

FILED Superior Court of California
County of Butte
AUG 27 2020
By Kimberly Fleener, Clerk
Deputy

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3 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, COUNTY OF BUTTE**
4 **AMENDED EMERGENCY ORDER OF THE PRESIDING JUDGE**
5 **AMENDING THE ORDER OF JULY 31, 2020 AFFECTING COURT OPERATIONS**
6 **AND THE ORDER OF JULY 10, 2020 AFFECTING JURY TRIALS**
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8 The Butte County Superior Court will continue to limit and restrict access to the courthouses and
9 limit proceedings as stated previously in the Order of the Presiding Judge Affecting Court Operations,
10 issued on July 31, 2020, except where amended in Attachment A, in regards to In-Custody and Criminal
11 Calendars.

12 The Court further reviews and rescinds Section 3(h) of the Order of the Presiding Judge Affecting
13 Jury Trials, issued on July 10, 2020, setting a limit on the hours for trial. Forthwith, hours for trial may
14 be between 8:00 a.m. to 5:00 p.m. and as set by the court within those timeframes.

15 This emergency order is in effect immediately and until further order of the court.

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17 **SO ORDERED.**

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19 Date: 8/27/2020

Clare Keithley
20 Hon. Clare Keithley
21 Presiding Judge
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ATTACHMENT A

1) Out of Custody:

- a) Defendants who are out of custody and represented by counsel are to appear through counsel pursuant to Penal Code section 977, unless:
 - i) Ordered to appear by the court.
 - ii) Noticed to appear by the Probation Department regarding an allegation of a violation of supervision.
 - iii) The appearance is by remote means approved by the court.
- b) Defendants not represented by counsel may appear in person.

2) In Custody: The court will resume the prior calendar structure by holding alpha calendars with in- and out-of-custody defendants. The defendants will be transported from the jail to the courthouse in accordance with the Court's calendar structure.

- a) A Public Defender may be present in the courtroom.
- b) The District Attorney may be present in the courtroom.
- c) A Probation Officer may be present in the courtroom.
- d) Private Attorneys may be present in the courtroom.
- e) In-Custody defendants will be transported to the courthouse if the defendant complies with the COVID-19 protocols of the jail and courthouse, including wearing a mask, unless the defendant is currently in COVID-related housing or demonstrating obvious signs of illness.

3) Preliminary Hearings:

- a) Time-not-waived Preliminary Hearing confirmed for hearing will be heard at 1:30 p.m. on the day for which it was calendared unless the court finds good cause for a different date, time permits, and the District Attorney is given two additional days' notice.
- b) Out-of-Custody time waived Preliminary Hearings may proceed to hearing if:
 - i) The defendant consents to remote appearance of the witnesses.
 - ii) The court has the resources to convene the hearing.
 - iii) The hearing does not cause delay of an In-Custody time-not-waived case.
 - iv) The hearing has been approved by the Supervising Judge of the Criminal Division.
- c) Objection to remote appearance of a witness must be in writing and filed with the court and served on opposing counsel five court days before the Preliminary Hearing. Response to an objection must be in writing and filed with the court and served on opposing counsel three court days before the hearing. The judge assigned to the Preliminary Hearing, or the Supervising Judge of the Criminal Division, will file a written decision on the objection and serve the prosecution and defense counsel one court day before the Preliminary Hearing. Counsel should include in their written opposition or written response whether notice of the decision of the judge may be

1 served by email. The previous rule of three day written objection remains until five court days
2 precedes any Preliminary Hearing.

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4 **4) Parole/PRCS (Post-Release Community Supervision)** calendar remains Friday at 10:30 a.m.

5 **5) BTA Calendars:**

6 These calendars remain as calendared. Out of custody defendants may appear in person.

7 **6) Collaborative Court Calendars:**

8 a) Collaborative Court calendars will remain as calendared. The court will call the cases as
9 calendared.

10 b) Appearances for the calendars will be as follows:

11 i) All defendants who are represented by counsel and who are in good standing with their terms
12 on Probation will not appear in person, but rather through counsel pursuant to Penal Code
13 section 977.

14 ii) Any defendant noticed by the Probation Department to appear in person shall appear in
15 person unless and until ordered differently by the judge.

16 iii) Defendants who are self-represented may appear in person at the courthouse.

17 c) Mental Health Diversion:

18 i) Defendants who have been previously placed on Mental Health Diversion may proceed
19 subject to the process and orders of the Mental Health Diversion Court.

20 ii) Mental Health Diversion calendars will remain on the first Tuesday of each month. Cases
21 thereon will be called as calendared.

22 iii) Out-of-custody defendants will appear remotely by Zoom or other video appearance. In-
23 custody defendants will appear subject to the same procedure and rules for defendants on
24 Felony Criminal calendars.

25 iv) Defendants who have applied for Mental Health Diversion prior to August 1, 2020 and their
26 application has not yet been ruled on by the court, may pursue their application in the normal
27 fashion.

28 v) No new applications will be entertained by the court for the remainder of the year 2020 and
until further order of the court.

7) Dependency:

a) The orders herein on transportation to the courthouse are the same for parents who are in custody
at the Butte County Jail and who have an appearance with the court pursuant to Welfare and
Institutions Code section 300.

8) Transportation to the Courthouse:

a) Any inmate transported to the Butte Superior Court must not have a temperature over 99 degrees
as measured that day at the jail, and must wear a mask or face shield with drape.

b) Any inmate who claims illness at the jail will not be transported to the courthouse regardless of
temperature or lack of symptoms, and the case will be continued from week to week.

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9) Accommodations:

- a) Masks remain required to be worn at all times when approaching, standing in line, or inside a public building including the courthouses for Butte Superior Court.

- b) Accommodations consistent with the Order of the Governor and the California Department of Public Health may be made wherein a face shield with drape may be worn in place of a mask.