



BUTTE COUNTY DISTRICT ATTORNEY



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PRESS RELEASE

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Charges Against Chico Police Officer Reduced by Judge at Preliminary Hearing

A preliminary hearing for a Chico police officer was held in Butte County Superior Court yesterday where a judge reduced the officer's felony case to a misdemeanor.

Nicholas Lee Rush, 49, was alleged to have provided marijuana and marijuana products to a 17-year-old family member and that the girl was encouraged to sell some of those drugs to an adult girlfriend of Rush.

Butte County District Attorney Mike Ramsey said the allegations stem from an investigation into activity occurring at defendant Rush's home in the late summer of 2022.

At the hearing, a Butte County District Attorney investigator testified that, in August of 2022, the defendant's ex-wife, provided text messages shared between Rush and the minor that were on the minor's cell phone. The messages included pictures of growing marijuana plants in Rush's backyard.

Ramsey said the messages included requests by the minor for Rush to care for the minor's growing marijuana plants in the backyard, including watering them and moving them around to maximize the amount of sunlight they received. Rush also lent the minor money to purchase a portable greenhouse in which to grow marijuana.

Another text conversation included Rush asking the minor if Rush's adult girlfriend could obtain a "dab," or concentrated cannabis, from the minor's supply. Messages between the minor and Rush's girlfriend detailed multiple sales of marijuana between the minor and the girlfriend.

At the end of the preliminary hearing, Ramsey said his prosecutor argued that more than simply passively allowing the minor to grow the marijuana in his backyard, Rush was actively helping her to grow and therefore possess the marijuana. Furthermore, the text messages showed Rush was facilitating sales between the minor and his girlfriend.

However, Butte County Superior Court Judge Michael Deems ruled there was insufficient evidence that Rush violated a felony count relating to furnishing or selling marijuana to a minor, but did find sufficient proof that Rush committed a misdemeanor count of contributing to the delinquency of a minor, agreeing with the prosecutor that allowing the minor to illegally cultivate marijuana was tantamount to allowing her to commit a crime.

Defendant Rush will next be in court on October 5, 2023, at 8:30 a.m. to set a date for his trial on the misdemeanor charge of contributing to the delinquency of a minor. Ramsey said Rush is not a currently active officer with the Chico Police.