

FILED
DATE: August 19, 2025
TIME: 4:38:57 PM
GUILFORD COUNTY
CLERK OF SUPERIOR COURT
BY: P. Wheeler

25R000744-400

STATE OF NORTH CAROLINA
TWENTY-FOURTH JUDICIAL DISTRICT
GUILFORD COUNTY

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION

ADMINISTRATIVE ORDER

**AMENDING LOCAL RULES GOVERNING
DISTRICT COURT CRIMINAL PROCEEDINGS**

Pursuant to the Court's inherent and statutory authority to manage the District Court Criminal Proceedings, the prior Local Rules governing District Court Criminal Proceedings of the Twenty-Fourth Judicial District, Guilford County, are hereby rescinded and replaced with the attached Local Rules pertaining to said proceedings.

IT IS HEREBY ORDERED that the prior Local Rules governing District Court Criminal Proceedings for the Twenty-Fourth Judicial District, Guilford County, are hereby rescinded and replaced with the attached Local Rules governing District Court Criminal Proceedings effective August 19, 2025 and shall continue in effect until further Orders of the Court are entered that may alter or rescind this Order.

This the 8/19/2025 3:21:31 PM

Michelle Fletcher

The Honorable K. Michelle Fletcher
Chief District Court Judge

LOCAL RULES FOR GUILFORD COUNTY
CRIMINAL DISTRICT COURT

Rules of Practice and Case Management Plan

District Court of the 24th Judicial District, Guilford County, North Carolina

(Revised August 19, 2025)

These rules are established to aid the fair and equitable treatment of all people who appear before or transact business in the criminal district court of the 24th Judicial District, and to ensure orderly and efficient accomplishment of the business of the criminal courts.

The Philosophy of The Criminal Rules

These rules are applicable in all Criminal District Courts of the 24th Judicial District. They are not intended to address or apply to Civil or Juvenile Courts, which each have their own local rules. The rules shall at all times be construed and enforced in such a manner as to avoid unnecessary delay, and to aid in the just and prompt consideration and determination of all business before the Courts.

Rule 1. Attorneys Making Appearance for and Representing Defendants

1.1 Notice of Appearance

- a) An attorney must make their notice of appearance in a criminal case in writing, electronically filed with the Clerk's Office within ten (10) days from being retained. The notice of appearance must specify whether it is a general or limited appearance. If it is a limited appearance, then it must specify the particular issue(s) or hearing(s) to which the appearance is limited.
- b) If an attorney is entering an appearance (general or limited) for a case in which there is already an attorney of record, then they must send a copy of their notice of appearance to the prior attorney of record (as a Cc to the electronic filing of the Notice of Appearance).
- c) Upon receiving notice of a general appearance, the Clerk's Office shall update the electronic filing system to reflect the attorney of record, including the removal of any previous attorney. The Clerks shall ensure the court records accurately reflect whether each attorney is appointed or retained.

d) If an attorney is limiting their appearance to an initial setting and the Defendant has not yet appeared before a judge to be advised of their rights to counsel, then the Defendant must appear at the next setting of the case, in order to be advised of their rights to counsel.

1.2 *Withdrawal as Attorney of Record*

a) No attorney who has entered a general appearance in any criminal action shall withdraw or have the attorney's representation stricken from the record, except on motion and order of the court. Once a Defendant has employed an attorney who has entered their notice of appearance, the attorney may not withdraw or abandon the case without:

- 1) Justifiable cause;
- 2) Reasonable notice to the client; and,
- 3) The permission of the court.

b) Once a general appearance is made the attorney must electronically file a motion to withdraw and inform the D.A. or the assistant D.A. assigned to the appropriate courtroom. The motion must state the grounds justifying the granting of the motion. The motion must state whether the Defendant has been notified of the attorney's intent to withdraw or what efforts have been made to notify the Defendant. The Motion and Proposed Order Allowing Withdrawal must be presented to the judge at a court setting for the case, and if the judge allows the motion, the order will be digitally signed and filed with the clerk.

c) If the withdrawal results in a new attorney being appointed and the Defendant is not present in court, then the withdrawing attorney must give notice to the Defendant of the withdrawal, and the name and contact information for the new attorney.

d) If the Defendant has court-appointed counsel, has failed to appear, and has not been served with the OFA nor had contact with their attorney for more than six months, then the appointed counsel may electronically submit their motion to withdraw to the Judges' office without a court setting. The motion must include the information about the unserved OFA and the six months without contact. If the motion is allowed, new counsel may be appointed upon the service of the OFA.

1.3 If a notice of appearance was filed by an attorney, they are expected to appear for all settings of the case. In the event the attorney does not appear at a scheduled setting and the Defendant does appear, then the Judge shall direct the Clerk or D.A. to contact the attorney's office to inquire about their appearance. If neither the Defendant nor the attorney appear, then an OFA may be issued for the Defendant.

1.4 *Paralegals Acting on Behalf of Attorneys*

a) Paralegals may assist an attorney to the extent allowed generally under the laws of the State of North Carolina and the General Rules of Practice.

b) Paralegals may electronically file documents with the appropriate office. Paralegals may contact and communicate with clerks or assistant district attorneys outside of court as the

legal agent of the attorney. Paralegal may not make motions before the court or act as an attorney.

c) Paralegals may inform the court or other officers of the court of emergencies that delay an attorney or prevent the attorney's appearance, but may not negotiate continuances or other issues on the attorney's behalf.

Rule 2. *Calendaring Cases*

2.1 The Clerk will prepare printed paper calendars for the Judge in each court.

2.2 No case shall be transferred for hearing to another courtroom except by consent and direction of the district attorney and judges presiding in each affected courtroom. Discussions between district attorney and presiding judges about this issue shall only be related to courtroom scheduling and workload management, not specifics about particular facts or circumstances of cases to be transferred.

2.3 The Clerk of Court will add cases to the appropriate court calendar when they receive a filed scheduling order, continuance order, or other notice, upon agreement of the district attorney and defense attorney or Defendant. If there is a request to schedule a case and there is no agreement on the scheduling, then the dispute shall be scheduled for the next soonest available date, for a judge to resolve the scheduling dispute. Any scheduling order or notice must be received by the clerk no later than 3:00 pm the day before the case is to be set.

2.4 *Recalls of Orders for Arrests*

a) If a defense attorney seeks the recall of an order for arrest, they shall approach a district attorney to see if they will consent to the recall. If both attorneys agree, they may electronically submit a consent order for signature by a judge. If the district attorney does not consent, then the recall motion shall be set at the next-available "recall court" setting.

b) If a self-represented/pro se party seeks the recall of an order for arrest, they shall go to the Clerk's office to file a motion and request the case be set in court to request a recall from the presiding judge. The clerks shall set the matter at the next-available "recall court" setting.

c) Recall court settings: The Chief District Court Judge shall confer with the District Attorney to set a recall court setting at least one business day per week in Greensboro. Motions to recall may be scheduled any business day Monday-Friday in High Point in courtroom 3C.

d) If the District Attorney needs to recall an OFA issued incorrectly (e.g. Defendant in jail, "Defendant" victimized by identity theft, etc.), then that may be submitted to a judge without a consent order or notice, as it is clearly to the benefit of the Defendant and in service of avoiding manifest injustice.

Rule 3. Continuance Policy

3.1 A continuance may be granted upon a motion made to the presiding judge based on:

- a) The Defendant's desire to hire an attorney, or the need to complete financial arrangements to hire the attorney;
- b) The Defendant's or the state's need to subpoena necessary witnesses for trial or sentencing;
- c) Giving the Defendant or state an opportunity to take action that may impact the trial or disposition of a case;
- d) Allowing the Defendant an opportunity to complete deferred prosecution, first offenders program, or special probation pursuant to statutes allowing such process;
- e) Serious illness, hospitalization, or death of a family member if there is verification provided to the court;
- f) Conflict of an attorney or other necessary party required to appear in Federal Court, Superior Court or a court that takes precedence over district court;
- g) An attorney's vacation if the vacation period was set in compliance with the Secured Leave provisions of the General Rules of Court. The attorney is expected to alert the court if a case is being scheduled during a vacation period;
- h) When the assistant district attorney and the other party agree to continue the case; or,
- i) Other extraordinary reasons justifying a continuance.

3.2 Continuance length should be based on the following factors:

- a) An initial continuance of an infraction will be at least 30 days, unless a subpoena is required;
- b) In any case in which a subpoena is required, a continuance of between 30 to 60 days should be considered to allow for the return of subpoena to be placed in the file;
- c) A continuance awaiting lab results should be for a period that the attorneys believe, based on recent experience, gives time for results to become available;
- d) A continuance of up to 60 days, or as needed in the interests of due process, may be given to prepare for trial or plea of a case;
- e) Continuances as necessary if the Defendant is in custody outside Guilford County or is in a residential treatment program that prevents their attendance at court;
- f) Continuances as necessary for a Defendant who is complying with a deferred prosecution agreement, but needs more time for completion;
- g) Within the first six months of the case, if the District Attorney and defense counsel (or self-represented Defendant) mutually agree on a continuance, then they may continue the case without addressing it before the judge and may vary from the continuance times listed.

The presiding judge may, in their discretion to manage the courtroom, direct whether these continuances (or some subset of them) must be presented to the judge;

h) Continuances beyond the first six months of the case should only be made (whether by consent or before the judge) for good and justifiable cause.

3.3 In cases in which the prosecuting witnesses or defense witnesses have appeared pursuant to a subpoena, the case should not be continued without a showing of good cause shown to the presiding judge. If a witness (including a law enforcement officer) fails to appear for a court date after being served with a subpoena, the case should not be continued unless there is a showing of good cause shown to the presiding judge.

3.4 The courtroom clerk in court shall enter notes in the digital court file as needed to maintain a history of the case, for issues that were heard before the judge. For example, State's or Defendant's Motion to Continue, and whether the judge ordered the next setting as a "final" setting for either party. The history of the case will be available to assist the court in making decisions about continuances.

Rule 4. *Trials or Hearing of Cases*

4.1 Place and time to appear - The courthouse is the proper place to appear for trials or other types of hearings unless indicated otherwise. The date, time, and courtroom to report to will be stated in legal documents, as well as available through public access to the online Portal for NC digital courts information (<https://www.nccourts.gov/ecourts> or <https://portal-nc.tylertech.cloud/Portal/>).

4.2 Guilford County district criminal courtrooms will begin at 8:30 a.m. each day, starting with calendar call. The assistant district attorney will call the calendar and immediately complete the administrative work.

4.3 If the assistant district attorney will notify [or ensure notice is submitted] to the presiding judge that court is ready to proceed if the judge has not taken the bench.

4.4 First appearance court for each courthouse will begin Monday through Friday at 2:00 p.m. On special occasions, this court may be scheduled at different times, as directed by the Chief District Court Judge (or acting Chief).

4.5 *Witnesses or Parties being present for court.*

a) Attorneys - The attorney of record or any attorney hired by the Defendant to represent the Defendant is to be present for court in a timely manner. Once a calendar has been set or a case(s) is set for a specific date, the attorney must, consistent with ethical requirements, appear or have a partner, associate, or another attorney familiar with the case present. If an attorney has a conflict that prevents or delays the attorney's presence in court, the attorney must notify the clerk or assistant district attorney and state the reason for the delay. If the attorney doesn't have direct contact information for the clerk or district attorney assigned to the court, they may pass information through a colleague attorney or use the main number for the District Attorney's Office or the Clerk of Court.

1) If the conflict is with another court, the attorney must state what court and the nature of the court business. If the attorney is aware that witnesses have been or should have been subpoenaed, the attorney must contact the court or the assistant district attorney assigned to that court no later than 11:00 a.m.

b) Defendants - Defendants must be present at the start of court unless the attorney is appearing on Defendant's behalf. If an emergency or illness is the cause for the Defendant not appearing, the cause must be documented. Defendants who are late must sit in the courtroom and wait until they are called. Late Defendants will not be called before other business is transacted for those who appeared at the calendar call. Exceptions may be made to this rule when no other business is ready for the court or in the discretion of the presiding judge.

c) Witnesses - The assistant district attorney, the Defendant, or the Defendant's attorney is responsible for ensuring that necessary witnesses are subpoenaed. Once placed under subpoena or under court order to be in court or to return to court, if there is clear indicia of service, the witness is required to appear. If the witness does not appear, such witness is subject to court action to enforce its orders. Witnesses who have not contacted the D.A. or assistant district attorney by 4:00 p.m. on the day before their court appearance are required to appear at the designated time in their notice requiring them to appear.

d) Law Enforcement Agencies - Any law enforcement officer who initiated court action by charging or causing a person or persons to be charged with violations of the law is expected and required to be present on assigned court dates, or upon service of a subpoena. Any emergency or illness that causes the officer not to appear must be communicated as soon as possible to the assistant district attorney assigned to that court.

Rule 5. General or Miscellaneous Rules

5.1 Dress for Court

a) Proper business attire must be worn by all judges, attorneys, court support staff, and liaisons working with the court.

b) Witnesses and Defendants should be dressed for a business transaction or be dressed in a clean and neat manner.

5.2 If an attorney perceives that a particular case is likely to be unusually time-consuming, then they shall notify the opposing side. They shall consult with each other and, if necessary, consult with the judge scheduled for that courtroom on the trial date, to make the necessary arrangements to process the case. A special setting shall be granted only for good and compelling reasons, and in consultation with the Trial Court Manager in the District Court Judges' office.

5.3 All attorneys, Defendants, and witnesses are generally expected to appear for court in person. Videoconference and remote appearances may only be used in criminal cases for the below limited reasons or purposes:

a) Video communication to/from the jail for first appearances and bond motions; and

b) OWL system [or any other system utilized by the State) remote testimony for laboratory analysts.

c) Attorneys

1) Except for some unusual reason connected with the business of the court, attorneys will not be sent for until their cases are called in their regular order. Attorneys shall either be in court or available to come to court for any date their cases are on the court calendar, or have an associate to appear for them so their matters may be handled in a timely manner.

2) Attorneys are at all times to conduct themselves with dignity and propriety.

3) All statements and communications to the court other than objections and exceptions shall be clearly and audibly made from a standing position behind the counsel table. Counsel shall not approach the bench or a witness except upon the permission of or by request of the court.

4) All witnesses should be treated with fairness and due consideration. Abusive language or offensive personal references are prohibited.

5) The conduct of the lawyers before the court and with other lawyers should be characterized by professionalism, candor, and fairness.

6) Counsel should yield gracefully to rulings of the court and avoid detrimental remarks both in court and out. The attorney should at all times promote respect for the court.

5.5 Jail Cases

a) Jail cases are to be given priority. Special attention and, in some instances, preference should be given to Defendants in custody or who present unusual risks or danger. Every effort should be made to complete all jail cases by 1100 a.m. If an attorney or public defender has a jail case on the court calendar, that attorney must communicate with the assistant district attorney about the action to be taken in court that day, no later than 10:30 a.m.

b) Defendants Representing Themselves: On the scheduled court date, the Defendant is to be brought into the courtroom and the appropriate action shall be taken to ensure that the Defendant's case will be resolved timely.

c) Defendants with Attorneys: Defendants with attorneys may be brought to court for their scheduled court date, upon notice or request the day before. If the attorney has not previously met the Defendant, the attorney shall speak to the Defendant in lock up and advise them of the status of the case, at a minimum. No case action for which the Defendant is entitled to be personally present shall occur except if the Defendant or their attorney waives the Defendant's appearance. If any case action occurs without the Defendant being brought into the courtroom (dismissal, continuance, etc.), then the attorney shall inform the Defendant about the activity.

5.6 Subpoenas: No cases shall be set for witnesses to be subpoenaed, except if the case is intended to be for trial. If subpoenas are being issued for a court date, then the matter shall be understood as set for trial on that date.

5.7 For any case requiring the completion of lengthy paperwork (including, but not limited, to DWI sentencing forms), the defense attorney shall prepare the initial paperwork, which includes the file number, caption and general information. The paperwork shall then be presented to the judge in open court as the case is being addressed. The judge shall complete (except signature) the remainder of the paperwork (including, but not limited to, DWI sentencing forms), then present the completed forms to the clerk to immediately upload for digital signature by the judge.

5.8 For purposes of hearings to contest civil license revocations, calendared under NC Gen. Stat. sec 20-16.5(g), the notice and scheduling provisions of that statute will control and not any other local rules or practices.

5.9 When expunction petitions are submitted for dismissed case(s) or case(s) with verdicts of Not Guilty, the clerk's office shall first confirm that each of the listed charges was actually disposed as listed on the petition, prior to tasking the petition to a judge for signature and shall include a note of confirmation in the task.

Rule 6. Bond Motions

6.1 Bond Motions in District Court

a) A district court judge may modify or reduce a Defendant's bond in first appearance or a subsequent hearing if the matter is within the jurisdiction of the district court and both sides have an opportunity to be heard.

b) A district court judge shall not modify or reduce a Defendant's bond during first appearance if the action is properly before the Superior Court by indictment, information, or post-conviction process (probation violation) and the current bond was set by order of a Superior Court Judge.

c) Attorney's Request For Bond Motion - To proceed with a bond reduction motion, an attorney must digitally file with the clerk of court and deliver to the District Attorney's Office a "request for bond motion," not later than 2:00 p.m. two business days before the bond motion is requested to be heard.

d) The motion shall be set on the requested date, except that if there is cause to delay the motion to a later date (e.g., attorney is in a jury trial, prosecuting witness wants to attend but has a conflict, etc.), then the attorneys shall promptly communicate about the issue and work to identify a mutually agreeable date. "Prompt" communication for this purpose means they must communicate about the issue by 3pm the business day before the requested date; if there is no communication to the contrary by that time, the motion shall be set on the requested date.

e) Due to the volume of weekend first appearances, no bond motions shall be set on Mondays.

Rule 7. *Special Scheduling Rules*

7.1 To Change Schedule for Serving Jail Time: The attorney or the Defendant must electronically submit a motion requesting a change in the jail period. If both the State and defense sign a consent order, it may be digitally sent for a judge's signature. Otherwise, reasons supporting the change shall be stated in the motion, it shall be scheduled on the same calendar(s) established for Recall motions, and a proposed order shall be presented to the judge in court. For probation officers seeking to establish or change scheduled days for jail time, the motion and order may be submitted as a consent order modifying probation without violation, signed by the Defendant (or counsel) and an Assistant District Attorney.

7.2 To Extend Time to Pay Fines, Court Costs and/or Other Fees: The attorney or the Defendant must submit a motion requesting more time to pay. If both the State and defense sign a consent order, it may be digitally sent for a judge's signature. Otherwise, reasons supporting the motion shall be stated in the motion, it shall be scheduled on the same calendar(s) established for Recall motions, and a proposed order shall be presented to the judge in court.

7.3 Motions for Appropriate Relief: The attorney or the Defendant must submit a motion in writing, following the statutory requirements for MAR's. A copy of the motion must be served on the assistant district attorney immediately after digitally filing the motion. The motion shall be scheduled at the next criminal court date available for the judge whose judgment is the subject of the MAR. If that judge is no longer on the bench or there is no such court date available within six weeks, then the moving attorney and attorney for the opposing side shall inquire with the Trial Court Manager to schedule a date and ensure the proper judge's availability.

Rule 8. *Witness Release Policy*

8.1 An attorney for either side of the case (State or defense) has the authority to release civilian witnesses subpoenaed by that side without permission of the court.

8.2 No attorney has authority to release witnesses subpoenaed by the other side of the case.

8.3 The District Attorney or the assistant district attorney should speak with victims in the cases who are present, and aid them in being heard in court, consistent with the Victims' Rights Act and other provisions of law.

Rule 9. *Payment of Court Costs and Other Fees*

9.1 The Day of Judgment: For costs, fines, and fees, the Defendant or their attorney should notify the judge if there is a request for a specific time to pay the moneys due. Upon such request, the judge may set a payment deadline. It is within the discretion of the presiding judge to set a standardized deadline across all their cases for the day. If no such request or direction is provided, then all costs and fees are to be paid within sixty (60) days from the date of court. For "Admin pleas" done without the judge present, there shall be a standard payment deadline of sixty (60) days from the court date. Prior to leaving the courtroom, self-represented Defendants shall be provided information about how much money is due, and how to properly pay it.

9.2 Past-due Unpaid Costs/Fines/Fees: The general rule is that if a Defendant is not ordered to pay through supervised probation, and Defendant does not pay within the deadline, then the judges' office shall issue an Order to Show Cause for Contempt based on the nonpayment of court ordered fees and fines; infraction convictions are excluded from this general rule. For all driving cases, the failure to pay shall also be reported to DMV for possible license consequences.

Rule 10. Attorney's Fees in Court-Appointed Cases

10.1 Assessing Defendants with court- appointed attorney's fee: An attorney who is court-appointed shall, at sentencing, state to the court that the attorney is court- appointed. The court shall inquire of the attorney's hours and give the Defendant an opportunity to be heard regarding the court-appointed attorney fee. Upon hearing from each of them, the judge shall set as part of the sentencing a court- appointed attorney's fee as directed under statute and then-applicable IDS fee schedules and policies.

Rule 11. Felony Cases in District Court

11.1 For felony cases set initially in the District Court, the District Attorney's Office shall seek to receive the necessary information and inform the defense about the intended course of action (indictment, plea in District Court, deferral, dismissal, reduce for misdemeanor trial, or other ways of proceeding) within a reasonable period of time. Pending the decision on this course of action, the matter may be continued, as necessary, to reach the decision. If this time exceeds six months from initial charging of the Defendant, then the defense may file and serve a written request for hearing before a judge on the reason(s) for the delay, and the delay may be among the factors considered at any bond motion after the six-month period.

11.2 If the District Attorney intends to offer a plea or deferral, they shall notify the defense. Unless the District Attorney specifies a different time for response, or the attorneys mutually agree otherwise, the defense must respond to the offer within 90 days.

11.3 Cases Reduced for Misdemeanor Plea

- a) If the District Attorney's Office notifies defense counsel of a plea offer, then the defense attorney must have the Defendant in court for the next upcoming court dates, to determine whether or not the offer will be accepted. The DA may provide notice of a plea offer at an in-court setting of the case or in response to defense counsel's inquiry.
- b) If the District Attorney makes a plea offer, then the Defendant must appear in court to either accept or reject the offer. If the Defendant rejects the plea offer, that rejection should be communicated in open court to the presiding judge.
- c) If the Defendant rejects a plea offer from the District Attorney, then the case shall be continued for the District Attorney to decide how they intend to proceed with the case.
- d) Cases may also be resolved as felony pleas in district court, to the extent allowed by law, and upon consent of the parties.

11.4 Grand Jury Indictment: If a Defendant has felonies and related misdemeanor charges, and the Defendant's felony charges are indicted or waived to Superior Court, the misdemeanors should be indicted to proceed with the felony in Superior Court. In the event the misdemeanors are not or cannot be indicted to Superior Court, they shall be dismissed, tried, or otherwise resolved in District Court.

Rule 12. Administrative Traffic Pleas

12.1 In courtrooms designated for traffic/driving cases, any case which is disposed as an infraction with fine and terms of disposition agreed upon may be prepared and submitted for the presiding judge administratively, without calling the case before the judge in court, so long as: The Assistant District Attorneys or Clerk assigned to the courtroom ask the assigned judge whether they are willing to accept such "admin pleas," and the choice is in the discretion of the assigned judge. "Admin pleas" are only available for cases with an attorney involved. Cases for self-represented parties must be called in front of the judge.

Rule 13. Clean-Up Calendars

13.1 In the event cases become backlogged, or an unusual number of older cases need resolution, then the Chief District Court Judge may establish additional special "Clean Up" sessions of court for the purpose of catching up those older and backlogged cases. Upon the scheduling of such sessions, the Chief District Court Judge shall include an Administrative Order directing how the session shall be scheduled and which cases should be set. In no circumstances shall cases be rescheduled to a "Clean Up" session without notice provided in advance to the parties and attorneys for the case.

13.2 When a case is placed on a clean- up calendar, the attorneys on the case shall communicate at least two days in advance of court, about the disposition intended (trial or plea).