

20K195
20-13

FILED

2020 MAR 18 1 P 1:17

March 17, 2020 (Amended) PITT CO., C.S.C.
BY _____

To: Members of the Three-A Judicial District Bar

Fr: Hon. Marvin K. Blount III, Senior Resident Superior Court Judge
 Hon. G. Galen Braddy, Chief District Court Judge
 Hon. Faris Dixon, District Attorney
 Hon. Sarah Beth Rhodes, Clerk of Superior Court
 Mr. Bert Kemp, Public Defender
 Mr. David McCarthy, Chief Probation Officer

Re: Three-A Judicial District Response to COVID-19 (Coronavirus)

On Friday, March 13, 2020, Chief Justice Cheri Beasley entered an order implementing measures designed to curb the spread of COVID-19 and minimize the risk of exposure caused by crowded sessions of court. Consistent with the Chief Justice's order, effective Monday, March 16, superior court and district court proceedings of the Three-A Judicial District will be rescheduled for at least 30 days, with limited exceptions, which will be addressed in this memorandum.

The emergency directive of the Chief Justice does not apply to proceedings in which a jury has already been empaneled. There are no such cases pending in our district at this time. It also does not prohibit a judge or other judicial officer from exercising in chambers or *ex parte* jurisdiction conferred by law upon that judge or judicial officer, as provided by law. Additionally, the emergency directive *does not extend filing and other deadlines.*

Court offices in the Pitt County Courthouse will remain open for business. However, unless you are required to appear in-person to conduct your business, attorneys and the public are strongly encouraged to use email and telephone to communicate with staff of the 3A Judicial District.

With Regard to the individual Courts and Departments in District 3-A, the following schedule will apply:

CLERK OF SUPERIOR COURT

- Maintain normal office hours to accept filings, until further notice
- Guardianship Hearings will be conducted as needed, subject to health precautions, including video testimony, as determined by the Clerk of Court.

- Involuntary Commitments will be conducted as needed, subject to health precautions, including video testimony, as determined by the Clerk of Court.
- Estate administration matters will be conducted, although in-person meetings will be subject to health precautions as determined by the Clerk of Court. Please contact the Clerk's Office by phone to determine whether and when to schedule estate matters.
- Estate hearings will be postponed for thirty days unless consent by parties to conduct remotely. Special Proceeding hearings will be postponed for thirty days unless consent by parties to conduct remotely.

MAGISTRATE AND SMALL CLAIMS

- The Pitt County Magistrate's Office will be open 24 hours per day, 7 days per week and normal operations will continue for Warrants for Arrest, Magistrate's Orders, Criminal Summons, Initial Appearances, Cash Bonds / Property Bonds, Involuntary Commitment Orders, Juvenile Petitions, and Secured and Non-Secured Custody Orders.
- Initial appearances and weddings will be continued but only two witnesses will be allowed in the proceedings. Weddings will only be held on Monday, Wednesday and Friday between the hours of 10am and 2pm.
- All Small Claims court proceedings are suspended, and pending matters will be continued and rescheduled.

DISTRICT COURT:

Civil Domestic Violence Court

- Pitt County District Courtroom DC02 will operate daily for the purpose of hearing *ex parte* Domestic Violence Protective Order (DVPO) requests. *Ex parte* requests shall be held at 1:30 pm daily in DC02. Ten-day *ex parte* returns shall be held on Fridays at 9:00am in DC02.
- Pitt County District Courtroom DC02 will also hear requests for emergency relief pursuant to G.S. 50C.
- DVPOs with no *Ex Parte* Order, Motions to Show Cause, Motions to Modify or Set Aside, and Motions for Return of Weapons will be continued beyond 30 days.

Civil District Court

- Pitt County District Courtroom DC02 will be held at 1:30 pm to hear emergency and time sensitive *ex parte* matters including, but not limited to: Motions for TRO, Motions to Stay Eviction, and requests for temporary No Contact Orders pursuant to the Workplace Violence Prevention Act.
- All District Court Arbitrations will be rescheduled beyond 30 days.

Domestic Court

- All domestic courts will be closed and pending cases will be rescheduled beyond 30 days.

Criminal District Court

- The Pitt County Detention Center will be operating daily at 8:30am to hear first appearance cases with defendants in custody and emergency matters. All cases with defendants not in custody will be continued.

- Pitt County District Courtroom DC01 will be operating daily from 10:00 am to 11:30 am to hear scheduled felony first appearances, domestic violence first appearances and any scheduled misdemeanor cases (DV, Criminal, Traffic) with defendants in custody. In custody bond matters may be handled at this time. All cases with defendants not in custody will be continued. No Add-On cases will be permitted.
- Pitt County District Courtroom DC03 will operate on Mondays at 9:00am to hear probation violation cases with defendants in custody. All cases with defendants not in custody will be continued.
- Pitt County District Courtroom DC03 will operate on Mondays at 10:30am for first setting felony probable cause hearings under the Victim's Rights Act.
- All other criminal and traffic courts will be closed.

Juvenile Abuse Neglect & Dependency Court

- Hearings for Motions for Non-Secure Custody only will be heard on Thursdays in Pitt County District Courtroom DC02 at 9:00am.
- Pitt County District Court DC02 Juvenile AND cases set for Wednesday and Thursday will be closed and cases will be rescheduled beyond 30 days.

Juvenile Delinquency Court

- Pitt County District Courtroom DC04 will be open on Tuesdays at 9:00am to hear secured custody reviews, first appearance and cases with juveniles in secured custody only.
- Pitt County District Courtroom DC04 will be closed and cases will be rescheduled beyond 30 days except for those cases where the juvenile is in secured custody.

Child Support Enforcement Court

- Pitt County District Courtroom DC04 be closed and cases will be rescheduled beyond 60 days except for those cases where the defendant is in custody.
- Child support cases with the defendant in custody will be heard in at 10:30 am on Thursdays in Pitt County DC04.

SUPERIOR COURT:

- Maintain normal office hours, until further notice

Criminal Superior Court

- No calendar call on March 16, 2020
- No new jury trials; no jurors are to report .
- Criminal court sessions will commence on Tuesdays and Thursdays beginning March 19 at 10am in Superior Courtroom #3 for:
 - Taking of pleas for defendants in custody or bond modifications, where feasible, as scheduled by the District Attorney after consultation with defense counsel. Pleas and hearings shall occur without a reporter and in Superior Courtroom #3 where dedicated recording technology is in place.
 - Probation violations for persons in custody as follows: bonds and dispositive hearings will commence on Thursday, March 19, as scheduled by the District Attorney, and shall occur without a court reporter in Superior Courtroom #3 and continue on Tuesdays and Thursdays as needed.

Civil Superior Court

- No new jury trials; no jurors are to report
- One Superior Court courtroom may be available for court sessions to conduct remote hearings, and to conduct in-person hearings if deemed necessary, as scheduled by the Trial Court Coordinator Lori Strayer. Hearings will have no reporter present.
- Civil Superior hearings will be rescheduled beyond 30 days unless consent by parties to conduct remotely.
- Superior Court Judges will be available to address consent matters by telephone, to be scheduled and set up by Trial Court Coordinator Lori Strayer.

Grand Jury

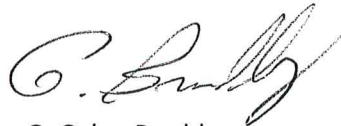
Grand Jury is hereby suspended until the April 27, 2020 session.

This Memo shall be treated as an **Order of the Court**, and is effective immediately.

This the 17th day of March, 2020.



Marvin K. Blount III
Senior Resident-Superior Court Judge



G. Galen Braddy
Chief District Court Judge