

By Kathleen Lagorio
DEPUTY

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN JOAQUIN

**FIFTH SUPPLEMENTAL GENERAL ORDER RE:
IMPLEMENTATION OF EMERGENCY RELIEF**

Exercising the authority granted under Governor Gavin Newsom’s Executive Order N-38-20 and the April 29, 2020, Statewide Emergency Order (“Order”) of Chief Justice Tani G. Cantil-Sakauye, Chair of the Judicial Council of California, and in addition to the measures of the Superior Court of San Joaquin County (“Court”) instituted in its April 28, 2020 Fourth General Order, this Court **HEREBY FINDS AND ORDERS THE FOLLOWING ADDITIONAL MEASURES:**

1. The 60-day continuance of criminal jury trials and the 60-day extension of time in which to conduct a criminal trial under Penal Code section 1382 are extended an additional 30 days. The total extension of 90 days shall be calculated from the last date on which the trial initially could have been conducted under Penal Code section 1382, as illustrated below.

2. This extension applies only to those matters for which the last date on which the trial could be conducted under Penal Code section 1382 occurred or will occur between March 16, 2020, and June 15, 2020. This will result in a range of trial dates as follows: A criminal trial for which March 16, 2020, is the last day a trial could be conducted under Penal Code section 1382 would be extended to June 14, 2020, and a criminal trial for which June 15, 2020, is the last day a trial could be conducted under Penal Code section 1382 would be extended until September 13, 2020.

3. Any previously issued extensions of time in which to conduct a criminal trial under Penal Code section 1382 that was authorized by the Chief Justice in an emergency order or orders issued to an individual court pursuant to Government Code section 68115(a)(10) shall run concurrently with the extension authorized in this paragraph, such that the total authorized extension of the Penal Code section 1382 deadline in a case is 90 days.

4. The Court declares its intention to collaborate with local justice partners to conduct a trial at an earlier date, if the Court may do so in compliance with applicable health

1 and safety laws, regulations, and orders, including through the use of remote technology, when
2 appropriate.

3 It is the intent of this Order to provide the maximum length of constitutionally
4 permitted continuance days authorized by the April 29, 2020, Statewide Emergency Order
5 issued by the Hon. Tani G. Cantil-Sakauye, Chief Justice of the California Supreme Court.

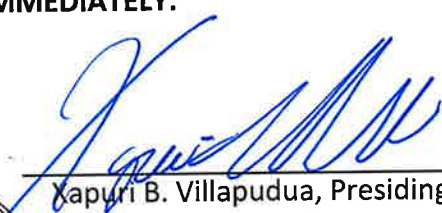
6 Any conflicts in the above language are to be resolved in favor of granting the lengthier
7 of the continuance options. To the extent that any provision of this Fifth Supplemental General
8 Order re: Implementation of Emergency Relief conflicts with any provision in the Court's Fourth
9 General Order re: Implementation re: Emergency Relief, this Fifth Supplemental General Order
10 will supersede the provisions of the Court's April 28, 2020, General Order.

11 It is also Ordered that each Judicial Officer of the Superior Court of San Joaquin County
12 is hereby deputized to effectuate all of the above provisions.

13
14 **THIS ORDER IS EFFECTIVE IMMEDIATELY.**

15
16 Dated: April 29, 2020



17 
18 Xapuri B. Villapudua, Presiding Judge