

STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION

COUNTY OF BURKE

20-R-\_\_\_\_\_

IN THE MATTER OF THE OPERATION  
OF THE SUPERIOR COURT DIVISION  
IN JUDICIAL DISTRICT 25-A

ORDER CONCERNING COURT  
OPERATIONS FOR THE  
JULY 6, 2020 SESSION

This matter came on before Robert C. Ervin, Senior Resident Superior Court Judge, in the exercise of the Court's in chambers jurisdiction. The undersigned judge makes the following order subject to orders previously entered by Chief Justice Cheri Beasley of the Supreme Court of North Carolina.

1. On March 13, 2020, Chief Justice Cheri Beasley entered an order pursuant to N. C. Gen. Stat. 7A-39(b)(2) determining that catastrophic conditions resulting from a public health threat posed by COVID-19 exist in all counties of this state.
2. On April 2, 2020, Chief Justice Cheri Beasley entered a second order pursuant to N. C. Gen. Stat. 7A-39(b)(2) determining that "catastrophic conditions resulting from the COVID-19 outbreak have existed and continue to exist in all counties of this state."
3. On May 21, 2020, Chief Justice Cheri Beasley entered a third order pursuant to N. C. Gen. Stat. 7A-39(b)(2) determining that "catastrophic conditions resulting from the COVID-19 outbreak have existed and continue to exist in all counties of this state."
4. Emergency Directive 9 issued on May 21, 2020 provides that "no session of court may be scheduled if doing so would result in members of the public sitting or standing in close proximity and/or for extended periods of time in contravention of current public health guidance."
5. The undersigned judge believes that this session of court may be conducted in conformity with Emergency Directive 9.
6. The undersigned Superior Court Judge has reviewed the calendar for the July 6, 2020 Session of Criminal Superior Court in Burke County and has conferred with representatives of the District Attorney's office.
7. This session was scheduled as a trial session of criminal court.
8. There are 20 defendants who have cases set for first appearances or who are unrepresented having previously waived counsel.
9. There are 10 other defendants who have cases on this calendar.
10. There are defendants who are in custody either in the Burke County jail or in some other State or local confinement facility. Defendants who are in custody in a facility operated by the State of North Carolina or another county may not be available by writ.

11. Pursuant to N. C. Gen. Stat. 15A-622, replacement grand jurors need to be selected during this term of court.

Pursuant to the provisions of the orders entered by Chief Justice Cheri Beasley, it is hereby ordered for the purposes of the July 6, 2020 Criminal Calendar in Burke County that:

1. No calendar call will be held for this session of court.
2. There will be no jury trials conducted during this session of court.
2. The defendants, who are unrepresented or who have previously waived counsel, have been sent a letter to permit them to advise the Court of their preferences with respect to counsel. Any defendant who responds to this letter, will not be required to appear in open court.
3. Defendants, who fail to respond to this letter, shall appear in open court on July 6, 2020 at the times set out below so that the Court can address matters related to the determination of the status of counsel:

Last Name of Defendant	Time to Appear
A-M	10:00 a.m.
P-Silvers	10:20 a.m.
Stephens-Z	10:40 a.m.

4. If an attorney files a general appearance in any case on behalf of an unrepresented defendant prior to the beginning of this session of court, neither counsel nor the defendant will be required to appear in open court.
5. The District Attorney's office will contact defense counsel who represent other defendants who have cases on the calendar to schedule times for them and their clients to appear in open court for the entry of guilty pleas and the hearing of other matters.
6. In cases where the defendant is incarcerated in the Burke County jail, it is anticipated that the matters involving in custody defendants will be heard utilizing the available video equipment to permit the defendant to participate remotely.
7. The potential new grand jurors have been summonsed to appear in court on Tuesday July 7, 2020 and the selection of new jurors and the business of the grand jury will be conducted on that day.
8. Any defendant or attorney who believes that they have been exposed to COVID-19 shall contact Justina Tate at (828) 433-3216, the District Attorney's office or their attorney for further instructions prior to appearing in court.

This the 29<sup>th</sup> day of June 2020.

A handwritten signature in black ink, appearing to read 'R. Ervin', with a long horizontal flourish extending to the right.

Robert C. Ervin  
Senior Resident Superior Court Judge