraigned or enter a  
9 plea of not guilty, whichever occurs later, or are reinstated pursuant to chapter 6  
10 (commencing with section 1367) of title 10 of part 2 of the Penal Code.

11 Pursuant to the Chief Justice's orders noted above, this Court **HEREBY FINDS AND**  
12 **ORDERS AS FOLLOWS:** The Court extends the time period provided in Penal Code § 859b for  
13 the holding of a preliminary examination from ten (10) court days to not more than thirty (30)  
14 court days, applicable to cases in which, on or before April 29, 2022, the defendant is arraigned or  
15 pleads not guilty, whichever occurs later, or is reinstated pursuant to chapter 6 (commencing with  
16 section 1367) of title 10 of part 2 of the Penal Code.

17 **THIS ORDER IS EFFECTIVE IMMEDIATELY AND MAY BE AMENDED AS**  
18 **CIRCUMSTANCES REQUIRE.**

19 DATED: March 15, 2022

20   
21 **HON. MICHAEL T. SMYTH**  
22 **PRESIDING JUDGE**