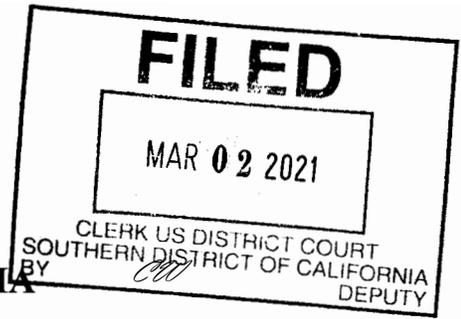


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA



In the matter of )  
 )  
SUPPLEMENT TO DISTRICT )  
TRIAL REOPENING PLAN )  
\_\_\_\_\_ )

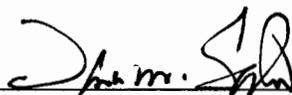
**Order of the  
Chief Judge No. 36-A**

The attached plan is adopted as a supplement to the "CASD TRIAL REOPENING PLAN" under Chief Judge Order (CJO) 36.

This Order will go into effect on March 8, 2021, when CJO-60 expires, and will remain in place until further order of the Court.

IT IS SO ORDERED.

Dated: 3-2-21

  
\_\_\_\_\_  
DANA M. SABRAW  
Chief United States District Judge

## **Supplemental Plan for Resumption of Trials for In-Custody Defendants**

This Plan supplements CJO 36, the “CASD TRIAL REOPENING PLAN”.

With the agreement of the District Judges of this Court, trials will resume in the Southern District of California on March 8, 2021. To ensure the health and safety of all involved, the following restrictions on cases to be tried are adopted:

1. Only short cause criminal trials will be conducted until June 1, 2021. Short cause criminal trials should take no more than four days to complete and will be limited to a single defendant. Only single defendant trials may proceed due to current space limitations imposed by COVID-19 safety protocols.
2. A list of criminal cases subject to this Plan and currently set for trial will be managed by Laura Barkins, Supervisor of the District’s Courtroom Deputy Department. District Judges will not schedule a trial under this Plan before first confirming the date with Ms. Barkins.
3. A Judge may double-book cases for trial only on the Judge’s designated dates.
4. No more than one jury may be selected per day. No more than three juries may be selected in any one week. No more than one in-custody defendant can proceed to trial during that week.
5. Priority for trials will be given to in-custody defendants.
6. Bench Trials: Criminal bench trials are subject to the limitation of one in-custody trial per week. Civil bench trials may proceed without limitation.
7. After May 31, 2021, Judges will follow the rotation schedule previously set in CJO 36. District Judges will continue to schedule a trial only after first confirming the date with Ms. Barkins.
8. All civil jury trials currently set to occur before June 1, 2021, will be continued by the assigned District Judge to a date on or after June 1, 2021.

9. The Court is currently evaluating the propriety of video (or remote) civil jury trials. Such trials will not proceed until further order of the Court.

This Plan is also adopted to facilitate trials for in-custody defendants during the COVID-19 pandemic and to address applicable health and safety requirements. The Plan is only feasible through the assistance of the United States Marshals Service ("USMS") and the Warden and staff of the Metropolitan Correctional Center ("MCC") by their transfer of detainees to, and housing in, two cells ("trial cells") specifically reserved for trial, which will allow daily transfer to court without exposure to other inmates and avoid a 14-day quarantine after each day's trip to court. Jury trials cannot fairly proceed if a defendant is not produced to court on consecutive days. This Plan solves that problem, and also provides defense counsel and their clients with an opportunity to meet and prepare in a private and safe setting the week before and during trial. Each defendant will be moved to a trial cell at the MCC several days before their scheduled trial to allow defense counsel time to meet with their client and prepare for trial. All such attorney-client meetings must be scheduled with the USMS in the USMS Interview Rooms located at the James M. Carter & Judith N. Keep U.S. Courthouse.

This Supplemental Plan will remain in effect until further order of the Court.