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**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SACRAMENTO**

**FILED / ENDORSED**  
JUN 12 2020  
By K. Swift, Deputy Clerk  
*K. Swift*

**IN RE LIMITED PUBLIC ASSESS TO  
JURY TRIAL PROCEEDINGS DURING  
THE COVID-19 PANDEMIC**

**STANDING ORDER  
(GDS Court Facility)**

In light of the current worldwide Covid-19 pandemic, this Court finds limiting public access to criminal jury trials at the Gordon D. Schaber Courthouse is necessary to protect the health and safety of essential court personnel and participants in the criminal proceeding. This Court hereby limits the seats available to members of the public for criminal trials to available space within a courtroom, but no fewer than 2 seats, in compliance with the 6' social distancing requirements imposed by the Sacramento County Public Health Director. Where possible, there shall be a separation between juror seating and seating for the general public.

In issuing this Order, the Court takes judicial notice of the Governor Gavin Newsom's Declaration of a State of Emergency due to the Covid-19 pandemic<sup>1</sup> as well as the California Department of Public Health Guidelines that require social distancing of six feet per person, particularly between individuals who have come together on a one-time or rare basis<sup>2</sup>. (Evid. Code §§ 459; 452.) Applying the spatial limitation of six feet per person to the physical space in each department results in limited availability of spectator seats.

<sup>1</sup> Found: <https://www.gov.ca.gov/wp-content/uploads/2020/03/3.4.20-Coronavirus-SOE-Proclamation.pdf>  
<sup>2</sup> Found: <https://www.cdph.ca.gov/Programs/CID/DCDC/CDPH%20Document%20Library/COVID-19/Coronavirus%20Disease%202019%20and%20Food%20Beverage%20Other%20Services%20-%20AOL.pdf#search=social%20distancing>

1           The Court finds that the protection of the health and safety of the courthouse  
2 personnel and participants in the criminal justice system is an overriding interest that is  
3 likely to be prejudiced by full public access to the courthouse and courtroom. Limiting the  
4 number of spectators into the courtroom is a restriction that is no broader than necessary to  
5 achieve the overriding interest and is the only reasonable response to the government  
6 interest in public health available to this Court. (See *Waller v. Georgia* (1984) 467 U.S.  
7 39, 48, *Press-Enterprise Co. v. Superior Court of California* (1984) 464 U.S. 501, 510  
8 ["The presumption of openness may be overcome only by an overriding interest based on  
9 findings that closure is essential to preserve higher values and is narrowly tailored to serve  
10 that interest."] (*Press-Enterprise I*). See also *People v. Scott* (2017) 10 Cal.App.5th 524,  
11 530, citing *People v. Baldwin* (2006) 142 Cal.App.4th 1416, 1421.)

12           The Court will allow seating preference to a representative of the alleged victim  
13 and defendant. Should seating be unnecessary for either of those parties, seating will be  
14 available by random lottery. Persons wishing to be considered for a seat in a particular  
15 trial can access information on how to request a seat on the court's website:  
16 [www.saccourt.ca.gov](http://www.saccourt.ca.gov). The decision to allocate one seat to the victim or the victim's  
17 representative and one seat to the defendant's representative is supported by law. (See Cal  
18 Const, Art. I § 28 [a victim, as defined by law, has the right to be present at criminal  
19 proceedings] and *In re Oliver* (1948) 333 U.S. 257, 271-272 ["without exception all courts  
20 have held that an accused is at the very least entitled to have his friends, relatives and  
21 counsel present".])

22           IT IS HEREBY ORDERED that until further order of this court, public access to  
23 all criminal trials is limited to available space within a courtroom, but no fewer than 2  
24 seats, while complying with the 6' social distancing requirements imposed by the  
25 Sacramento County Public Health Director. Where possible, there shall be a separation  
26 between juror seating and seating for the general public. One seat will be available for use  
27 by the victim or the victim's representative and the other seat will be available for use by  
28 the defendant's representative. The parties are requested to provide a list of expected

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spectators, including the schedule of expected attendance, to the trial department prior to trial. Any additional seats will be available to the public or media. Any media request for access shall be submitted pursuant to the court's current media policy.

DATED: 6/12/2020



HONORABLE RUSSELL L. HOM  
JUDGE OF THE SUPERIOR COURT,  
COUNTY OF SACRAMENTO