

F Superior Court of California F
County of Butte
JUL 21 2020
By Kimberly Elener, Clerk Deputy

1 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, COUNTY OF BUTTE**
2 **EMERGENCY ORDER OF THE PRESIDING JUDGE**
3 **AFFECTING PROCEEDINGS AT THE BUTTE SUPERIOR COURTHOUSE (BCCH)**

4 **I.**
5 **FINDINGS**

6
7 Herein, this court adopts and incorporates the findings of this court, of the California Judicial
8 Council, and of the Chief Justice of the California Supreme Court, issued previously in response to
9 the public health crisis emanating from the coronavirus and COVID-19.

10 Herein, this court takes judicial notice of the website Office of the Governor of the State of
11 California, and all declarations issued therefrom in response to the public health crisis emanating from
12 the coronavirus and COVID-19.

13 Herein, this court takes judicial notice of the websites for the Center for Disease Control and
14 Prevention (CDC), the California Department of Public Health, and the Butte County Department of
15 Public Health wherein those departments address the public health crisis emanating from the
16 coronavirus and COVID-19.

17 Herein, this court takes judicial notice of website Covidactnow.org, as the state of California
18 derives information from Covidactnow.

19 Herein, the Presiding Judge does rely on information provided by the Butte County Sheriff as to
20 the conditions currently in the Butte County Jail related to the COVID-19 infection rate. The Presiding
21 Judge has been in frequent communication with the Butte County Sheriff. Currently, given the rate of
22 disease transmission in the community, and the rate of disease transmission in the Butte County Jail,
23 transportation of inmates into the Butte Superior Court is not safe. Nor is movement of the inmates
24 throughout the jail for purpose of video calendars currently safe in light of the current increase in
25 COVID-19 cases in the Butte County Jail.

26 On July 16, 2020, the Sheriff reported to the Presiding Judge that there were 29 asymptomatic
27 defendants who had tested positive for COVID-19 and were currently housed, according to quarantine
28 protocol, in the Butte County Jail and that the Sheriff was waiting for the result on 38 additional inmates.

On July 19, 2020, the Sheriff reported to the Presiding Judge that currently there are 71 positive
cases in the jail with 5 tests pending results. The majority of those cases developed over the past two
weeks.

1 In light of the volume and pace of the cases reported as positive for COVID-19 in the Butte
2 County Jail and in the community, the Presiding Judge finds that the necessary action is to not transport
3 inmates to the Butte Superior Court, and to not move inmates throughout the jail nor stage inmates in
4 waiting areas for a video calendar, between July 22, 2020 and July 31, 2020.

5 The Presiding Judge finds that not moving the inmates throughout the jail is necessary because
6 the COVID-19 positive inmates are not demonstrating symptoms (asymptomatic) and movement now
7 of any inmate increases the danger of infection to an inmate, to a Correctional or Transport Officer,
8 Deputy Sheriff and jail personnel. By restricting movement through delay of criminal calendar
9 proceedings for 14 days, there is a better opportunity to control the spread of the virus. Also, those
10 associated with inmate movement and court proceedings will be better protected from the likelihood of
11 infection.

12 The Presiding Judge communicates directly with the District Attorney, the Sheriff, and the
13 Director of the Public Defender consortium on issues of court operations, calendar population, remote
14 hearings and technology, to assess best practices and return as quickly as is safe to do so to more
15 traditional court operations. Also, the court continues to audit the criminal calendars.

16 The Presiding Judge has issued orders to put in place mitigation measures such as requiring
17 masks be worn, social distancing, plexiglass partitions and limiting access and seating. The recent
18 dramatic increase in the rate of spread in the community, and in the jail, causes the Presiding Judge to
19 issue the orders herein to better protect the population in the jail, those who work in the jail, and to better
20 protect court users, staff, the public, judicial officers and justice partners.

21 As of the date of this order, Butte County reports **658** COVID-19 total cases, of which 390 are
22 new cases within the last 15 days.

23 Based thereon this court does find that the public health crisis emanating from the coronavirus
24 and COVID-19, remains a persistent threat that warrants ongoing mitigation measures by this court to
25 protect the public, litigants, attorneys, staff, court users, and justice partners, and that this public health
26 crisis presents a real danger to those same individuals if mitigation measures are not put into place by
27 this court and maintained throughout the crisis.

28 This court further finds that the unique process of selecting and convening a jury from
hundreds of people in the community presents risks not equal to services or venues addressed directly
in categories listed in the reopening plan for the State of California. While an essential governmental
function, the risk to court users including prospective jurors is elevated by the number of people in
one space, the length of time they are together, the amount of conversation that must be had, and the
limitations of the facility on social distancing.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

II.
ORDERS

1. Inmates Will Not Be Transported to Butte Superior Court

Despite a rigorous testing protocol at the jail, inmates are testing positive for COVID-19 at an increased rate that causes this court to order that no inmates be transported to the Butte Superior Court from the Butte County Jail, between July 22, 2020 through July 31, 2020, unless ordered by the Presiding Judge or the Supervising Judge of the Criminal Division. This court orders further that arraignments each day are to continue to be heard at 3:00 p.m. through remote video feed to the jail.

2. Jury Trials Will Not Proceed

Under the authority provided in the Emergency Order of the Chief Justice, and as ordered implemented by the Presiding Judge on July 21, 2020, this court orders that matters set for jury trial for dates between July 22, 2020 and August 3, 2020 in the Criminal Division be continued by not more than 30 days consistent with the relief provided by the Chief Justice.

3. Dependency

This court orders that in furtherance of the findings made herein, parents who are in custody on matters within the jurisdiction of Welfare and Institutions Code section 300 (Dependency) not be transported from the Butte County Jail to Butte Superior Court between July 22, 2020 and July 31, 2020.

All prior orders not in conflict with the orders herein remain in effect.

SO ORDERED.

Date: 7/21/2020

Clare Keithley
Hon. Clare Keithley
Presiding Judge