

## MEMORANDUM

TO: ROBESON COUNTY CRIMINAL BAR  
DISTRICT ATTORNEY, ASSISTANT DISTRICT ATTORNEYS  
PUBLIC DEFENDER, ASSISTANT PUBLIC DEFENDERS

FROM: ROBERT F. FLOYD, JR.  
SENIOR RESIDENT SUPERIOR COURT JUDGE

DATE: JUNE 3, 2010

RE: LOCAL RULES OF CRIMINAL PROCEDURE FOR THE SUPERIOR  
COURTS AND FOR CASES WITHIN THE ORIGINAL JURISDICTION OF  
THE SUPERIOR COURTS OF JUDICIAL DISTRICT 16B

### **RULE 27, TRIAL CALENDAR, AMENDMENT**

I am writing this memorandum to inform you that Rule 27, of the Local Rules of Criminal Procedure is being amended to read as follows:

***Subsection (c) Prohibited Calendaring Practices.***

***(2) Excessive Trial for Attorneys:*** *The prosecution shall not calendar for trial at any session of court more than 3 defendants, with class G or higher felonies, represented by the same attorney without the prior express written consent of defense counsel and each individual defendant so affected. If the prosecution violates this prohibition then the defense may select for trial the cases of up to any 3 of the defendants and the cases of the other defendants shall be continued. The selection shall be accomplished by filing and serving a notice upon the prosecution promptly upon receiving the trial calendar. The defendants not so selected may be excused by the defense from court for the session and the defense need not prepare these cases for trial. The state may place without limitation as to number, defendants with class H& I felonies and misdemeanors but should not place so many that would impair defense attorney's ability to prepare for trial. See Simeon v. Hardin, 339 N.C. 358,378(1994)(The District Attorney may not place a "large number" of an attorneys cases on the trial calendar thereby "impairing" the defense's ability to prepare for trial.)*

Place this update in your Local Rules of Criminal Procedure.