



PUBLIC JUSTICE
IMPACT. CHANGE.



June 15, 2020

The Hon. Tani G. Cantil-Sakauye
Chief Justice of California
Chair of the California Judicial Council
455 Golden Gate Avenue
San Francisco, CA 94102
Tani.Cantil@jud.ca.gov
judicialcouncil@jud.ca.gov

Via Email

Re: Public Access Crisis Amid Coronavirus Pandemic in California Superior Courts

Dear Chief Justice Cantil-Sakauye,

As California courts have adjusted to doing business during the coronavirus pandemic, the undersigned organizations have identified widespread barriers to public access to Superior Courts throughout the state. As explained below, it is clear that numerous secret proceedings have occurred since courts first began closing their doors to the public in March to mitigate the spread of COVID-19, and that substantial barriers to access persist to this day. We believe the risk is high that these barriers will become more acute as courts increase operations, including conducting jury trials, while public health concerns require continued limitations on the number of people gathered in buildings.

The constitutional dimensions of this problem are dire and clear: The First Amendment and California law protect the public's right of access to court proceedings and records. What may not be clear to the Judicial Council is the magnitude of the problem. **See Section (2) below.**

Thus, we detail the barriers to access that our research over the last two-and-a-half months uncovered, and respectfully request that the Judicial Council **take immediate, concrete steps to ensure California Superior Courts provide meaningful public access to proceedings and records. See Section (3) below,** for specific recommendations. At a minimum, any proceeding that would otherwise be public under the law must be accessible via the same mechanism used by this body amid the state of emergency—a free, public dial-in line made available to all.

We understand the challenges that California courts face amid a global pandemic. We do not doubt that restricting access consistent with social distancing best practices and expanding remote hearings is the right thing to do. But failures by some courts to prevent secret proceedings

and extended delays in availability of records have resulted in serious, ongoing constitutional violations.

We fear that without direction and support from the Judicial Council to all Superior Courts, the public's First Amendment rights will continue to be irreparably harmed, and that these harms will fall disproportionately on low-income people of color who are overrepresented in our criminal justice system.

This is no time for government secrecy, particularly from the institutions we rely on to vindicate our rights. George Floyd's death at the hands of police galvanized a movement and renewed focus on the disparate treatment of Black and Brown people who come in contact with the criminal justice system. Now is not the time to ask the public to simply trust that system is fair, impartial and just.

(1) Access to Courts is a Fundamental Civil Right

The U.S. Supreme Court has time and again recognized the public's presumptive First Amendment right of access to court proceedings, holding that it is essential not only to the proper functioning of the judiciary, but also to the very health of our representative form of government. *See, e.g., Press-Enterprise Co. v. Super. Ct.*, 464 U.S. 501, 508 (1984) (openness in judicial proceedings "enhances both the basic fairness of the [proceedings] and the appearance of fairness so essential to public confidence in the system"); *Richmond Newspapers Inc., v. Virginia*, 448 U.S. 555, 556–57 (1980) (right to attend criminal trials is "implicit in the guarantees of the First Amendment").

The public's right of access adheres not just to criminal proceedings, *see e.g., Press-Enterprise*, 464 U.S. at 508, but to civil proceedings and records as well—a right recognized by both federal and state courts, and arising under both the First Amendment and California law. *See, e.g., Courthouse News Serv. v. Planet*, 750 F.3d 776, 786 (9th Cir. 2014) (First Amendment right of access to civil proceedings and documents); Cal. Penal Code § 868 (preliminary hearings are open and public); *NBC Subsidiary (KNBC-TV), Inc. v. Super. Ct.*, 20 Cal. 4th 1178, 1208–09 (1999) (right of access applies "to ordinary civil proceedings").

Open and public judicial proceedings are "one of the most enduring and exceptional aspects of Anglo-American justice[.]" *Phoenix Newspapers, Inc. v. U. S. Dist. Ct. for Dist. of Arizona*, 156 F.3d 940, 946 (9th Cir. 1998). The tradition of public access to court proceedings—and in particular, criminal proceedings—dates back centuries, such that "a presumption of openness inheres in the very nature of a criminal trial under our system of justice." *Richmond Newspapers*, 448 U.S. at 573.

(2) Secret Proceedings Across the State

Even one secret proceeding is too many. And we have documented numerous instances where the public was shut out including as recently as June 10:

- Representatives of the First Amendment Coalition were turned away from the Santa Clara County Superior Court on multiple dates when they sought to observe criminal and civil proceedings. No alternative access was provided.
- Representatives of the First Amendment Coalition were turned away from the Contra Costa County Superior Court on multiple occasions when they attempted to observe criminal proceedings, including on one day when more than 60 matters were scheduled, including arraignments and preliminary hearings. No alternative access was provided.
- The grandmother of a criminal defendant, through her grandson's attorney, made a formal request to the Presiding Judge of the Contra Costa County Superior Court for permission to attend her grandson's preliminary hearing. The Presiding Judge asked the judge overseeing the matter to rule on the grandmother's petition. That judge then denied the request, and no alternative access was provided.¹
- A representative of the ACLU was turned away from proceedings in Kern County Superior Court since its "re-opening," including on June 10 when she was denied access to a hearing of a person arrested in a recent Black Lives Matter protest. No alternative access was provided.²
- Additionally in Kern County, it was only through correspondence with court leaders that we learned of an apparently non-public process through which a member of the press or public could apply for limited teleconference or in-person access.

News coverage has exposed further problems. Journalists found the public was not given access to proceedings taking place via video or teleconference, in Alameda, San Mateo and Contra Costa counties.³ In one particularly egregious case documented in the press, a hearing occurred in the high-profile Ghost Ship warehouse fire criminal case in Alameda County Superior Court in total secrecy. Reporters could access neither the hearing by any means nor any records related to the case—and, due to a gag order, they could not even talk to any of the participants to learn more. Journalists cited costs charged by third-party providers of teleconferencing services, such

¹ See *People v. Diop and Wells*, Nos. 01-1923887; 01-193130-2 (Prelim. Hr'g Tr. Vol. 2, Apr. 6, 2020) at 178:4–179:19, attached hereto as **Exhibit 1**. The fiancé of a criminal defendant was also prohibited from attending all three of his pre-trial preliminary hearings in April in the Contra Costa County Superior Court and remains concerned that she will be denied entry to his upcoming court dates. See Letter from Karly Link to ACLU, attached hereto as **Exhibit 2**.

² See Declaration of Rosa Lopez, attached hereto as **Exhibit 3**.

³ See Robert Salonga, *Justice With No One Watching? Bay Area Courts Grapple with Public Access in Covid-19 Era*, The Mercury News (Apr. 10, 2020), <https://www.mercurynews.com/2020/04/10/coronavirus-justice-with-no-one-watching-courts-grapple-with-public-access-in-covid-19-era/>.

as CourtCall, as a potential barrier to access,⁴ and lengthy delays to accessing records, effectively keeping documents like new complaints under seal.⁵

To be clear: We do not assert that there was or is **no** public access to the above courts. Indeed, we are aware of important improvements that have been made in several of the above referenced courts.⁶ However, the above specific problems illustrate a larger trend of secrecy and barriers to access throughout the California court system—barriers that have thwarted and continue to thwart even experienced users of the courts and determined relatives of the criminally accused.

Importantly, our research found these barriers to access were not the result of individual court employees making one-off decisions. Rather, we found barriers to accessing proceedings and records occurred as a result of unlawful Court policies and were often amplified by courts' individual infrastructure limitations.

Indeed, we identified nine orders or rules of court expressly banning the general public using an analysis we believe is facially unconstitutional.

Most of these orders or rules, issued by the counties listed below, use similar language to conclude that wholesale closure of courts to the public is justified under *NBC Subsidiary's* stringent test for closing court proceedings, 20 Cal. 4th 1178. However, that test is only to be applied on a case-by-case basis, not for all proceedings in a particular courthouse. And it requires specific findings justifying closure, including a finding that there exist no less restrictive alternatives to closure. *Id.* at 1181–82. Such alternatives do exist, in the form of telephonic and/or video access. But they are not addressed in any meaningful way in these orders. *See id.*

The orders or rules described above were issued by the following courts, and remained in effect for varying periods of time:

- Calaveras County Superior Court, attached hereto as **Exhibit 4**;
- Fresno County Superior Court, attached hereto as **Exhibit 5**;
- Kern County Superior Court, attached hereto as **Exhibit 6**;
- Lake County Superior Court, attached hereto as **Exhibits 7 & 8**;
- San Benito County Superior Court, attached hereto as **Exhibit 9**;

⁴ See Maria Dinzeo, *California Courts Shutting Doors: 'Does Not Warrant Secrecy'*, Courthouse News Service (Mar. 25, 2020), <https://www.courthousenews.com/coalition-urges-california-courts-to-ensure-public-access-to-records/>.

⁵ See Nick Cahill et al., *California Courts Like Day and Night in Handling Pandemic*, Courthouse News Service (Apr. 28, 2020), <https://www.courthousenews.com/california-courts-like-day-and-night-in-handling-pandemic/>.

⁶ See, e.g., Robert Salonga, *Coronavirus: Santa Clara County Courts Set Up Listen-Only Phone Lines for Hearings*, The Mercury News (Apr. 28, 2020), <https://www.mercurynews.com/2020/04/28/coronavirus-santa-clara-county-courts-set-up-listen-only-phone-lines-for-hearings/>.

- San Bernardino County Superior Court, attached hereto as **Exhibit 10**;
- Santa Clara County Superior Court, attached hereto as **Exhibit 11**;
- San Joaquin County Superior Court, attached hereto as **Exhibit 12**; and
- Tuolumne County Superior Court, attached hereto as **Exhibit 13**.

We know that at least some of these courts have begun to provide alternatives to physical access, and we do not believe that all public access has been entirely denied in these courts. But some of these facially unconstitutional orders do not appear to have been rescinded, and the mere fact that they remain suggests that substantial barriers to access will continue.

Additionally, we learned through correspondence with courts that some continue to limit even remote public access. For example, San Mateo Superior Court requires members of the public to apply a day in advance to receive listen-in instructions.⁷ Similarly, Marin County Superior Court limits the number of people allowed to access remote proceedings and requires an application a day in advance.⁸ Both cited court infrastructure as reasons for the limits.

Many courts should be commended for taking steps to ensure meaningful public access. For example, Santa Clara, Contra Costa, and Alameda Counties, after some delay, began offering various types of remote access to proceedings⁹ — and several courts, including Orange, Sacramento and Humboldt Counties, have gone a step further by live-streaming proceedings.¹⁰

⁷ See Superior Court of California, County of San Mateo, “Public Access Requests – Remote Hearings”, https://www.sanmateocourt.org/general_info/remote_appearance_by_public.php (last visited June 10, 2020).

⁸ Marin Superior Court, County of Marin, Public Notice and Announcement (Apr. 23, 2020), <https://www.marincourt.org/data/hpnews/308.pdf>.

⁹ See Local Rules of the Superior Court of California, County of Alameda, Rule 1.7a, “Emergency Rule re Public Access to Court Proceedings During COVID-19 Crisis” (Apr. 23, 2020), <http://www.alameda.courts.ca.gov/Resources/Documents/Emergency%20Rule%201.7a%20-%20NEW%20April%202023.pdf> (implementing live audio streams of all non-confidential court proceedings); Superior Court of California, Contra Costa County, “Courtroom Calendars”, <https://www.cc-courts.org/calendars/court-calendars.aspx> (last visited June 12, 2020); Superior Court of California, County of Contra Costa, “Civil”, <https://www.cc-courts.org/civil/civil.aspx> (last visited June 12, 2020) (implementing the use of CourtCall in all civil proceedings as of May 18, 2020, with a muted line for the public and the press); Superior Court of California, County of Santa Clara, “Courtroom Public Access Telephone Lines”, http://scscourt.org/general_info/contact/pubaccess_phones.shtml (last visited June 7, 2020) (implementing listen-only telephone lines for each department).

¹⁰ See Superior Court of California, County of Sacramento, “Access to Court Proceedings by General Public Restricted” (Mar. 30, 2020), <file:///C:/Users/agilbert/AppData/Local/Microsoft/Windows/INetCache/Content.Outlook/9491Y75F/Sacramento%20public-access-order-033020.pdf> (livestreaming court proceedings); The Superior Court of California, County of Orange, Courtroom Live Streaming, https://www.occourts.org/media-relations/LiveStream.html?fbclid=IwAR2TWXezu-tqKp0uE9SxZPs9q_s8a5iX9_LvYxM0G76ZEslkrrECCxly9A (last visited June 12, 2020) (same); Superior Court of California, County of Humboldt, “Public Hearings” (Mar. 26, 2020), <https://www.humboldt.courts.ca.gov/> (same).

We have worked since March to identify and combat barriers to access and increase transparency surrounding court practices. Ultimately, we contacted all 58 Superior Courts, some on multiple occasions, requesting information about the status of public access, identifying clear barriers, and citing examples of best practices.¹¹ Our advocacy has resulted in positive change for members of the public and press and has revealed previously non-public information about how court leaders were making exceptions to their published public access restrictions.

But numerous and serious constitutional problems remain, and public access may be further jeopardized as courts grapple with large crowds of potential jurors and the need to ensure social distancing while also providing the equivalent of public hearings and trials.

Thankfully, California appears to be on the road to reopening. But there is a serious risk that COVID-19 cases will rise again, and that California courts will again be faced with the need to shut down to protect public health and safety. In anticipation of future COVID-19 outbreaks necessitating restrictions—or other similar emergencies—we think it is imperative that the Judicial Council play a leadership role in helping courts adopt best practices.

(3) The Judicial Council Should Immediately Provide Guidance to Superior Courts

We urge this body to issue guidance to courts on best practices for preserving public access during emergencies like the COVID-19 pandemic. Such guidance should include recommendations to all Superior Courts that:

- They provide alternatives to physical access, such as video or audio, to all judicial proceedings that would otherwise be public under the law;
- They provide clear public notice as to how to use such alternative means of access;
- Such access should be free of charge for the public to use; and
- Where courts resume providing some physical access to their proceedings consistent with social distancing, they continue to provide video or audio access, because not all proceedings will be able to accommodate all members of the public who wish to attend.

Moreover, the Judicial Council should:

- Request each Superior Court affirm to the Judicial Council that it is not conducting any secret proceedings, meaning the public has access (physical or remote) to all trials or hearings that would normally be open to the public;

¹¹ The undersigned organizations first raised these concerns with this body in a letter dated March 25, and further submitted public comment before the Judicial Council's Emergency Meetings held on March 28 and April 4.

- Survey the Superior Courts about the logistical, financial or other challenges that may have prevented them from adopting best practices to ensure proceedings were open to the public; and
- Include the issue of public court access on the agenda at the Judicial Council's next public meeting.

Public health and safety are significant interests and restricting physical access to courtrooms may, at times, be warranted given health concerns. But we need not choose between public health and constitutional public access rights. Indeed, in times of crisis and disruption, fundamental civil rights like access to judicial proceedings become more—not less—important.

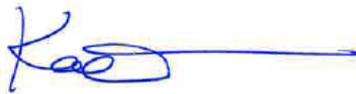
We respectfully request that you respond to this letter no later than **Monday, June 22, 2020**. We would also be pleased to meet telephonically with any members of the Judicial Council and/or its staff at any time to discuss these crucial matters and how we may be of assistance.

Please do not hesitate to contact any of us via the contact information in the signature blocks below.

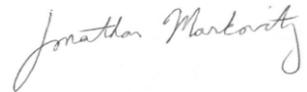
Respectfully,



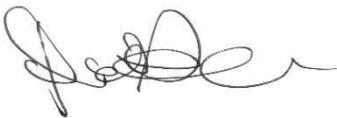
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Exhibit 1

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IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF CONTRA COSTA
HONORABLE LAUREL S. BRADY, JUDGE, PRESIDING
DEPARTMENT 31

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THE PEOPLE OF THE STATE OF)
CALIFORNIA,) No. 01-192388-7
Plaintiff,) 01-193130-2
vs.) VOLUME 2
ADAMA DIOP and) Pages 173 to 349
JOSEPH C. WELLS, JR.,)
Defendants.)
_____)

REPORTER'S PARTIAL TRANSCRIPT OF PRELIMINARY HEARING
APRIL 6, 2020
COURTHOUSE, MARTINEZ, CALIFORNIA

Reported by: JENNIFER ANTOLIN GASPAR, CSR 12869

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A P P E A R A N C E S
OFFICE OF THE DISTRICT ATTORNEY
BY: CHRISTOPHER R. SANSONE
Deputy District Attorney
Contra Costa County
OFFICE OF THE PUBLIC DEFENDER
BY: JULIAN J. ROSS
Deputy Public Defender
Contra Costa County
OFFICE OF THE PUBLIC DEFENDER
ALTERNATE DEFENDER OFFICE
BY: SARAH J. EISENHART
Deputy Public Defender
Contra Costa County

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1 MONDAY, APRIL 6, 2020 - MORNING SESSION

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3 P R O C E E D I N G S

4 THE COURT: Let's go on the record. We're back in
5 session. Both defendants are present with counsel. The
6 People are represented. And I'd like to take up one quick
7 matter before we start back up with the detective.

8 There was a request on Friday for spectators for
9 family members of the defendants. Because it was the
10 presiding judge's order closing courthouses to any members of
11 the public, I referred defense counsel to the presiding judge.
12 It's my understanding a petition was made to the presiding
13 judge sometime on Friday. I got a message from the presiding
14 judge. He's asking that I make a ruling on it, so I'm going
15 to.

16 The reason for closure of the courthouse is to keep
17 everybody safe in the middle of this pandemic. The
18 transmission is not just what we touch. It's also apparently
19 in the air and can be transmitted in that fashion.

20 The other reason for keeping the courthouses closed
21 is so we have very limited staff who are cleaning those areas
22 that are being used deeply, and they are sanitizing them and
23 disinfecting them. Because we have limited staff, they can
24 only accomplish that in the areas that we're actually using.
25 If we have members of the public coming into the courthouse,
26 there's no way to assure that they are not touching
27 contaminated surfaces and that they are not bringing the virus
28 into the courthouse and then that affects everybody.

1 So we're attempting as best we can to protect the
2 health of not only all of us who work in the courtroom,
3 courtroom staff, the attorneys, the witnesses but also
4 defendants who are in custody. Because if we transmit it to
5 them, they take it into the jail. So that takes, sort of, a
6 global cooperation from everyone.

7 I think it is patently unsafe for everybody to have
8 members of the public to come in to be here as spectators. I
9 am not unsympathetic. Having members here for support is
10 important, and on -- in any other circumstance, I would
11 readily say that they're entitled to be here. We're in truly
12 an unprecedented time. We don't want to put them at risk, and
13 we certainly don't want to be put -- anybody in this courtroom
14 at risk.

15 So I think for their safety as well as ours, the two
16 defendants, I'm going to decline the request for members of
17 the public in particular but defendants' families to be here
18 as spectators, I think it would be unsafe for everyone and
19 including them. So the request is denied.

20 And, Counsel, you two let me know if you need to talk
21 to your clients. We will arrange other arrangements so you
22 could have a confidential conversation without having to be
23 within that 6' range, and we'll work with them.

24 Okay. So we have the detective back and --

25 MR. SANSONE: One more thing I wanted to take up real
26 quick, your Honor.

27 THE COURT: Yes.

28 MR. SANSONE: On Friday I had asked for a bench

269-351

1 WEDNESDAY, MAY 13, 2020 - AFTERNOON SESSION

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3 P R O C E E D I N G S

4 (Proceedings were held but not designated as part of
5 this transcript.)

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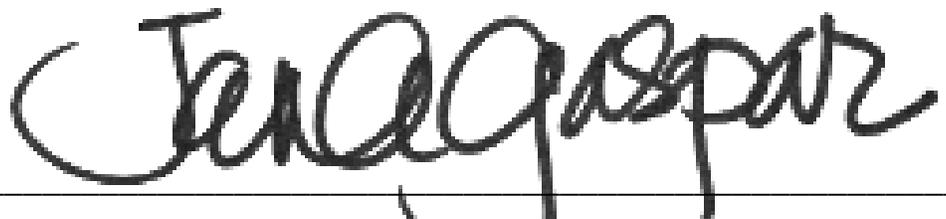
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1 STATE OF CALIFORNIA)
2) ss.
3 CONTRA COSTA COUNTY)
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6 I, JENNIFER ANTOLIN GASPAR, Certified Shorthand
7 Reporter, do hereby certify that as such I took down in
8 stenotype all of the proceedings in the within-entitled
9 matter, THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff,
10 versus ADAMA DIOP and JOSEPH C. WELLS, JR., Defendants,
11 Superior Court Action Number 01-192388-7 and 01-193130-2,
12 heard before the Honorable LAUREL S. BRADY, JUDGE, and that I
13 thereafter transcribed my stenotype notes into typewriting
14 through computer-assisted transcription, and that the
15 foregoing transcript, pages 173-352, constitutes a full, true,
16 and correct transcription of the proceedings held before me at
17 the aforementioned time.

18 IN WITNESS WHEREOF, I have hereunto subscribed my
19 name this date, April 19, 2020.

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24 JENNIFER ANTOLIN GASPAR
25 Certified Shorthand Reporter 12869
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Exhibit 2

Karly Link

[REDACTED]

[REDACTED]

05/13/2020

ACLU of Northern California

To Whom it may Concern

ACLU

39 Drumm St.

San Francisco CA 94111

Dear ACLU of Northern California:

I am writing this letter to express my concerns regarding inmate rights. Although I understand the uncertainty in these unprecedented times in our country and within our state, our constitutional rights still must take a top priority. Inmates in Contra Costa County are losing these rights every day. Some of these rights include but are not limited to, their rights to speedy trial and their rights to having a public trial/hearing.

In regards to specifics, Inmate number CC20LW469, George Marcus Siever, DOB [REDACTED] was arrested on Feb 03 2020. Mr. Siever was not arraigned until March 6th 2020. A codefendant continued to refuse court on several occasions. The district attorney continued to press for all codefendants to be there for arraignment, while knowing that more than likely this codefendant was refusing court solely because she was to be the prosecutions key witness. While it was concluded that defense did waive time based on Judges determination of good cause after district attorney's insistence of all defendants be arraigned together. Furthermore, after the arraignment no time was waived and preliminary hearing was not held within reasonable time. Section 859b states the preliminary examination shall be held within 10 court days of the date the defendant is arraigned or pleads, whichever occurs later, or within 10 court days of the date criminal proceedings are reinstated pursuant to Chapter 6 (commencing with Section 1367) of Title 10 of Part 2. However, because of COVID 19 crisis California government implemented CA Govt. code 68115(g) which states Extend the time period provided in Section 859b of the Penal Code for the holding of a preliminary examination from 10 court days to not more than 15 court days. However, Mr. Siever's preliminary hearing was not until April 20th 2020, which was 30 calendar days after the arraignment. Furthermore, his trial date was set to June 26 2020. This is within the 30-day extension period states in CA Govt Code 68115(h). Allowing for a 30-day extension sect 1382.

This preliminary hearing was also not open to public. This is a violation of his sixth amendment right to public trial. Our right to a public trial helps to ensure the criminal defendant a fair and accurate adjudication of guilt or innocence; it provides a public demonstration of fairness; they discourage perjury, the misconduct of participants, and decisions based on secret bias or

partiality. Open trials educate the public about the criminal justice system, give legitimacy to it, and have the prophylactic effect of enabling the public to see justice done This applies to all pretrial hearings as well. All 3 days of Mr. Sievers Preliminary hearing 4/20/2020, 4/21/2020 and 4/22/20 were closed to the public. Mr. Siever also had an additional hearing to enter a plea prior to trial on 05/08/2020. In addition, with new trial date set, it is unclear if they are going to allow it be open to the public on that hearing date. This could back Mr. Siever into a corner causing Mr. Siever to choose between having a speedy OR public trial.

I appreciate your time and consideration, and look forward to hearing from you. You are welcome to reach out Mr. Siever at the Martinez county Jail, mailing address is 900 Court Street Martinez CA 94553.

Sincerely,

Karly Link

Exhibit 3

I, Rosa Lopez declare:

1. I have personal knowledge of the facts set forth herein, and if called as a witness, I could competently so testify.
2. I am the Policy Advocate and Organizer for the ACLU of Southern California at the Kern County office where I have worked for over two years.
3. Along with community volunteers, I launched the Courtwatch Kern program. This program is an important part of ACLU's commitment to racial justice and court transparency. We train people to monitor what is going on inside the courtroom because we have received complaints about how unfair the court process is. We believe that by publicly observing the court process, we can hold stakeholders in the criminal justice system accountable. We first became involved with this because a community member had shared concerns that monolingual Spanish speakers were being pressured by probation officers to plead, sometimes without attorneys or without understanding their rights. We also wanted to make sure that these folks were being properly informed of the potential immigration consequences of the conviction before taking plea deals.
4. Last summer we had an intern to start looking into this. We modeled our program on LA Courtwatch and trained people to observe court proceedings. The program began with me, two interns and four community members.
5. Our Courtwatch began in August 2019. We started in the misdemeanor division of criminal court and observed and took down notes about what was happening in court proceedings, such as bail hearings. We watched to see if the courts changed their decisions based on the race or ethnicity of the people in front of them. We went to court approximately 8 times to do Courtwatch, but when the Coronavirus pandemic hit, we had

to stop because court was closed to the public and we did not have any way to monitor court proceedings that were happening. Since this change in court access, it has been impossible for us to complete the mission of our Courtwatch program. Instead, we have had to spend time and resources simply to try to gain public access to the court.

6. I had heard that the court was going to re-open to the public the week of June 1st and so I went back to court. I wanted to observe the proceedings again.
7. On June 2, 2020, I went to Kern County Superior Courthouse Justice Building on 1215 Truxtun Avenue. This is where I know the court hears misdemeanors arraignment cases. I got there around 9 am and waited a few minutes to get through security.
8. Before you can enter the courthouse there is a metal detector that you have to go through. When I got to the metal detector, a male deputy stopped and asked me what I was there for. He asked me if I had a case. I told him I did not have a case and was there to support and observe. He did not ask for a case number or anything.
9. The deputy told me that court was only open for people who have matters. He said it is closed to the public. He did not tell me there was any other form of remote access.
10. I could not get in to observe court so I left.
11. On June 10, 2020, I went to Kern County Superior Courthouse Metro Justice Building on 1415 Truxtun Avenue to observe an arraignment of a person arrested in connection with a Black Lives Matter protest.
12. A sheriff's deputy asked me why I was there, and I told them to support the criminal defendant in the matter. The deputy indicated no one is allowed in except for the defendant, their attorneys and witnesses, and refused to allow me in.

13. I asked the deputy if there was any other way to follow the case, and he said the court's website will update the case information.
14. The deputy then handed me the court's standing order dated March 23, 2020, restricting courthouse entry to parties, their attorneys and witnesses subpoenaed to testify. A true and correct copy of this standing order is attached hereto as **Exhibit A**.
15. Outside the courtroom I met with the defendant's mother. Who told me she wasn't allowed inside either.
16. On the door was a sign that I took a picture of. A true and correct copy of this picture is attached hereto as **Exhibit B**.
17. Our Courtwatch program is an important way for us to build trust in the community and I want to resume it as soon as possible. We have heard that trials are happening now and are very concerned about them happening without any member of the public there to watch. I will go back as soon as I am able to continue this important work.
18. I plan on trying to attend court next week and if so will submit an updated declaration.

I declare under penalty of perjury that the forgoing is true and correct. Executed this 13 day of June 2020 at Bakersfield, California.



Rosa Lopez

EXHIBIT A

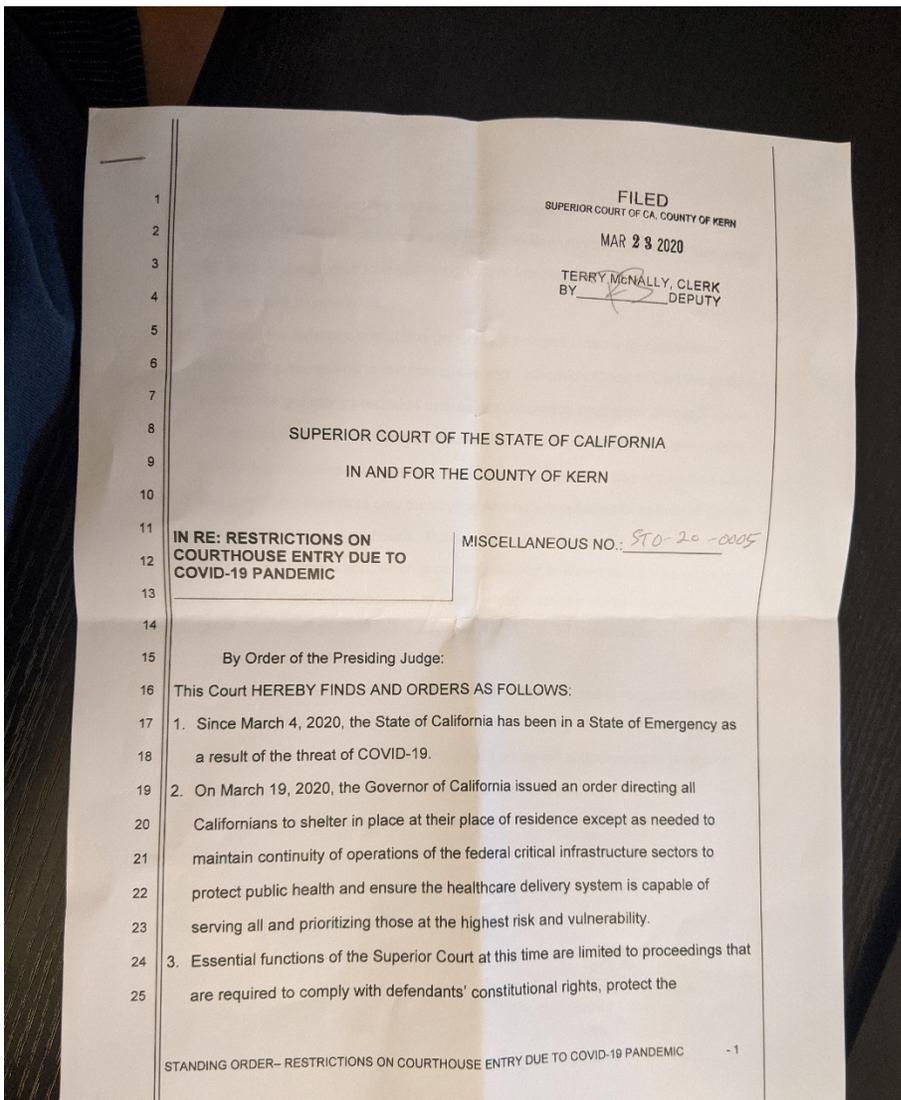


EXHIBIT B

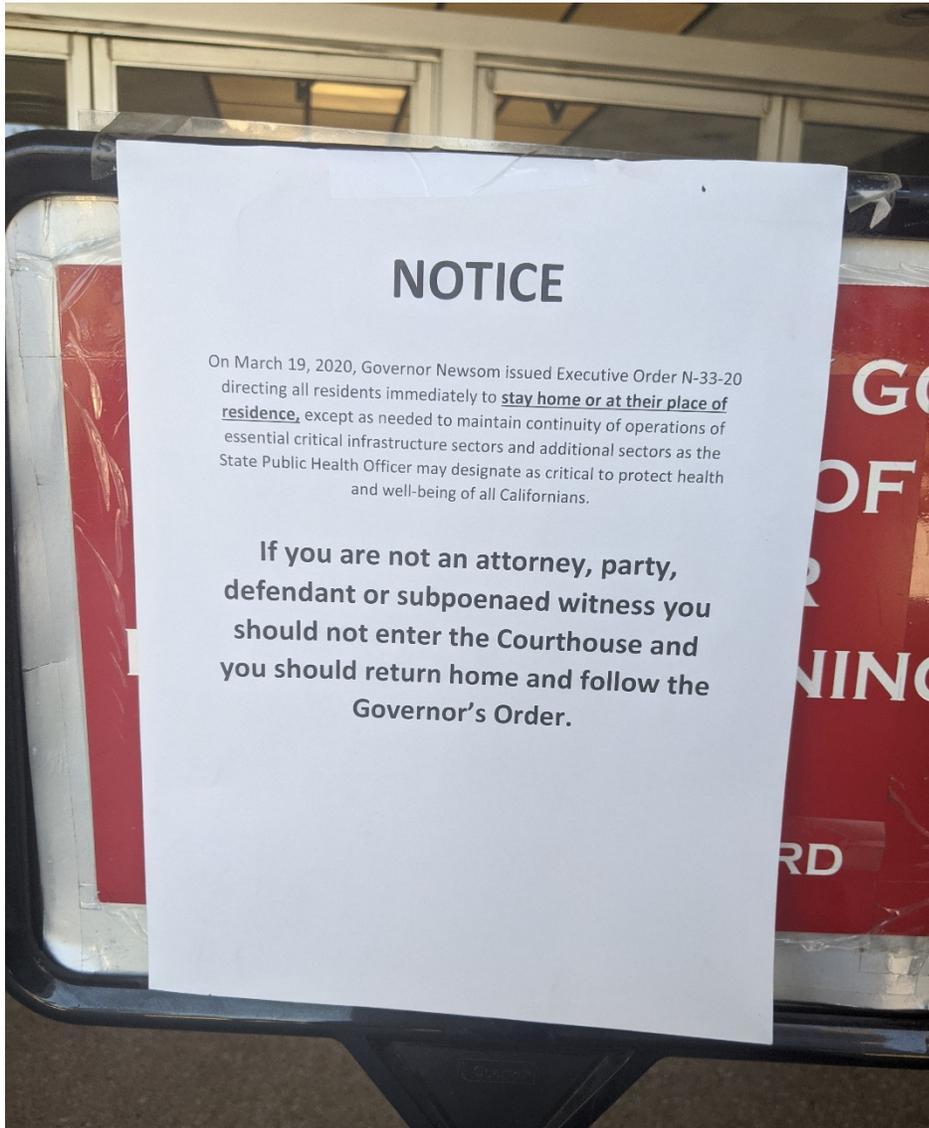


Exhibit 4

2 **FILED**

3 **MAR 25 2020**

4 *K. CAMPER*
5 Clerk of the Court
6 Superior Court of California
7 County of Calaveras

8 By *[Signature]*, Deputy

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

10 **IN AND FOR THE COUNTY OF CALAVERAS**

11 **GENERAL ORDER RESTRICTING COURTHOUSE ENTRY**
12 **AND PERMITTING ACCESS TO ONLY THOSE PERSONS**
13 **REQUIRED TO APPEAR IN PERSON AT**
14 **THE CALAVERAS COUNTY SUPERIOR COURTHOUSE**

15 This Court HEREBY FINDS AND ORDERS AS FOLLOWS:

16 1. Since March 4, 2020, the State of California has been in a State of Emergency as a
17 result of the threat of COVID-19.

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

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

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

4 5. Although the federal Constitution generally precludes closure of substantive
5 courtroom proceedings in criminal cases and California's Code of Civil Procedure section 124
6 generally precludes closure of substantive courtroom proceedings in civil proceedings, the
7 current COVID-19 crisis resulting in shelter in place orders clearly demonstrates an overriding
8 interest supporting restricting courthouse entry and permitting access to only those persons who
9 are required to appear in person in the Calaveras County courthouse. Public health and safety
10 would be prejudiced absent such a restriction, which is narrowly tailored to permit only those
11 required to enter the County's courthouse; there is no less restrictive means of achieving this
12 overriding interest. (NBC Subsidiary (KNBC-TV), Inc. v. Superior Court (1999) 20 Cal.4th
13 1178, 1181-1182.)

14
15 6. It is therefore ordered that access to the Calaveras County courthouse is restricted to
16 those persons required to appear in person for a court hearing. This will generally include and be
17 limited to parties, their attorneys and witnesses subpoenaed to testify. No other persons will be
18 permitted entry without good cause.

19 THIS ORDER IS EFFECTIVE IMMEDIATELY.
20

21
22 DATED: 3-25-2020

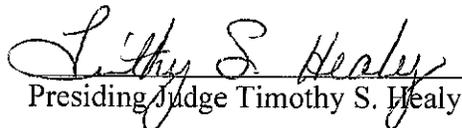

Presiding Judge Timothy S. Healy

Exhibit 5

FILED

APR 06 2020

FRESNO COUNTY SUPERIOR COURT
By _____ DEPUTY

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SUPERIOR COURT OF CALIFORNIA, COUNTY OF FRESNO
CENTRAL DIVISION

ADMINISTRATIVE ORDER OF THE) ORDER RESTRICTING COURTHOUSE
PRESIDING JUDGE RE COVID-19) ENTRY AND PERMITTING ACCESS
PANDEMIC TEMPORARY CLOSURE) ONLY TO AUTHORIZED PERSONS
)
)
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)

THE COURT HEREBY FINDS AND ORDERS, EFFECTIVE IMMEDIATELY, AS
FOLLOWS:

1. Since March 4, 2020, the State of California has been
under a State of Emergency as a result of the threat of the novel
coronavirus and it associated disease, COVID-19.

2. On March 19, 2020, the Governor of California issued an
order directing all Californians to shelter-in-place at their
place of residence, subject to certain limited exemptions. Courts
are included among the exemptions.

3. Protection of public health and safety given the COVID-
19 threat has created significant operational obstacles to the
services available to the public through the Fresno Superior
Court.

///

1 4. The operations of the Fresno Superior Court during the
2 COVID-19 pandemic have been limited to proceedings that are
3 required to comply with the constitutional rights of detained
4 criminal defendants or juveniles, to protect the health and
5 immediate safety of litigants, and to address in-custody
6 population concerns.

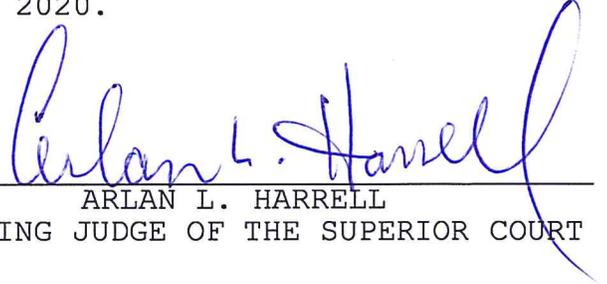
7 5. While the federal Constitution generally precludes
8 closure of substantive proceedings in criminal cases and the
9 California Code of Civil Procedure section 124 generally precludes
10 closure of substantive proceedings in civil cases, the current
11 COVID-19 pandemic, resulting in shelter-in-place orders and social
12 distancing mandates to mitigate infection, clearly demonstrates an
13 overriding interest which supports restricting courthouse entry
14 and access to only those persons who are required to be present in
15 a Fresno Superior Court courthouse.

16 6. Public health and safety will be prejudiced absent such
17 a restriction, which is nearly tailored to permit only those
18 persons required to enter any Fresno Superior Court courthouse;
19 there exists no less restrictive means of achieving this
20 overriding interest of protecting general public health while
21 respecting the constitutional rights of detained criminal
22 defendants or juveniles, protecting the health and immediate
23 safety of litigants, and addressing in-custody population
24 concerns. (*NBC Subsidiary (KNBC-TV), Inc., v. Superior Court*
25 (1999) 20 Cal.4th 1178, 1181-1182).

26 7. It is therefore ordered that access to any and all
27 Fresno County Superior Court courthouses is restricted to those
28 authorized persons required to appear in person for a court

1 hearing, including judges, court commissioners, court staff, and
2 other authorized persons such as parties, their attorneys, and
3 witnesses subpoenaed to testify, until further notice. No other
4 persons will be permitted without good cause.

5 DATED this 6th day of April, 2020.

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ARLAN L. HARRELL
PRESIDING JUDGE OF THE SUPERIOR COURT

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Exhibit 6

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FILED
KERN COUNTY SUPERIOR COURT
03/23/2020
BY Baldwin, Ryan
DEPUTY

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF KERN

**IN RE: RESTRICTIONS ON
COURTHOUSE ENTRY DUE TO
COVID-19 PANDEMIC**

MISCELLANEOUS NO.: STO-20-0005

By Order of the Presiding Judge:

This Court HEREBY FINDS AND ORDERS AS FOLLOWS:

1. Since March 4, 2020, the State of California has been in a State of Emergency as a result of the threat of COVID-19.
2. 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.
3. Essential functions of the Superior Court at this time are limited to proceedings that are required to comply with defendants' constitutional rights, protect the

1 health and safety of parties and address jail population concerns.

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

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

16 6. It is therefore ordered that access to any and all courthouses is restricted to those
17 persons required to appear in person for a court hearing. This will generally include
18 and be limited to parties, their attorneys and witnesses subpoenaed to testify. No
19 other persons will be permitted entry without good cause.

20 THIS ORDER IS EFFECTIVE IMMEDIATELY.

21
22 **IT IS ORDERED.**

23 Dated: March 23, 2020.

24
25 

Judith K. Dulcich, Presiding Judge
Kern County Superior Court

Exhibit 7

1
2
3 SUPERIOR COURT OF THE STATE OF CALIFORNIA
4 COUNTY OF LAKE
5

6
7 RE: TEMPORARY ORDER RESTRICTING ENTRY TO THE SUPERIOR COURT
8 AND PERMITTING ACCESS TO ONLY THOSE PERSONS REQUIRED TO
9 APPEAR IN PERSON AT THE SUPERIOR COURT, FOURTH FLOOR,
10 LAKE COUNTY COURTHOUSE, LAKEPORT
11

12 The Court hereby finds and concludes as follows:
13

14 1. Since January 30, 2020, there have been a number of
15 significant executive actions taken to warn of and to mitigate the
16 spread of the COVID-19 coronavirus. On March 4, a state of
17 emergency was declared in the State of California to combat COVID-
18 19. On March 19, the Governor issued an executive order directing
19 all people in California to shelter in their place of residence
20 except as needed to maintain continuity of operations of federal
21 infrastructure and work for essential government services and
22 businesses to mitigate the spread of COVID-19.
23

24 2. On March 10, the Lake County Public Health Officer declared
25 and the Board of Supervisors ratified a declaration of a local
26 health emergency for Lake County in response to the imminent and
27 proximate threat to the public health from the introduction of
28 COVID-19 in Lake County. On March 16, the Public Health Officer
29 issued an order to Lake County Schools to dismiss students from
30 attendance from March 16 to April 10. On March 16, the Public

1 Health Officer issued an order for the period of March 16 to April
2 10, of a moratorium on gatherings of more than 100 people and a
3 conditional moratorium on gatherings of between 25 and 100 people
4 requiring certain protective conditions including social distancing
5 of 6 feet. On March 18, the Public Health Officer issued an order
6 directing the public to shelter at their place of residence leaving
7 only to access or provide designated essential services and
8 prohibiting non-essential gatherings and travel. The Public Health
9 Officer has statutory and regulatory authority to issue orders to
10 prevent the transmission of disease including the authority to
11 quarantine and isolate persons and close public and private
12 buildings. Health & Safety Code, 120175.

13
14 3. As of this time on March 26, 2020, although there are no
15 reported cases in Lake County, it is reported that there are 2,617
16 confirmed cases and 55 deaths from the COVID-19 virus in the State
17 of California and that the numbers are increasing. On March 23, the
18 Chief Justice of the State of California issued a directive
19 suspending all jury trials until May 22, 2020. Based on the
20 information from credible public health sources regarding the
21 attributes of the manner that the virus is spread, the Court must
22 take measures to protect the court system and the public health
23 from COVID-19.

24
25 4. The essential functions of the Superior Court are at this
26 time limited to proceedings that are constitutionally mandated
27 criminal and juvenile proceedings and the issuance of civil and
28 family law forms of temporary restraining orders and such other
29 actions as may necessary to protect the public health and safety.

1 5. The public health emergency and protective measures that have
2 been implemented will result in significant interference with
3 access to the court and the scope of operations of the court. The
4 court is mindful of the essential and necessary functions of our
5 local court system. The court is acting to balance the same against
6 the obligation to effect compliance with the Executive Orders of
7 the Governor and the orders of the Public Health Officer under the
8 emergency declarations and to reasonably act to protect the public
9 from the contagion presented by COVID-19.

10
11 6. The court has broad powers to provide for the orderly conduct
12 of court proceedings and to control, in the furtherance of justice,
13 the conduct of all persons before the court in any manner
14 pertaining to the proceeding. CCP, 128(a)(3):(5); People v. Wallace
15 (2008)44 Cal.4th 1032, 1057 [trial courts have broad power to
16 control courtrooms and maintain order and security]; Rutherford v.
17 Owens-Illinois, Inc. (1997) 16 Cal.4th 953, 967 [a court has
18 inherent equitable, supervisory and administrative power to
19 exercise reasonable control over court proceedings and adopt
20 methods to insure the orderly administration of justice].

21
22 7. The law generally precludes the closing of courtroom
23 proceedings to the public in criminal and civil cases absent there
24 being present an interest that over-rides the right of the public
25 to attend and observe the court. In this regard, the threat to the
26 health and safety of the general public and specifically, the
27 litigants, counsel, court staff and witnesses to a particular case,
28 from the COVID-19 virus clearly demonstrates such an overriding
29 interest to be now present. This interest requires the court to

1 permit attendance on the Fourth Floor of the Courthouse and the
2 courtrooms only as to those persons required to be present.

3
4 8. The health and safety of the public would be substantially
5 prejudiced absent this restriction. The restriction to be imposed
6 is narrowly tailored to permit only those persons required to be
7 present to enter the Fourth Floor and courtrooms and there is no
8 less restrictive means of achieving this overriding interest. (NBC
9 Subsidiary (KNBC-TV), Inc. v. Superior Court (1999) 20 Cal.4th
10 1178, 1181-1182).

11
12 The court orders as follows:

13
14 1. Any and all access to the Superior Court, Lake County
15 Courthouse, Fourth Floor, in Lakeport, and the courtrooms located
16 on the Fourth Floor of the Courthouse, is restricted to those
17 persons required to appear in person for a court proceeding.

18
19 2. The parties, attorneys and witnesses subpoenaed to testify
20 are permitted to attend. No other persons shall be permitted absent
21 an order of the court on good cause shown to be present.

22
23 3. This order is effective immediately and shall remain in
24 effect until terminated or modified by further order of the court.

25
26
27 DATED: MARCH 30, 2020



MICHAEL S. LUNAS
PRESIDING JUDGE

Exhibit 8

MAY 27 2020

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF LAKE

BY 
Krista D. LeVier
Deputy Clerk

**GENERAL ORDER RE: SCOPE OF JUDICIAL PROCEEDINGS AND OPERATIONS
OF THE COURT UNDER STATEWIDE EMERGENCY RULES OF COURT**

On March 4, 2020, a state of emergency was declared in the State of California to combat the COVID-19 pandemic. On March 19, the Governor issued an executive order directing all people in California to shelter in their place of residence except as needed to maintain essential services and to provide for the continuity of essential government and business services. On March 18, 2020, the Lake County Public Health Officer issued a shelter in place order for Lake County. As of May 26, 2020, the shelter in place orders remain in effect as expanded to permit increased commerce and activities subject to compliance with conditions designed to protect public health. On May 21, 2020, the Lake County Public Health Officer, as part of a state approved local variance plan to expand opening of business and activities, issued an order (No. C20-06) requiring all members of the public to wear face coverings when entering local businesses and facilities.

The General Order Re: Implementation Of Emergency Relief issued by the court on April 29, 2020, pursuant to Government Code section 68115 expires May 26, 2020. Based on the existing orders of the Chief Justice and the Emergency Rules of Court, and the expansion of court services, the court is not seeking further emergency relief orders from the Chief Justice under Government Code section 68115 at this time.

Exercising the authority granted under March 30, 2020 and April 29, 2020, Orders of Chief Justice Tani G. Cantil-Sakauye, Chair of the Judicial Council of California, and the Emergency Rules of Court, adopted April 6, 2020, and the general authority of the court to control court proceedings and adopt methods to insure orderly administration of justice, under the circumstances presented, and pending further order and notice, this Court **HEREBY FINDS AND ORDERS AS FOLLOWS:**

1 1. The General Order Re: Implementation Of Emergency Relief --Statewide
2 Emergency Relief Order Of March 30 entered by this court on April 6, 2020, and the extensions
3 of time set forth therein continue to be operative as follows:

4 A. Any judge of the court may extend the time period set forth in Penal Code section
5 859b for the holding of a preliminary examination and the defendant's right to release form 10
6 days to not more than 30 days.

7 B. Any judge of the Court may extend the time period set forth in Penal Code section
8 825 within which a defendant charged with a felony offense must be taken before a magistrate
9 from 48 hours to not more than 7 days.

10 C. Any judge of the court may extend the time periods set forth in Code of Civil
11 Procedure sections 583.310 and 583.320 to bring an action to trial by no more than 60 days from
12 the last date upon which the statutory deadline otherwise would have expired.

13
14 2. The provisions of the Rules of Court, Statewide Emergency Rules, Rule 1 through 13,
15 in which extensions of time are provided for unlawful detainer actions, judicial foreclosure
16 actions, juvenile dependency proceedings, juvenile delinquency proceedings and cases involving
17 temporary restraining orders, temporary protective orders, requests to renew restraining orders,
18 and requests for modification of support continue to be operative as applicable. Any judge of the
19 court may order an extension of time consistent with the provisions of the Emergency Rules.

20
21 3. The Chief Justice, by Order dated April 29, 2020, has extended the time provided in
22 Penal Code section 1382, for the holding of a criminal trial, on which trial would occur under
23 Penal Code section 1382 between March 16 and June 15, by 90 days from the last date on which
24 the trial could have been conducted under Penal Code section 1382. For example, a criminal trial
25 for which June 15, 2020, in the last day a trial could be timely conducted under Penal Code
26 section 1382, would be extended to September 13, 2020. Any judge of the court may extend the
27 time periods as provided by the referenced Order.

1 4. The Temporary Order Restricting Entry To The Superior Court issued by the court on
2 March 30, 2020, remains in effect. Any and all access to the Superior court, Lake County
3 Courthouse, Fourth floor, in Lakeport, and the Clearlake Branch, in Clearlake, and the
4 courtrooms located on the Fourth floor of the Courthouse, and at the Clearlake Branch, is
5 restricted to those persons required to appear in person for a court proceeding. The parties,
6 attorneys and witnesses subpoenaed to testify are permitted to attend. No other persons shall be
7 permitted absent an order of the court on good cause shown to be present. A member of the
8 public or interested person may contact the Clerk of the court to obtain permission to attend in
9 person or otherwise observe an in-person or remote court proceeding.

10
11 5. The Clerk's Offices and public window will reopen on June 8, 2020, for public service.
12 The public window will be open from 8:00 am to 4:00 pm Monday through Friday. The court
13 will continue to accept and return filings by the drop-box. The public is encouraged to make use
14 of the drop-box process whenever possible to avoid in person traffic inside the courthouse, use of
15 the elevators and lines forming at the clerk's window. The in-person appearance at the clerk's
16 office window is restricted to the person necessary to accomplish the filing of papers or other
17 business with the clerk. No other persons should be present at the clerk's office window.

18
19 6. Pursuant to the Order of the Lake County Public Health Officer, and except as set forth
20 herein, all persons, including court staff and members of the public, while physically present at
21 the Lake County Superior Court (Fourth Floor of the Courthouse and the Clearlake Branch) shall
22 wear a face covering at all times in compliance with the Order. All persons shall comply with the
23 physical distancing requirements established for the occupancy and use of the court facility.

24
25 7. Pursuant to Emergency Rules 3 and 5, the court shall continue to and undertake to
26 conduct criminal proceedings remotely to the extent permitted by the Rules and applicable law.
27 Pursuant to Emergency Rule 3, the court shall continue to and shall undertake to conduct civil
28 proceedings remotely to the extent possible to reduce the requirement of in-person court

1 appearances so that physical distancing and courtroom occupancy guidelines in all Departments
2 may be accomplished.

3
4 8. Continuing from May 26, 2020, the following judicial proceedings, as time-sensitive,
5 essential functions, remain in place:

- 6 a. In-custody Criminal Arraignments without waiver of presence
- 7 b. Juvenile Detention Hearings without waiver of presence
- 8 c. Preliminary Hearings in which time has not been waived
- 9 d. Ex-parte Domestic Violence Restraining Orders
- 10 e. Ex-parte Civil Temporary Restraining Orders, including Civil
- 11 Harassment, Gun Violence and Elder Abuse Restraining Orders
- 12 f. Ex-parte Emergency Petitions for Temporary Conservatorship
- 13 g. Ex-parte Emergency Petitions for Temporary Guardianship
- 14 h. Ex-parte Family Code Temporary Emergency Orders
- 15 i. Ex-parte Emergency Civil Injunction Temporary Restraining Orders
- 16 j. Ex-Parte applications for orders based on stipulation

17
18 9. Continuing from May 26, 2020, the court will be conducting, by remote appearance
19 only, the matters and proceedings as follows:

- 20 a. Civil Law and Motion, Civil Case Management and Status Conference
- 21 b. Conservatorship and Probate
- 22 c. DCSS; Title IV-D, Child Support calendar
- 23 d. Family Law and Motion
- 24 e. Domestic Violence and Elder Abuse Restraining Orders
- 25 f. Gun Violence and Workplace Violence Restraining Orders
- 26 g. Civil Harassment Restraining Orders
- 27 h. Misdemeanor Criminal Case/ Disposition and Settlement
- 28 i. Felony Law & Motion

1 j. Juvenile Detention and Delinquency

2
3 10. Commencing June 8, 2020, the court will be conducting by way of in person
4 proceedings, the misdemeanor arraignment calendar. The court will act to reduce the number of
5 cases set on the calendar and stagger the cases over the calendar time, to the extent possible, to
6 reduce the number of persons actually appearing in person in court at a set time and provide for
7 appropriate physical distancing and courtroom occupancy.

8
9 11. Commencing June 22, 2020, the court will be conducting the proceedings which
10 occur in the Clearlake Branch, for unlawful detainer, small claims and traffic cases. The cases to
11 be conducted by in-person proceedings. The court will act to reduce the number of cases set on
12 the calendar and stagger the cases over the calendar time to provide, to the extent possible, for
13 limits on the number of persons actually appearing in person in court at a set time and provide
14 for appropriate physical distancing and courtroom occupancy.

15
16 12. Commencing June 17, 2020, the court shall schedule in person evidentiary hearings in
17 civil, family and special proceedings. The court shall prioritize for hearing those cases in which
18 there are temporary restraining or protective orders that have been extended by the operation of
19 Emergency Relief Orders or Emergency Rule 8. The court shall act to limit the number of cases
20 on set on calendar to provide for appropriate physical distancing in the courtroom.

21
22 13. The General Orders issued by the court on the management of the calendars for Civil
23 Law and Motion, Case Management, Status Conference, Probate, Juvenile Dependency, Juvenile
24 Delinquency, Civil Harassment Restraining Orders, Family Law, Domestic Violence
25 Restraining Orders, Title 4-D Child Support and Misdemeanor Disposition/Setting shall remain
26 in effect.

27
28 14. The statewide order of the Chief Justice of April 29, 2020, extending the time to

1 conduct a criminal jury trial, effectively ends on June 15, 2020. The court expects to begin
2 summoning jurors for jury service and conducting jury trials after June 22, 2020, as necessary.
3 The court shall undertake action to effect protective measures to reduce the risks presented by
4 the virus with jury trial proceedings including modification of the jury summons to advise
5 regarding COVID provisions, reducing panel size, expanding the hardship process, reducing
6 capacity of the courtrooms, physical distancing, and sanitizing measures. All participants in the
7 selection of a jury and the conducting of a jury trial shall wear coverings in compliance with an
8 Order of the Lake County Public Health Officer or, an order of the court, except as set forth
9 herein. In the event that at the time the court commences to conduct jury trials and in person
10 evidentiary hearings there is a requirement of face coverings, by order of the Public Health
11 Officer or order of the court, the court shall implement by local emergency order a process for
12 the trial judge to determine whether a witness shall remove his or her face covering during the
13 time the witness is seated at the witness stand and is actually rendering testimony.

14
15
16 THIS ORDER IS EFFECTIVE IMMEDIATELY.

17
18 Dated: 5-27-20


19 _____
20 Michael S. Lunas
21 Presiding Judge

Exhibit 9

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BENITO

EMERGENCY COURT RULE

No. 3

WHEREAS Governor Gavin Newsom on March 4, 2020 proclaimed the existence of a state of emergency in California in response to the global COVID-19 outbreak, and on March 19, 2020 issued Executive Order N-33-20 recommending the practice of social distancing;

WHEREAS the Centers for Disease Control, 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 spaces;

WHEREAS Chief Justice Cantil-Sakauye recognized in her Statewide Order dated March 23, 2020 that the health restrictions implemented to combat the spread of COVID-19 prevent superior courts from operating normally;

WHEREAS the health and safety of the parties in civil and criminal proceedings, the public, court staff, judicial officers, attorneys, witnesses, jurors, and others present at these proceedings is of great importance;

WHEREAS, Penal Code section 409.5 provides for the closure of the courthouse, or portions thereof, for the duration of a menace to the public health or safety created by a calamity such as the COVID-19 disaster as declared to be an emergency by Governor Newsome and the Board of Supervisors of the County of San Benito;

WHEREAS, with the support of the Judicial Council of California, Chief Justice Cantil-Sakauye issued a subsequent statewide emergency order on March 30, 2020 authorizing the actions taken herein, and

WHEREAS, the Judicial Council of California adopted certain Emergency Rules on April 6, 2020, to address the COVID-19 emergency.

NOW, THEREFORE, I find good cause to order the following.:

1. All appearances in all civil, criminal and juvenile cases, excluding jury trials, shall be by remote internet-facilitated proceedings (via ZOOM or otherwise) or telephonically conducted, consistent with and except as otherwise required by California Rules of Court, Emergency Rule 3 and 5, as adopted by the Judicial Council of California on April 6, 2020. All litigants and counsel in any court

proceeding shall provide to the clerk of the appropriate department (civil, criminal or juvenile) such person's email address or telephone number within two (2) court days of such proceedings, should such person desire to remotely appear. For any proceedings conducted remotely, the litigant (or counsel for such litigant, if represented) is responsible for arranging for the remote appearance of an out-of-custody party or witness. The San Benito County Jail shall facilitate the remote appearance and confidential communication with counsel of any person incarcerated therein.

2. Due to the nature of this national, state and local emergency, admitting the public in person to proceedings would subject the entire community to a serious risk to the public health and safety. Therefore, public attendance of court proceedings in the physical courtrooms is suspended pursuant to Penal Code section 409.5. However, members of the public shall be able to obtain an electronic record of any matter that otherwise would be open to the public upon request, free of charge.
3. Members of the press may request of the judge presiding over any matter that otherwise would be open to the public, to join such proceeding as a non-participating member of the remotely conducted proceeding.
4. The time period provided in section 859b of the Penal Code for the holding of preliminary examination and the defendant's right to release is extended from 10 court days to 30 court days.
5. The time period provided in section 825 of the Penal Code within which a defendant charged with a felony offense must be taken before a magistrate is extended from 48 hours to seven days.
6. The time period is extended provided in section 1382 of the Penal Code for the holding of a criminal trial is extended by 60 days from the last date on which the statutory deadline otherwise would have expired.
7. The time periods provided in sections 583.310 and 583.320 of the Code of Civil Procedure to bring an action to trial are extended by sixty days from the last date on which the statutory deadline otherwise would have expired.
8. These extensions are in addition to any orders previously made by the Chief Justice of the California State Supreme Court or any relief or order granted under Government Code section 68115 or by any actions by the Judicial Council of California.

9. This Local rule may be deemed part of the record in affected cases without the need to file the order in each case.
10. All orders made previous to this court rule in response to the national, state and local COVID-19 emergency shall be deemed a local rule and enforced as such. Such orders shall be appended to this local rule.
11. San Benito County Emergency Court Rule #1 is superseded by this Rule.
12. This Rule shall be in effect April 1, 2020, *nunc pro tunc*, until ninety (90) days after the COVID-19 state of emergency in the State of California ends, or until otherwise repealed or amended.

SO ORDERED.

Dated this 7th of April, 2020.



Steven R. Sanders
Presiding Judge of the Superior Court

Exhibit 10

1 **SUPERIOR COURT**
2 **COUNTY OF SAN BERNARDINO**
3 247 West Third Street, Eleventh Floor
4 San Bernardino, CA 92415-0302

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6
7
8 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF SAN BERNARDINO**
10

11 **IN RE:**

12 **LIMITING PUBLIC ACCESS**

13 } **GENERAL ORDER OF THE**
14 } **PRESIDING JUDGE**
15

16 Due to Governor Gavin Newsom proclaiming a State of Emergency in California
17 as a result of COVID-19; Governor Newsom and state public health officials
18 announcing that gatherings should be postponed or canceled across the State until at
19 least the end of March; Governor Newsom declaring that non-essential gatherings must
20 be limited to no more than 250 people, while smaller events can proceed only if the
21 organizers can implement social distancing of 6 feet per person, and gatherings of
22 individuals who are at higher risk for severe illness from COVID-19 should be limited to
23 no more than 10 people, while also following social distancing guidelines; President
24 Trump declaring a national emergency and issuing directives targeted at reducing
25 social contact to reduce the spread of COVID-19; and in alignment with Chief Justice
26 Tani G. Cantil-Sakauye's March 17, 2020 Order permitting changes in court operations
27 during an epidemic or other condition that renders presence in, or access to, an
28 affected court facility unsafe, the Court, to protect the health and safety of the public,

1 court personnel, and criminal defendants brought before the Court, HEREBY ORDERS
2 AS FOLLOWS:

3 No member of the public or visitor to the courthouse shall enter any courtroom or
4 hallway adjacent to any courtroom unless (1) that person is a party to a hearing
5 scheduled on the day the person is present in the courthouse; (2) an attorney
6 representing a party; and/or (3) a person under subpoena as a witness for a case
7 scheduled for hearing on the day the person is present in the courthouse.

8 This order does not, however, abrogate the Court's discretion to permit access to
9 any courtroom or to hallways adjacent to courtrooms to persons who are subject to this
10 order.

11
12 Dated this 19th day of March, 2020.

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17 MICHAEL A. SACHS
18 Presiding Judge of the Superior Court
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Exhibit 11

FILED
MAR 23 2020

Clerk of the Court
Superior Court of CA County of Santa Clara
BY David K. Walker DEPUTY

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA CLARA**

**GENERAL ORDER RESTRICTING COURTHOUSE ENTRY
AND PERMITTING ACCESS TO ONLY THOSE PERSONS
REQUIRED TO APPEAR IN PERSON AT
ANY SANTA CLARA COUNTY SUPERIOR COURTHOUSE**

This Court HEREBY FINDS AND ORDERS AS FOLLOWS:

1. Since March 4, 2020, the State of California has been in a State of Emergency as a result of the threat of COVID-19.

2. On March 16, 2020, the County of Santa Clara Public Health Officer issued an order directing all individuals living in Santa Clara 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.

3. 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.

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

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

7 6. Although the federal Constitution generally precludes closure of substantive
8 courtroom proceedings in criminal cases and California's Code of Civil Procedure section 124
9 generally precludes closure of substantive courtroom proceedings in civil proceedings, the
10 current COVID-19 crisis resulting in shelter in place orders clearly demonstrates an overriding
11 interest supporting restricting courthouse entry and permitting access to only those persons who
12 are required to appear in person in any Santa Clara County courthouse. Public health and safety
13 would be prejudiced absent such a restriction, which is narrowly tailored to permit only those
14 required to enter the County's courthouses; there is no less restrictive means of achieving this
15 overriding interest. (*NBC Subsidiary (KNBC-TV), Inc. v. Superior Court* (1999) 20 Cal.4th 1178,
16 1181–1182.)

17 7. It is therefore ordered that access to any and all courthouses is restricted to those
18 persons required to appear in person for a court hearing. This will generally include and be
19 limited to parties, their attorneys and witnesses subpoenaed to testify. No other persons will be
20 permitted entry without good cause.

21 THIS ORDER IS EFFECTIVE IMMEDIATELY.

22
23 Dated: March 23, 2020

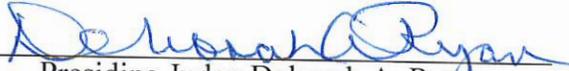
24 
25 Presiding Judge Deborah A. Ryan

Exhibit 12

By Kathleen Lagaris
DEPUTY

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN JOAQUIN

ADMINISTRATIVE ORDER OF THE) ORDER RESTRICTING
PRESIDING JUDGE RE COVID-19) COURTHOUSE ENTRY AND
PANDEMIC TEMPORARY CLOSURE) PERMITTING ACCESS ONLY
) TO AUTHORIZED PERSONS
)
)
_____)

THE COURT HEREBY FINDS AND ORDERS, EFFECTIVE IMMEDIATELY,
AS FOLLOWS:

1. Since March 4, 2020, the State of California has been under a State of Emergency as a result of the threat of the novel coronavirus and its associated disease, COVID-19.
2. On March 19, 2020, the Governor of California issued an order directing all Californians to shelter-in-place at their place of residence, subject to certain limited exemptions. Courts are included among the exemptions.
3. Protection of public health and safety given the COVID-19 threat has created significant operational obstacles to the services available to the public through the San Joaquin County Superior Court.
4. The operations of the San Joaquin County Superior Court during the COVID-19 pandemic have been focused upon providing essential court services while, protecting

the health and immediate safety of all who enter our court house. As we expand our services we will continue to do so.

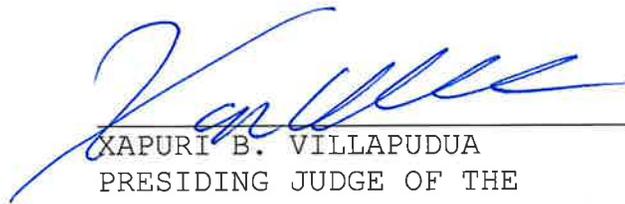
5. While the federal Constitution generally precludes closure of substantive proceedings in criminal cases and California Code of Civil Procedure section 124 generally precludes closure of substantive proceedings in civil cases, the current COVID-19 pandemic, resulting in shelter-in-place orders and social distancing mandates to mitigate infection, clearly demonstrates an overriding interest which supports restricting courthouse entry and access to only those persons who are required to be present in a San Joaquin County Superior Court courthouse.
6. Public health and safety will be prejudiced absent such a restriction, which is narrowly tailored to permit only those persons required to enter any San Joaquin County Superior Court courthouse; there exists no less restrictive means of achieving this overriding interest of protecting general public health while respecting the constitutional rights of detained criminal defendants or juveniles, protecting the health and immediate safety of litigants, and addressing in-custody population concerns. *(NBC Subsidiary (KNBC-*

TV), Inc. v. Superior Court (1999) 20 Cal.4th 1178, 1181-1182).

7. It is therefore ordered that access to any and all San Joaquin County Superior Court courthouses is restricted to those authorized persons required to appear in person for a court hearing, including judges, court commissioners, court staff, and other authorized persons such as parties, their attorneys, and witnesses subpoenaed to testify. No other persons will be permitted without good cause. In addition, if an authorized person permitted access under this paragraph presents himself/herself at the entry to the courthouse with a fever of 100.4 degrees, or above, or if such person refuses to have his/her temperature checked at the entry to the courthouse, he or she shall be denied access to the courthouse.

DATED this 26 day of May, 2020.





XAPURI B. VILLAPUDUA
PRESIDING JUDGE OF THE
SAN JOAQUIN COUNTY SUPERIOR COURT

Exhibit 13



Superior Court of California County of Tuolumne

Contact Re Press Release: Hector Gonzalez, Jr.

Court Executive Officer - Jury Commissioner

email: hgonzalez@tuolumne.courts.ca.gov

To: Local Media; Tuolumne County Bar Association; Justice Partners
From: Hector X. Gonzalez, Jr., Court Executive Officer
Date: March 30, 2020
Re: Superior Court is Temporarily Restricting Courthouse Access in Response to Coronavirus (COVID-19)

To address the growing concerns regarding the spread of COVID-19 in Tuolumne County, the Tuolumne County Superior Court (Court) is taking a proactive approach to minimize public interaction in our Court facilities, but still maintain a level of operation needed to provide the judicial services to our community. Courts provide essential services. For that reason, Court employees, and Court customers are not subject to Governor Newsom's recent "Shelter in Place" order. Accordingly, at this time our Court locations will remain open, but will operate with preventative actions being taken by the Court. This Court has not yet scaled back its operations to only essential functions, but it has taken various steps to limit proceedings in which large numbers of persons would have to appear and to allow for physical distancing in connection with the matters that continue to be heard. Among other things, it has rescheduled all jury trials falling within a specified period, continued a large number of matters, and broadened the types of matters in which it allows telephonic appearances via CourtCall in lieu of in-person appearance.

The Court is taking the additional preventative action under a General Order signed on March 27, 2020, that is attached to this press release.

1. Effective April, 1, 2020, only those persons whose appearance is required for courtroom matters or specifically authorized by law to participate in courtroom matters will be permitted past the screening stations at both courthouses located at 41 West Yaney Avenue, and 60 North Washington Street, in Sonora. Given the size and physical layout of the courthouses, it is not possible to effectively provide the recommended six feet of social distancing unless this preventative action is taken. The persons permitted into the courthouses generally fall into the following categories: parties, their counsel, witnesses who have been subpoenaed or otherwise requested to testify, members of the media, persons who have been ordered to appear at a proceeding, and persons who are authorized by statute to participate in a proceeding. To enforce these restrictions, only these permitted persons will be allowed past

the security screening stations at the courthouses. The order and these restrictions remain in effect until a further order from the Court.

2. The aforementioned preventative action is not intended to limit the ability of any party, attorney, or member of the public to access the clerk's office for any regular business at the clerk's office, such as filing papers, making payments, and accessing records. Currently, only the clerk's office at 60 North Washington Street is open for regular business for both civil and criminal matters. Moreover, the computer terminal in the lobby of 60 North Washington Street remains available to the public for access to Court records. The clerk's office at 41 West Yaney Avenue has been closed temporarily in response to the COVID-19 pandemic.
3. Any persons objecting to the order, any restrictions in the order, or any other aspect of the order may submit an objection in writing to Court Executive Officer, Hector X. Gonzalez, Jr., at 41 West Yaney Avenue, Sonora, CA 95370. The person objecting will be notified of the date, time, and location of a hearing regarding the objection.

END OF PRESS RELEASE

FILED

MAR 27 2020

**Superior Court of California
County of Tuolumne**

BY *Joyce Barnes*
Clerk

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF TUOLUMNE

GENERAL ORDER TEMPORARILY
RESTRICTING COURTROOM ENTRY
AT BOTH TUOLUMNE COUNTY
SUPERIOR COURT LOCATIONS

GENERAL ORDER NO. 20-0004

Because of the COVID-19 pandemic resulting in Governor Gavin Newsom's declaration of a state of emergency on March 4, 2020; President Donald J. Trump's declaration of a national emergency on March 13, 2020; the Sonora City Council's declaration of a local state of emergency on March 16, 2020; the Tuolumne County Office of Emergency Services' declaration of a local state of emergency on March 17, 2020; the directives from those government officials to ensure and facilitate physical distancing (also known as social distancing); and the need to protect the health and safety of the public and court personnel; and exercising the authority granted under Government Code section 68115 pursuant to the March 19, 2020, order of Chief Justice Tani G. Cantil-Sakauye, chair of the Judicial Council of California, issued in response to the March 18, 2020, request for an emergency order made by the presiding judge of the Superior Court of Tuolumne County (hereafter Court), the Court **HEREBY FINDS AND ORDERS AS FOLLOWS:**

1. On March 19, 2020, the governor of the State of California issued an executive order directing all Californians to stay home or at their place of residence, except as needed to maintain continuity of operations of the federal critical infrastructure sectors, in order to preserve public health

1 and safety and to ensure the healthcare delivery system is capable of serving all and prioritizing those
2 at the highest risk and vulnerability.

3 2. Protection of public health and safety in connection with the COVID-19 pandemic has
4 resulted and is expected to continue to result in significant interference with court services and
5 proceedings.

6 3. This Court has not yet scaled back its operations to only essential functions, but it has
7 taken various steps to limit proceedings in which large numbers of persons would have to appear and
8 to allow for physical distancing in connection with the matters that continue to be heard. Among other
9 things, it has rescheduled all jury trials falling within a specified period, continued a large number of
10 matters, and broadened the types of matters in which it allows telephonic appearance via CourtCall in
11 lieu of in-person appearance.

12 4. The First Amendment to the United States Constitution generally precludes closure of
13 substantive courtroom proceedings in criminal cases and section 124 of the California Code of Civil
14 Procedure generally precludes closure of substantive courtroom proceedings in ordinary civil cases
15 unless a trial court provides notice to the public on the question of closure and, after a hearing, makes
16 certain findings to support the closure. (*NBC Subsidiary (KNBC-TV), Inc. v. Superior Court* (1999) 20
17 Cal.4th 1178, 1181-1182, 1217.) Due to the nature of the current public health emergency and the need
18 for urgent action, this Court hereby makes findings to support the immediate imposition of restrictions
19 on courtroom entry and will hold a hearing on any objections to this order, after giving notice of the
20 order, as set forth below.

21 5. The scope of the restrictions (hereafter Restrictions) is as follows: Only those persons
22 whose appearance is required for the matter on calendar or whose presence is authorized by a specific
23 legal authority for the matter on calendar will be permitted into the courtroom during the hearing or
24 other proceeding on that matter. These permitted persons generally fall into the following categories:
25 parties, their counsel, witnesses who have been subpoenaed or otherwise requested to testify, persons
26 who have been ordered to appear at a proceeding, and persons who are authorized by statute to
27 participate in a proceeding. To enforce these restrictions, only these permitted persons will be allowed
28 past the security screening stations at the courthouses.

1 6. Reducing the serious health and safety risks to court users, court staff, and the public
2 posed by the COVID-19 pandemic by restricting the number of persons congregating in courtrooms,
3 hallways, and waiting areas of the courthouses, consistent with directives and guidance from public
4 health experts and government officials, constitutes an overriding interest that supports the
5 Restrictions.

6 7. There is a substantial probability that the overriding interest in protecting public health
7 and safety will be prejudiced absent the immediate imposition of the Restrictions because this Court's
8 courthouses and courtrooms are not large enough or structured in a manner to allow for the
9 recommended physical distancing when the number of persons in attendance at court proceedings is
10 unrestricted.

11 8. The Restrictions are narrowly tailored to serve the overriding interest. They have been
12 designed to reduce the number of persons in the courtrooms and areas leading to the courtrooms to
13 facilitate the physical distancing that is intended to contain the spread of COVID-19, while not
14 excluding any persons whose presence is required or specifically authorized for a particular
15 proceeding.

16 9. Given the size and physical layout of the courthouses, there is no less restrictive means
17 of achieving the overriding interest.

18 10. For any court proceedings occurring while this temporary emergency order is in effect,
19 any judge of this Court may permit media coverage of the proceedings in accordance with California
20 Rules of Court, rule 1.150 and Penal Code section 409.5, subdivision (d).

21 11. It is therefore ordered that access to both of this Court's courthouses is restricted
22 immediately as set forth in the Restrictions above.

23 12. Any persons objecting to the Restrictions or any other aspect of this order may submit
24 an objection in writing to Court Executive Officer Hector X. Gonzalez, Jr., at 41 West Yaney Avenue,
25 Sonora, CA 95370. The objector will be notified of the date, time, and location of the hearing on the
26 objection.

27 13. The Restrictions set forth herein are not intended to limit the ability of any party,
28 attorney, or member of the public to access the clerk's office for any function ordinarily served by the

1 clerk's office, including but not limited to filing papers, making payments, and accessing records. As
2 of the date of this order, access to the clerk's office for both civil and criminal matters is permitted
3 only at the courthouse at 60 North Washington Street in Sonora; the civil counter at 41 West Yaney
4 Street in Sonora has been closed temporarily in response to the COVID-19 pandemic, and its functions
5 have been relocated temporarily to 60 North Washington Street. Moreover, the computer terminal in
6 the lobby of 60 North Washington Street remains available to the public for access to court records.

7 THIS ORDER IS EFFECTIVE IMMEDIATELY AND SHALL REMAIN IN EFFECT UNTIL
8 FURTHER ORDER OF THIS COURT.

9 DATED: March 27, 2020

10 

11 _____
12 KEVIN M. SEIBERT
13 Assistant Presiding Judge of the Superior Court

the security screening stations at the courthouses. The order and these restrictions remain in effect until a further order from the Court.

2. The aforementioned preventative action is not intended to limit the ability of any party, attorney, or member of the public to access the clerk's office for any regular business at the clerk's office, such as filing papers, making payments, and accessing records. Currently, only the clerk's office at 60 North Washington Street is open for regular business for both civil and criminal matters. Moreover, the computer terminal in the lobby of 60 North Washington Street remains available to the public for access to Court records. The clerk's office at 41 West Yaney Avenue has been closed temporarily in response to the COVID-19 pandemic.
3. Any persons objecting to the order, any restrictions in the order, or any other aspect of the order may submit an objection in writing to Court Executive Officer, Hector X. Gonzalez, Jr., at 41 West Yaney Avenue, Sonora, CA 95370. The person objecting will be notified of the date, time, and location of a hearing regarding the objection.

END OF PRESS RELEASE