

FILED

STATE OF NORTH CAROLINA IN THE GENERAL COURT OF JUSTICE
WAKE COUNTY 2021 JAN 14 PM 2:18 FILE NO: 21 R 70

WAKE CO., C.S.C.

JOINT DISTRICT AND SUPERIOR)
COURT ADMINISTRATIVE ORDER)
REGARDING COVID-19 MEASURES)
AND PROCESSING OF JAIL CASES)

THIS ADMINISTRATIVE ORDER is being entered to ensure the fair and proper administration of justice, to mitigate the public health threat posed by COVID-19 within the adult detention facilities in Wake County and judicial facilities in Wake County, and specifically to facilitate comprehensive COVID-19 testing of all detainees in the custody of the Wake County Sheriff. The intent and effect of this Order is to suspend transport of detainees to or into Wake County Judicial Facilities until this Order is lifted by subsequent order. The undersigned enter this Administrative Order pursuant to the inherent authority of the court and pursuant to their administrative supervision and authority over the operation of the Superior Courts and District Courts under N.C.G.S. 7A-41.1 and N.C.G.S. 7A-146 as Senior Resident Superior Court Judge and Chief District Court Judge respectively for the Tenth Judicial District of North Carolina.

Whereas COVID-19 is a respiratory disease that can result in serious illness or death by the SARS-CoV-2 virus which is a new strain of coronavirus that can be spread from person to person; and

Whereas the Governor of North Carolina, on March 10, 2020, by Executive Order declared a state of emergency to coordinate response and protective actions to prevent the spread of COVID-19; and

Whereas the Chief Justice of the North Carolina Supreme Court, by Order dated January 13, 2021, continued in force various Emergency Directives and re-affirmed, pursuant to N.C.G.S. 7A-39(b)(2), that catastrophic conditions resulting from the COVID-19 outbreak have existed and continue to exist in all counties of this state; and

Whereas, the Sheriff of Wake County, in consultation with health officials, has determined that all detainees in the custody of the Wake County Sheriff's Department should be promptly tested to identify any persons with current COVID-19 infection, and further, that until such test results are obtained and appropriate measures recommended by health officials have been implemented, including any necessary period of quarantine or self-isolation, the transport of detainees into or out of the detention facilities should be significantly curtailed so as to minimize health risks to detainees, Sheriff personnel, courthouse personnel, and members of the general public; and

Whereas it is anticipated that the aforementioned measures may not be completed, at the earliest, until January 21, 2021 for those detainees housed in the

Wake County Public Safety Center, and January 25, 2021 for those detainees housed in the Wake County Hammond Road Detention Center, and hence, it is anticipated that the transport of detainees not evidencing a current COVID-19 infection will resume, pursuant to a subsequent order of the undersigned, on or about those dates;

WHEREFORE, IT IS HEREBY ORDERED that:

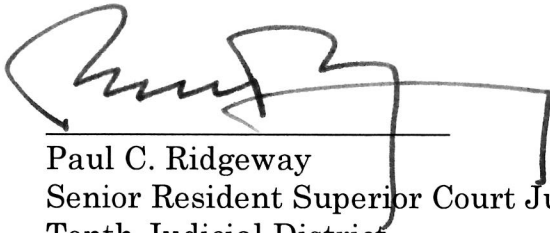
General Provisions

1. Effective January 14, 2021, and until this Order is lifted by subsequent order, no detainee in the custody of the Wake County Sheriff's Department shall enter the Wake County Courthouse or the Wake County Justice Center (hereinafter "Judicial Facilities");
2. All Writs of Habeas Corpus ad Testificandum or writs issued pursuant to N.C.G.S. 15A-805 pertaining to persons confined in the custody of the Wake County Sheriff and requiring attendance of such persons in a Wake County Court prior to January 21, 2021 (and each day thereafter until this Order is lifted by subsequent order) are stricken;
3. The District Attorney shall review all cases involving persons in the custody of the Wake County Sheriff set for hearing prior to January 21, 2021 (and each day thereafter until this Order is lifted by subsequent order) and, except as otherwise set out in this Order, shall take reasonable efforts to reschedule such matters for earliest date thereafter as possible;
4. Attorneys for detainees may communicate with their clients by video monitor. The Sheriff shall use reasonable efforts to accommodate requests for communication between an attorney and detained client, subject to specific medical advice that transporting a detainee to a video monitor would be detrimental to the health of the detainee, other detainees in the facility, or the staff of the detention facility.
5. In the event that a detainee has a confirmed negative COVID-19 test result, and a court appearance for that detainee is scheduled that will result in a disposition that does not involve the detainee returning to the custody of the Wake County Sheriff, such matters may, in the discretion of the District Attorney, after consultation with the Senior Resident Superior Court Judge or Chief District Court Judge, proceed.
6. Exceptions to this Order shall only be made with the express permission of the Wake County Sheriff and either the Senior Resident Superior Court Judge or the Chief District Court Judge.

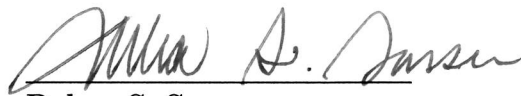
District Court

7. For matters scheduled in District Court for persons in the custody of the Wake County Sheriff, until this Order is lifted by subsequent order, in lieu of the person being brought to court, the corresponding blue sheet for such person shall be brought to court so that the presiding judge, after hearing from the State and counsel for the Defendant, if any, may note on the blue sheet an appropriate continuance date.
8. Only motions for bond hearings that have been properly filed in writing with at least 48 business hours prior notice to the State will be entertained until this Order is lifted by subsequent order. If an in-custody defendant will “max out” the possible time of confinement for all charges for which they are being held and a plea arrangement has been reached, the matter will be scheduled. These matters and bond motion hearings will be heard via video monitor at a date agreed to by the defendant’s attorney and the assigned assistant district attorney. For cases other than DWI, domestic violence and felonies pending in district court, ADA Daniel Watts will coordinate the hearing date with the defendant’s attorney. The District Attorney’s Office will use its best efforts to schedule these matters as promptly as possible.
9. Presiding judges may consider pleas in matters without the presence of the defendant if a valid waiver of appearance is provided.

Entered and effective this the 14th day of January, 2021.



Paul C. Ridgeway
Senior Resident Superior Court Judge
Tenth Judicial District



Debra S. Sasser
Chief District Court Judge
Tenth Judicial District

