

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

**GENERAL ORDER RE: IMPLEMENTATION OF EMERGENCY RELIEF
AUTHORIZED PURSUANT TO GOVERNMENT CODE SECTION 68115 BY CHAIR
OF JUDICIAL COUNCIL**

Exercising the authority granted under Government Code section 68115, and to implement the September 9, 2020 and September 10, 2020 Orders of Chief Justice Tani G. Cantil-Sakauye, Chair of the Judicial Council of California, this Court does adopt the findings and orders of the Chief Justice and, incorporating the same herein, does HEREBY FIND, DECLARE, and ORDER:

1. That the court may hold sessions anywhere in the county, including in correctional and juvenile detention facilities, from 9/9/2020 to 9/11/2020, inclusive. (Gov. Code, § 68115(a)(1).)
2. That from 9/9/2020 to 9/11/2020, inclusive, are deemed holidays for purposes of computing the time for filing papers with the court under Code of Civil Procedure sections 12 and 12a. (Gov. Code, § 68115(a)(4).)
3. That from 9/9/2020, to 9/11/2020, inclusive, are deemed holidays for purposes of computing the time under:
 - Penal Code section 825 (time to bring criminal defendant before magistrate after arrest);
 - Welfare and Institutions Code section 313 (time to release minor taken into custody pending dependency proceedings);
 - Welfare and Institutions Code section 315 (time to hold detention hearing for minor taken into custody pending dependency proceedings);
 - Welfare and Institutions Code section 334 (time to hold hearing on dependency petition);
 - Welfare and Institutions Code section 631 (time to release minor taken into custody pending wardship proceedings);
 - Welfare and Institutions Code section 632 (time to hold detention hearing for minor taken into custody pending wardship proceedings);
 - Welfare and Institutions Code section 637 (time to hold detention rehearing in wardship proceedings if parent/guardian files affidavit asserting lack of notice of hearing or minor requests evidence of prima facie case); and
 - Welfare and Institutions Code section 657 (time to hear wardship petition).

(Gov. Code, § 68115(a)(5).)

1 4. That the time period provided in section 859b of the Penal Code for the holding of a
2 preliminary examination is extended by not more than five additional court days,
3 applicable only to cases in which the statutory time period previously was extended
4 from 10 court days to 30 court days under the March 30, 2020 statewide emergency
5 order and the extended period otherwise would expire from September 9, 2020, to
6 September 11, 2020, inclusive. (Gov. Code, § 68115(a)(9), (b); Statewide Emergency
7 Order (03-30-20); Executive Order N-38-20 (03-27-20).)

8 IT IS SO ORDERED, EFFECTIVE IMMEDIATELY. This Order shall remain in effect
9 until such time as the Chief Justice modifies or rescinds her authorization for this Order or until
10 otherwise modified by this Court.

11 FURTHER, on September 9, 2020, a wildland fire now known as the Bear Fire erupted in
12 Butte County after having been influenced significantly by strong winds. Evacuation Orders did
13 issue from the Butte County Sheriff for affected areas of south east Butte County, and an
14 Evacuation Warning did issue by the Butte County Sheriff, to the City of Oroville, which is an
15 area that includes the Butte County Courthouse (BCCH).

16 The Sheriff of Butte County has issued the attached Memorandum to the Court regarding
17 the safety and feasibility of holding operations at BCCH and recommending suspension of
18 operations through Friday, September 11th, 2020.

19 Based thereon, this Court orders the closure of BCCH from September 9, 2020, through
20 September 11, 2020 and that all matters currently set during that timeframe be continued. The
21 Court further finds from the attached Memorandum that there is good cause to extend by 7
22 additional calendar days the time for any jury trial wherein time for trial would expire between
23 September 9, 2020 and September 14, 2020, inclusive.

24
25
26 Dated: 9/10/2020

Clare Keithley
27 Hon. Clare Keithley, Presiding Judge

1 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, COUNTY OF BUTTE

2
3 MEMORANDUM TO THE PRESIDING JUDGE FROM BUTTE COUNTY SHERIFF-
4 CORONER KORY L. HONEA RECOMMENDING THE EMERGENCY SUSPENSION OF
5 OPERATIONS AT THE BUTTE COUNTY SUPERIOR COURT'S OROVILLE
6 COURTHOUSE

7
8
9 I. BACKGROUND

10
11 On September 8th, 2020, the Bear Fire, part of the North Complex Fire, driven by high winds
12 and ideal wildfire conditions, rapidly exploded within Butte County, resulting in widespread
13 evacuations and devastation throughout Butte County's southeastern foothill communities. As of
14 September 9th, 2020, the North Complex fire has consumed over 250,000 acres and continues to
15 threaten several residential communities within Butte County.

16
17 The numerous evacuation orders, which as of September 9th, 2020, contained the
18 communities of Berry Creek, Brush Creek, Forbestown, Bangor, Feather Falls, Yankee Hill,
19 substantial portions of the greater Oroville area, along with the Kelly Ridge area. Evacuation
20 warnings also remain in effect for many areas within the City of Oroville, including the location of
21 the Butte County Superior Court's Oroville Courthouse.

22
23
24 Despite the generous mutual aid response from many regional law enforcement agencies, the
25 Butte County Sheriff's Office has and continues to rely on all available Sheriff's Office personnel to
26 assist with evacuations and other actions to protect against the imminent threat the wildfire poses to
27 the lives and property of Butte County residents. In summary, Butte County deputies and staff, with
28

MEMORANDUM TO THE PRESIDING JUDGE FROM BUTTE COUNTY SHERIFF-CORONER KORY L.
HONEA RECOMMENDING THE EMERGENCY SUSPENSION OF OPERATIONS AT THE BUTTE COUNTY
SUPERIOR COURT'S OROVILLE COURTHOUSE

1 their unique knowledge of the local area, geography and population are critical in providing an
2 effective response to this emergency.
3

4
5 **II. OPERATION OF THE BUTTE COUNTY SUPERIOR COURT'S OROVILLE**
6 **COURTHOUSE IS NOT REASONABLY FEASIBLE OR SAFE AT THIS TIME**
7

8 Based on the volume of evacuation orders and warnings, including those affecting the
9 location in which the Oroville Courthouse sits, the displacement of a large number of Butte County
10 residents, including attorneys and court staff, coupled with the critical need for all available Butte
11 County Sheriff's Office staff, including those typically assigned at the Oroville Courthouse, to
12 respond to the emergency facing our community, I do not believe it is reasonably feasible or safe to
13 hold operations at the Superior Court's Oroville Courthouse at this time. Based on the current status
14 of the fire and the destruction it has already inflicted upon our community, it is not expected the
15 situation will substantially improve with respect to courthouse operations through Friday September
16 11th, 2020.
17

18
19 Given the effect of such a decision on the rights of criminal defendants, I am requesting any
20 such order be narrow in scope, affecting only the following court days: Thursday September 10th,
21 2020 and Friday September 11th, 2020, at which time the situation can be reevaluated.
22

23 Furthermore, due to a previous stipulated modification of the Butte County Sheriff's Office Consent
24 Decree (Butte Superior Court Case #84429), coupled with additional court orders associated with the
25 COVID-19 pandemic, the Sheriff and other Butte County law enforcement agencies currently possess
26 a framework which permits the release, upon a citation and promise to appear, certain arrestees who
27 pose a low risk to the community, thereby reducing the impact that any short-term suspension of
28 operations at the Oroville Courthouse may have on the rights of in-custody criminal defendants.

1 **III. RECOMMENDATION TO TEMPORARILY SUSPEND THE OPERATIONS OF THE**
2
3 **BUTTE COUNTY SUPERIOR COURT'S OROVILLE COURTHOUSE THROUGH FRIDAY**

4 **SEPTEMBER 11TH, 2020**

5
6 For the reasons outlined within this memorandum, I recommend the suspension of operations
7 at Butte County Superior Court's Oroville Courthouse through Friday, September 11th, 2020, or, until
8 such time as the emergency has been reduced to a degree where it is reasonably feasible and safe to
9 again hold such operations.

10
11
12
13
14 DATE: 9/2/2020



15
16 Kory L. Honea
 Butte County Sheriff-Coroner