

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

2
3 **ORDER OF THE PRESIDING JUDGE**

4 **AFFECTING COURT OPERATIONS AND ACCESS TO THE COURTHOUSE**

5 UNDER THE AUTHORITY of California Rule of Court, Rule 10.603, and the responsibility of the
6 Presiding Judge to ensure effective management of the court and perform all acts necessary to accomplish
7 the duties stated in the rules of court,

8 UNDER THE CURRENT CIRCUMSTANCE of the worldwide COVID-19 pandemic and
9 subsequent statewide and nationwide restrictions, specifically the recommendation by the Center for
10 Disease Control to limit public gatherings of 50 people or more for the next eight weeks, and to maintain
11 social distancing of 6 feet from person to person, combined with a declaration by the Governor of
California for persons 65 and older to self-isolate until further notice, balanced with the obligation of the
Superior Court to ensure the business of the court is conducted to the extent possible,

12 THIS COURT MAKES the following temporary orders as to North Butte County Courthouse in
13 Chico, and as to the Butte County Courthouse and the Juvenile Courthouse in Oroville, to be effective as
14 indicated:

15 **A. COURTHOUSE AND COURTROOM ACCESS: Effective March 20, 2020 to May 18, 2020**

- 16 1. Access to the courthouse is limited to only those individuals who have business with the court
17 and as described further herein.
- 18 2. Access for the purpose of filing documents with the clerk's office is limited to access to the drop
19 box. Filing remains available through electronic (e-filing) or the mail. In-person self-help
services are limited to restraining order or other emergency orders. All other self-help services
are available online or via telephone.
- 20 3. Access to attend a courtroom is limited to actual parties to a matter or individuals with a duty
21 toward a matter on calendar that day. Such individuals include: the prosecutor, plaintiff attorney,
22 defense counsel, defendants, victims or a member of the victim's family or a victim advocate,
investigator, law enforcement, a county or state employee, a member of a Native American tribe
23 in a dependency or guardianship proceeding, or other person who has a legal obligation toward
the proceeding including trial jurors, or a member of the media.
- 24 4. The Sheriff's Office is ordered to enforce this order during the period of time listed herein to
25 ensure a safe facility for the protection of the public and court employees. The Sheriff may allow
others into the courthouse or courtroom if the situation warrants.
- 26 5. Those persons seated inside a courtroom will be required to sit at least one seat apart from any
27 other person.
- 28 6. Any person demonstrating obvious sign of illness will be required to leave the courthouse.

1 **B. CRIMINAL DIVISION: Effective March 20, 2020 to May 18, 2020**

2 1. Criminal Division In Custody Defendants:

- 3 a. Defendants held in custody at the Butte County jail will not be transported to the
4 courthouse for their proceeding unless required by statute to be personally present or for
5 purpose of arraignment, preliminary hearing, violation of Probation, Parole, Post Release
6 Community Supervision or Mandatory Supervision, or sentencing. Counsel will appear
7 pursuant to Penal Code section 977 by order of this court for those defendants who are
8 not transported to the courthouse.
- 9 b. The Sheriff's Office can delay transport of a defendant who is required to be present as
10 listed above, if:
- 11 i. The defendant is receiving medical attention or requested medical attention at
12 the jail or the defendant demonstrates obvious signs of illness.
- 13 ii. The defendant's attorney waives the appearance for the benefit of the defendant
14 and communicates the same to the Sheriff's Office and the court. Such waiver
15 will be on an appearance by appearance basis.
- 16 c. For defendants not transported the court will ensure a record is made.

17 2. Criminal Division Out of Custody Defendants

- 18 a. Defense counsel will appear on behalf of their client pursuant to Penal Code section 977
19 unless directed otherwise by the court or as required by statute.
- 20 b. Defendants on calendar for a violation of Probation, Parole, Post Release Community
21 Supervision or Mandatory Supervision, or sentencing, remain required to personally
22 appear unless ordered by the court or the Probation Department otherwise.
- 23 c. The Collaborative Court calendars will remain scheduled and convene for the sole
24 purpose of calling violations of probation and sentencing. Matters on calendar for any
25 other purpose are vacated and continued. The new date will be recited in a notice from
26 the court.

27 3. *Criminal Jury Trials*: **Effective March 23, 2020 to April 22, 2020**

- 28 a. See Implementation Order issued separately March 18, 2020 for criminal jury trials
 wherein statutory time for trial would expire between March 23, 2020 and April 22, 2020.
- b. For criminal jury trials in which time has been waived and the matter is set for trial
 between March 23, 2020 and April 22, 2020, this court adopts the finding made by the
 Chief Justice regarding the impact of COVID-19, and the states of emergency declared
 by federal, state and local authorities, on the ability to empanel a jury. And for the reasons
 stated further herein, this court finds good cause to continue criminal jury trials not
 subject to Government Code section 68115 but set for trial between March 23, 2020 and
 April 22, 2020. The matters will remain as calendared and will be called, but it will be
 for re-setting of the trial or some other disposition.

1 **C. CIVIL DIVISION: Effective March 20, 2020 to May 18, 2020**

- 2 1. Counsel are strongly encouraged to appear by CourtCall.
- 3 2. Small Claims matters calendared for dates between March 20, 2020 and May 18, 2020 are
- 4 vacated and re-set for a date to be recited in a notice from the court.
- 5 3. Unlawful Detainer
- 6 a. Actions in unlawful detainers may be filed and the court will comply with the Governor's
- 7 Executive order N-28-20 issued on March 16, 2020.
- 8 b. This court order is not intended to divest the Sheriff's Office of any discretion on whether
- 9 to execute any process of eviction not affected by the Governor's Order N-28-20

10 **D. FAMILY DIVISION: Effective March 20, 2020 to May 18, 2020**

- 11 1. CourtCall is available and encouraged in lieu of a personal appearance with the exception of
- 12 contempt proceedings.
- 13 2. Request for orders are allowed to be filed.
- 14 3. All long cause hearings and trials currently calendared to be held between March 20, 2020 and
- 15 May 18, 2020 will have those dates vacated by this order and be continued to a request for order
- 16 (RFO) calendar for re-setting for a date after May 18, 2020. The new date will be recited in the
- 17 notice of the court.
- 18 4. Requests made, between March 20, 2020 and May 18, 2020, for a long cause hearing or trial will
- 19 be calendared for an RFO calendar for a date after May 18, 2020.
- 20 5. The court discourages litigants from having children attend any hearing.
- 21 6. Counsel may appear by CourtCall for Family Law settlement conferences.

22 **SO ORDERED.**

23 Date: 3/18/2020

24 Clare Keithley
25 Hon. Clare Keithley
26 Presiding Judge