

AUG 12 2021
BY: 
DEPUTY CLERK

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

IN RE GRAND JURY OF SISKIYOU COUNTY,

) GENERAL STANDING
) ORDER FOR REMOTE
) REPORTING OF CRIMINAL
) GRAND JURY PROCEEDINGS

GENERAL ORDER REGARDING THE REMOTE REPORTING OF
GRAND JURY PROCEEDINGS

WHEREAS a Grand Jury is a constitutional fixture in its own right and governed under the statutory scheme of California Penal Code section 888 *et seq.* (*United States v. Williams* (1992) 504 U.S. 36, 47);

WHEREAS the Grand Jury is subject to the limited general supervision and charge of the Court by which it is convened (*In re Gannon* (1886) 69 Cal. 541, 543);

WHEREAS Penal Code section 938 demands a “competent stenographic reporter” be appointed for any investigation conducted by the Criminal Grand Jury;

WHEREAS Government Code section 69959 prohibiting the use of remote court reporting to make the record is confined to court proceedings and the Grand Jury is not a court proceeding;

WHEREAS the County of Siskiyou, being of a total population of less than 50,000 persons, has a deficit of certified court reporters;

1 WHEREAS the District Attorney has used diligent efforts to locate a certified court
2 reporter to report grand jury proceedings, without success;

3 WHEREAS the current Superior Court of Siskiyou County is limited to two certified
4 court reporters to conduct all in-person transcription for five judicial officers, including all jury
5 trials conducted within the county;

6 WHEREAS the pandemic of COVID-19 has caused Chief Justice Tani G. Cantil-
7 Sukauye, Chair of the Judicial Counsel of California, to exercise authority under Government
8 Code § 68115 to allow for emergency orders for the Superior Court of Siskiyou County to extend
9 criminal statutory deadlines in criminal cases to effectively handle the backlog of criminal cases
10 from the court closures related to the pandemic and the need for certified court reporters in those
11 cases; and

12 WHEREAS the business of the Superior Court of Siskiyou County requires the full time
13 use of the two (2) certified reporters available to the court;

14 **THIS COURT HEREBY ORDERS:** Until further order of the Court, this Court finds
15 that a certified remote stenographer is a competent stenographic reporter within the meaning of
16 Penal Code section 938 and the Grand Jury of Siskiyou County may use remote stenographic
17 reporting for any proceedings conducted by the Criminal Grand Jury. "Remote reporting" for
18 the purposes of this order means the use of a stenographic reporter who is not present in the
19 courtroom or meeting room to produce a verbatim record of grand jury proceedings that are
transmitted by audiovisual means to the reporter.

20 **IT IS FURTHER ORDERED THAT:** The remote reporter utilized by the Grand Jury
21 must be sworn as required by Penal Code section 938 and adhere to all statutory obligations
22 outlined in Part 2, Title 4, Chapter 3 of the California Penal Code.

23 **IT IS SO ORDERED.**

24
25 DATED: August 12, 2021


26 Honorable Judge JoAnn M. Bicego
Siskiyou County Assistant Presiding
Judge/Acting Presiding Judge