

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SONOMA

FILED

APR - 2 2020

Clerk of Superior Court of California,
County of Sonoma
By *M. Lemley*
Deputy Clerk

In Re:

**Amended Order Rescheduling Criminal
Matters**

On March 16, 2020, and in consideration of the public health crisis currently affecting our state, local, national, and international communities, the Sonoma County Superior Court issued an order rescheduling criminal matters set between March 16, 2020 through March 31, 2020. Said order is attached hereto as Exhibit A.

On March 16, 2020, this Court issued an emergency implementing order under the authority of the March 16, 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 Sonoma County.

On March 17, 2020, the County of Sonoma Public Health Officer issued an order directing all individuals living in Sonoma County to shelter at their place of residence except that they may leave to provide or receive certain essential services or engage in certain essential activities and work for essential businesses and governmental services to mitigate the spread of COVID-19.

On March 19, 2020, the Governor of California issued an order directing all Californians to shelter in place at their place of residence except as needed to maintain continuity of operations of the federal critical infrastructure sectors to protect public health and ensure the healthcare delivery system is capable of serving all and prioritizing those at the highest risk and vulnerability.

On March 23, 2020, Chief Justice Tani G. Cantil-Sakauye, Chair of the Judicial Council of California, issued a statewide order addressing additional issues raised by the ongoing pandemic.

On March 27, 2020, Chief Justice Tani G. Cantil-Sakauye, Chair of the Judicial Council of California, issued an order authorizing this Court to declare and extend Court Holidays for the purpose of filing papers and to extend time lines for particular matters.

On April 1, 2020, this Court issued an implementation order to extend all dates and holidays for purposes of filing papers to April 14, 2020, under the authority of the Order from the Chief Justice .

Essential functions of the Superior Court at this time are limited to proceedings that are required to comply with defendants' constitutional rights, protect the health and safety of parties and address jail population concerns.

Although the Federal Constitution generally precludes closure of substantive courtroom proceedings in criminal cases and California's Code of Civil Procedure section 124 generally precludes closure of substantive courtroom proceedings in civil matters, the current COVID-19 crisis resulting in shelter in place orders clearly demonstrates an overriding interest supporting restricting courthouse entry and permitting access to only those persons who are required to appear in person in any Sonoma County Courthouse. Public health and safety would be prejudiced absent such a restriction, which narrowly tailored to permit only those required to enter the County's courthouses; there is no less restrictive means of achieving this overriding interest. (*NBC Subsidiary (KNBC-TV), Inc. v. Superior Court* (1999) 20 Cal.4th 1178, 1181-1182.)

Protection of public health and safety in connection with the COVID-19 threat has resulted or is expected to result in significant interference with Superior Court services and proceedings.

Accordingly, and for the foregoing reasons, this court **HEREBY FINDS AND ORDERS AS FOLLOWS:**

The order rescheduling criminal matters set between March 16, 2020 through March 31, 2020 is amended, retroactively as follows:

Preamble:

- Delete: "...March 16, 2020 through March 31, 2020 have been declared judicial holidays pursuant to Government Code, section 68115."
- Delete: "...the Court will be closed March 16, 2020 through April 7, 2020, inclusive. The Court currently plans to resume regular court operations on Wednesday, April 8, 2020, subject to change if the Sonoma County Health Officer's Orders are extended."
- The Court will be closed March 16, 2020 through May 1, 2020, inclusive. The Court currently plans to resume regular court operations on Monday, May 4, 2020, subject to change if the Sonoma County Health Officer's Orders are modified.

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- Add:

Scheduled Hearing Date	New Hearing Date
April 8	May 6
April 9	May 7
April 10	May 8
April 13	May 11
April 14	May 12
April 15	May 13
April 16	May 14
April 17	May 15
April 20	May 18
April 21	May 19
April 22	May 20
April 23	May 21
April 24	May 22
April 27	May 26
April 28	May 26
April 29	May 27
April 30	May 28
May 1	May 29

IT IS SO ORDERED.

Dated: April 2, 2020



Bradford DeMeo
Presiding Judge of the Superior Court