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**Rules for Criminal Superior Court,
Including Criminal Case Management
Judicial District 15B**

The United States and North Carolina Constitutions guarantee every person the right to due process and to a speedy trial, and assure the rights of victims of crime.

Rule 1: General Provisions

1.1 **Purpose:** These Rules and Criminal Case Management System (CCMS) incorporated herein provide for the orderly, prompt, and just disposition of criminal matters in the Superior Court of the 15B Judicial District.

1.2 **Policy:** It is the policy of this district that:

- All constitutional, statutory, and other rights of defendants, victims, and other witnesses and the State will be protected.
- Every event in a criminal case (such as determination of pretrial release, first appearance, appointment of counsel, probable cause hearing, discovery, plea offer, and response, indictment, hearing of motions, arraignment, trial, and sentencing) occur at the earliest time feasible and in an orderly fashion.
- There be a reliable schedule of events in every case and every party have timely and actual notice. At a minimum, at each appearance the next event shall be scheduled.
- Criminal cases handled in a different manner. That includes all parties being prepared and present; everyone working cooperatively to raise and address all issues -- moving the case along as much as possible at each hearing.
- Exceptional cases and circumstances be identified and events scheduled accordingly.
- The individual needs of court personnel, attorneys, victims, and witnesses, law enforcement officers, probation officers, and all other persons be handled with understanding and consideration.

1.3 **Criminal Case Management Schedule:** A Criminal Case Management Management Schedule ("Case Management Schedule" or "CMS") for each felony case and all cases pending in Superior Court shall be prepared and maintained by the District Attorney in conjunction with the Trial Court Coordinator (TCC). The CMS shall be available to each defendant and attorney. A case tracking system (the "Automated Criminal/Infractions System" or "ACIS") shall monitor the number, age, type, name of attorney, next scheduled event, and procedural status of all pending criminal cases and provide for printed schedules and calendars.

1.4 **Situations not addressed:** These rules will not cover every situation. In that event that the Court, District Attorney, defense attorney, and others shall act to carry out the purposes of these rules and may consult with the Senior Resident Superior Court Judge as needed.

1.5 **Application:** These rules shall apply to all felony cases, misdemeanor appeals, and probation violations beginning as of January 1, 2000. Superior Court cases pending on January 1, 2000 may be calendared by the District Attorney at Trial Sessions and may be integrated into the Criminal Case Management System as appropriate.

1.6 **Speedy Trial:** The court may modify the CMS upon a motion for speedy trial by either party.

1.7 **Jail Cases:** The cases of persons confined to jail or otherwise awaiting trial shall be given priority. The list of inmates provided by the Sheriff to the Clerk shall be reviewed at each session of court by the District Attorney, Public Defender and the Court. The District Attorney and Public Defender should review the list in each county any week there is no Superior Court. These cases shall be added to Administrative Settings or other schedules upon request.

Rule 2: Time Standard Goals

2.1 "Speedy Trial" Policy: Each case should be tried or disposed of promptly. No event should be delayed because the case is not yet "old," the event has not previously been scheduled, or an attorney has failed to timely act.

2.2 Time Standards: The Superior Court cases in each county should be disposed of promptly to meet the following standards:

Felonies and Misdemeanor Appeals

50% within 50 days (first setting)

75% within 80 days (2nd setting or pretrial hearing)

95% within 120 days

98% within 180 days (all but murder and other exceptional cases)

All within 365 days

Probation Violations

60% heard at first setting

All heard within 60 days (unless continued by the Court for good cause)

Time is computed from the Initiation Date

Rule 3: Appearance of Attorney and Appointment of Counsel

3.1 **Appearance of Counsel:** An attorney shall advise the Clerk of Court and the responsible prosecutor (RP) soon after undertaking representation. An attorney shall be deemed to be making a general appearance unless a notice of a limited appearance is appropriately filed. [The form "Notice of Limited Appearance" shall be used] Any attorney making a limited

appearance shall advise his client of his rights to counsel. Prior to an attorney's last appearance in the matter, the attorney shall ensure that the client has new counsel of record or that the Court has made proper inquiry and taken appropriate action regarding waiver or appointment of counsel.

3.2 Appointed Counsel

3.2.1 **Public Defender:** The Public Defender shall designate the attorney(s) responsible for accepting appointments at each day of District and Superior Court, including administrative sessions. The Public Defender shall keep the courtroom clerk advised of the attorney to assign. That attorney shall meet with the client that day if available. If that attorney is not available then the defendant shall be informed when and where to contact his attorney.

3.2.2 **Private Counsel:** Private counsel shall be appointed pursuant to the plan adopted by the Bar, provided that the Court will seek to appoint an attorney willing to promptly handle the case. It is recommended that the 15B District Bar revise the plan to provide for an "attorney for the day" who will be present or available. [This section to be reviewed when the Bar adopts new rules]

3.3 **Attorneys of Record:** The ACIS and other court records shall accurately reflect the names of the defense attorney and the responsible prosecutor. Whenever counsel changes, the Clerk of Court shall correct the court record immediately except that the District Attorney and Public Defender will record and changes of their attorneys on the ACIS and notify the opposing party. The senior Superior Court courtroom clerk in each county is responsible for maintaining a list of attorneys appearing in Criminal Superior Court. Names entered in ACIS and other records shall be exactly as on that list.

3.4 **Probation Violations:** When a Probation Officer cites a person⁹ for a probation violation hearing and the officer intends to recommend revocation or a material modification, then the officer shall send the defendant to the Clerk's office for appointment of counsel. Any person arrested for a probation shall be cited, or if in custody, taken to the next available court session for appointment of counsel.

3.5 **Duties of Newly Appointed Counsel:** Newly appointed counsel shall immediately:

3.5.1 Determine any conflict. If there is one, then advise the client and the RP and obtain an order appointing new counsel. If court is not in session, then take the client to the Clerk's Office so that new counsel may be appointed immediately.

3.5.2 Confirm the client's addresses and telephone numbers for the court records.

3.5.3 Review the Release Order and take appropriate action.

3.5.4 Determine the status of the case, the Case Management Schedule and generally review the case with the client.

3.5.5 Talk with the RP and endeavor to take all actions which can be done during that day or session to resolve the case or as many issues as possible.

3.5.6 With regards to a probation violation, talk with the Probation Officer and seek to resolve the matter that day or that session.

Rule 4: Initiation Date

The Initiation Date of a case in Superior Court is the date of a waiver or finding of probable cause, date of appeal from District Court, or date of indictment, the last to occur. A probation violation case is initiated upon the service of the Violation Report.

Rule 5: Discovery

5.1 **Discovery Request Presumed:** Once counsel has appeared or been appointed in a case, it shall be presumptively assumed that counsel is seeking those items discoverable under the constitutions and laws of North Carolina and the United States; unless the Defendant has filed a notice that discovery is not requested under this provision with the Clerk and served the District Attorney. When a Defendant gives such notice, then discovery shall be as provided by the laws of North Carolina and the constitutions of the United States and North Carolina. No formal request for discovery under 15A-902(a) need be made. Provision of Discovery by the State acts as an automatic request for reciprocal discovery from the Defendant. The Court may, after motion by the opposing party or on its own motion, impose sanctions for failure to provide discovery, reciprocal discovery, or continuing discovery as provided by law or anticipated by these rules.

5.2 **Timely Discovery:** Discovery, even if partial, shall be made as quickly as feasible. The (RP) shall also make timely disclosure to the defense of all evidence or information known to the prosecutor that tends to negate the guilt of the accused, mitigates the offense, "has a reasonable probability" of altering the jury's verdict in favor of the defendant, or mitigates punishment or sentencing. In any event, the District Attorney shall provide discovery to the defendant at least 10 days prior to the first Administrative Setting. A Discovery Disclosure Certificate shall be filed at the same time.

5.3 **Discovery Disclosure Certificate (DDC):** The District Attorney or the Assistant District Attorney assigned to a case (RP) shall be responsible for completing a "Discovery Disclosure Certificate (DDC)" for that case. [The form "Discovery Disclosure Certificate" should be used.] A completed and signed DDC shall accompany the photocopied discovery and shall be served upon the defense attorney of record in one of the following ways: (a) personal delivery, (b) U.S. Postal delivery; (c) delivery to the office of the defense attorney of record; or (d) by depositing into the attorney mailbox located in the office of the Clerk of Superior Court of the county where venue lies. A completed and signed DDC shall also be filed with the Clerk of Superior Court for placement in the court file.

5.4 **Discovery Motions:** All discovery motions filed by the defense council shall contain one of the following certification provisions:

I, the undersigned attorney of record, do hereby certify to the Court that prior to the filing of this motion, I have thoroughly reviewed the discovery material supplied to me in this case by the office of the District Attorney.

Signature of Movant

Date

[OR]

I, the undersigned attorney of record, do hereby certify to the Court that as of this date, more than (2) weeks have been passed from the Initiation date of this case, and the District Attorney has failed to provide me with any discovery material in this case.

Signature of Movant

Date

5.5 All discovery motions filed by the District Attorney shall contain one of the following provisions:

I, the undersigned prosecutor of record, do hereby certify to the Court that prior to the filing of this motion, I have thoroughly reviewed the discovery material supplied to me in this case by the defense counsel.

Signature of Movant

Date

[OR]

I, the undersigned prosecutor, do hereby certify to the Court that as of this date, more than two (2) weeks have been passed from the date that the State provided discovery to the defendant in this case, and that defense counsel has failed to provide the State with any discovery material in this case.

Signature of Movant

Date

Rule 6: Plea Offers

6.1 **Offer and Worksheet:** The Responsible Prosecutor [the RP] shall extend a written plea offer and sentencing worksheet to defense counsel no later than 10 days prior to the first Administrative Setting. The offer may include an expiration date.

6.2 **Response:** Defense counsel shall promptly discuss all plea offers with the defendant and respond prior to the next setting of the case. Defense counsel shall file an acceptance of plea offer or an executed Acknowledgement of Rejection and Withdrawal of Plea (see sample) at the next setting of the case.

6.3 **Discussions:** After receiving the plea offer, the attorney should consult with the RP and discuss any reasons why the offer should be different. The RP should then review the original offer and make certain it is the best offer to be made.

6.4 **Dismissal:** If the RP takes a dismissal, the RP should notify the defendant or his counsel, if represented, of such action by the end of the next business day following such dismissal. A written dismissal of charges against the defendant filed by the prosecution shall be serviced in the same manner preserved for motions under G.S. 15-951. In addition, if the defendant is in custody, then the written dismissal shall promptly be served on the chief officer of the custodial facility.

6.5 **Plea offer change:** If the RP discovers the prosecution is unable to fulfill an understanding previously agreed upon in plea negotiations, the RP shall give prompt notice to the defense counsel.

6.6 **Innocence:** The RP shall always be vigilant for any case where the accused may be innocent of the offense charged. In any such case the RP shall strive to ensure that an accused not be treated unfairly.

Rule 7: Informal Case Conferences

The RP and defense attorney may have an informal case conference as early as feasible, and subsequent conferences as needed. The conferences may be in person or by telephone. During those conferences they shall seek to resolve as many issues as possible including discovery, plea offers, motions and other matters. Also, they shall identify all matters which need to be considered by the court.

Rule 8: Motions

8.1 **Motions Practice:** Motions shall be filed and served as provided in G.S. 15A unless otherwise provided in these rules or a Scheduling Order.

8.2 All pre-arraignment motions should be filed at least one week prior to the second administrative setting. All other pretrial motions should be filed promptly after counsel determines the motions is appropriate.

8.3 Pending motions may be heard at any scheduled hearing. Motions may be scheduled by notice after consultation with opposing counsel and the TCC.

Rule 9: Scheduling and Calendaring for Motions, Pleas, Trials, and Sentencing.

9.1 **Cooperative Scheduling:** The District Attorney and the TCC shall work together with the Public Defender, attorneys, Clerks of Superior Court, probation officers, victim witness coordinators, sentencing services professionals and other affected parties in scheduling all matters. The professional and personal obligations of participants shall be considered.

9.2 **Scheduling Order:** The next court appearance shall always be scheduled.

9.2.1 The initial appearance and first appearance shall be scheduled as provided in the policies for Pre-trial Release.

Magistrates should consult the TCC regarding scheduling cases in Superior Court.

9.2.2 **District Court:** At the first appearance the Court should schedule the date for Probable Cause Hearing. If the District Attorney anticipates indicting the defendant prior to the Probable Cause Hearing, then the defendant should be given written notice of the time of the Administrative Setting.

Upon a finding or waiver of probable cause, the defendant shall be given written notice of the date and time of the Administrative Setting. The District Attorney or TCC shall advise the Clerks how to determine Administrative Setting times.

9.2.3 **Superior Court:** The TCC shall prepare a proposed Scheduling Order for each case. The Court and parties will review the proposed order at each hearing. The Court will then enter a Scheduling Order which may be modified only by the Court or as provided in these rules.

9.3 **Conflicting Schedules:** Attorneys and defendants should bring his/her calendar to all hearings to identify any conflicts. Victims, witnesses, attorneys, probation officers and other affected persons shall immediately advise the District Attorney and TCC of any scheduling conflicts, vacation, illness or other conflict. Attorneys shall advise witnesses of trial dates within two weeks of trial being scheduled and immediately let opposing counsel and the TCC know of any conflicts. An attorney may then request the Court to reschedule the trial date.

9.4 **Trial Date:** The District Attorney shall announce a proposed trial date at the Administrative Setting and the defendant may respond. The Court shall set that date as the

tentative trial date unless, after providing the parties an opportunity to be heard, the Court determines that the interest of justice require the setting of a different date. In that event, the District Attorney shall propose another trial date for consideration. The Court shall then enter a Trial Scheduling Order. The trial date shall occur no sooner than 30 days after the final administrative setting unless agreed upon by the State and the defendant. The trial should be within 30 to 90 days. A pretrial motion hearing or arraignment shall not be considered an "administrative setting" except by agreement by State and the Defendant.

9.5 Trial date set by Court: When a case has not been tried or otherwise disposed of within 120 days of indictment or service of notice of indictment when required, then the case shall be scheduled on the next available calendar for a hearing for the purpose of establishing a trial date.

9.6 Venue for Administrative Settings: Venue for administrative settings may be in any county within the district when necessary to comply with the terms of the criminal case docketing plan. The presence of the defendant is only required for administrative setting held in the county where the case originated.

9.7 Setting and Publishing of Trial Calendar: The District Attorney shall prepare the trial calendar not less than 10 working days prior to each session of criminal trial court. The trial calendar shall schedule the cases in the order in which the District Attorney anticipates they will be called for trial, and should not contain cases that the district attorney does not reasonably expect to be called for trial.

The Clerk of Court shall promptly publish the calendar on this district's web site and send a copy to each attorney of record and unrepresented defendant. The copy may be sent by mail, attorney's box in Courthouse or, when requested, by e-mail.

9.8 Trial Calendar: Cases should be scheduled to effectively use the available court resources; while minimizing inconvenience for those summoned for jury service and for other participants, including victims, witnesses, court personnel and attorneys. Cases may be scheduled by the day and for a morning or afternoon.

9.9 Trial Order Deviation from the announced order or the order set forth in the trial calendar will require approval of the Presiding Judge if the defendant objects; but the defendant may not object if all the cases scheduled to be heard before the defendant's case have been disposed of or delayed with the approval of the presiding judge or by consent of the State and the defendant. A case may be continued from the trial calendar only by consent of the State and the defendant or upon order of the presiding judge or resident Superior Court judge for good cause shown.

9.10 Cases not reached: Trials not reached will be promptly rescheduled by the District Attorney upon consultation with the parties and TCC.

9.11 Revised Tentative Trial Dates. When publishing a calendar for a session, the District Attorney shall simultaneously publish a proposed revised tentative trial date for each

case which would tentatively be scheduled but not actually calendared for that week. Objections to revised dates should first be made to the District Attorney and then to the Court.

Rule 10: Administrative Setting(s)

10.1 **Administrative Settings:** Administrative Settings shall be at times certain on an appropriate frequency. Schedules shall be continuously developed and flexible. Although the calendar will be available upon request, attorneys and unrepresented parties will be responsible for knowing of all scheduled events.

10.2 **Administrative Settings Scheduled:** Each case shall be scheduled for a certain day and time during the next available Administrative Week after Initiation.

10.2.1 The District Attorney and TCC will seek to group all the cases of each defense counsel together.

10.2.2 If the Grand Jury does not act on the indictment prior to the Administrative Setting, discovery is complete and a plea offer has been extended, then either party may reschedule the setting upon notice to the other unless the Defendant is willing to proceed on an information, the Defendant does not have an attorney, the defendant is in custody or there is some matter to be addressed by the Court.

10.3 **Status Report:** Prior to the Administrative Setting, the RP and defense attorney shall review and make a checklist of the status of all matters. They should identify any special matters. [See Case Schedule and Status Report form.]

10.4 **Attendance:** The defendant, defense counsel and the RP shall attend the administrative setting. Victims may also attend and be heard as provided by the Victim Rights Act.

10.5 **Administrative Setting Agenda:** At the Administrative Settings, the Court shall:

10.5.1 Determine counsel status.

10.5.2 Identify conflicts of interest.

10.5.3 Determine if charges are to be consolidated and if cases of other defendants are to be joined for trial.

10.5.4 Review Pretrial Release status.

10.5.5 Determine victim notification status.

- 10.5.6 Confirm that discovery and, if applicable, reciprocal discovery is complete and the DDC filed. If not, schedule completion. Also, hear and rule on any discovery issues.
 - 10.5.7 Confirm that a plea offer has been conveyed and responded to by counsel. Inquire as to the status of plea negotiations.
 - 10.5.8 Hear any pre-trial motions. Schedule a time for hearing motions not heard.
 - 10.5.9 Arraign the defendant unless the defendant has previously filed a written waiver.
 - 10.5.10 Adjudicate any guilty pleas or schedule a time for entry of plea. Then sentence or schedule sentencing. (Sentencing may be delayed by plea agreement or upon request in the discretion of the court.)
 - 10.5.11 The Court shall then review the status and address any unresolved issues. If discovery has not been completed, a plea offer made, a plea offer responded to or for other good cause, then the court may continue the hearing until later in the session or schedule a subsequent Administrative Setting.
 - 10.5.12 Set deadlines for filing and responding to any pre-trial motions allowed to be filed later.
 - 10.5.13 Identify all exceptional or special issues such as competency, agreements for testimony, further investigation, request for delay, unavailable witnesses. These matters should be ruled upon, noted and scheduled on the Case Schedule and Status Report.
 - 10.5.14 Schedule a trial date as provided in Rule 10.5.
 - 10.5.15 Inquire whether the defendant understands plea offer and that the offer may be withdrawn.
 - 10.5.16 Sentencing hearing: The parties may agree to or request the court to defer sentencing to a time certain.
 - 10.5.17 At the request of either party, the Court will conduct a plea conference in order to make every effort to resolve cases at the earliest possible stage of the proceeding.
- 10.6 Subsequent Administrative Setting: If determined necessary, the Court may schedule a subsequent Administrative Setting if found necessary to promote the fair administration of justice.

10.6.1 The District Attorney and TCC will seek to group all cases of each defense counsel together.

10.6.2 If the Grand Jury does not act on the indictment prior to the Administrative Setting, discovery is complete and a plea offer has been extended, then either party may reschedule the setting upon notice to the other unless the Defendant indicates his willingness to proceed on an information, the Defendant does not have an attorney, the defendant is in custody or there is some matter to be addressed by the Court.

Rule 11: Motions for Continuance

11.1 **Motions for Continuance:** Motions for continuance of trials should be made in writing and opposing counsel notified as soon as an attorney learns of grounds for the motion. Any person making a motion at a later date must show good cause for the failure to timely file.

11.2 **Form of Motion:** All applications for continuance shall be by written motion made on state form AOC-CR-410. The application shall include the name of the case; the file number(s); date of arrest; name, address (including email), telephone and fax numbers of attorneys (including the Responsible Prosecutor); the grounds for application, any relevant witness information (such as: out-of-state witness, subpoena unserved, witness in custody), the number of previous continuances and the position of the other party, if known.

11.3 The motions shall be heard at the earliest possible date. The TCC may set the motion for hearing in either county.

11.4 The Court may continue a trial upon motion of either party for compelling reasons when in the best interest of justice.

11.5 Any continuance shall be to a trial date certain.

11.6 **Conflicting engagements and jail cases.** When an attorney has conflicting engagements in different courts, priority shall be as follows: Federal Courts, Appellate Courts, Superior Court, District Court, Magistrate's Court as provided in Rule 3 of the General Rules of Practice for the Superior and District Court.

Rule 12: Sanctions

12.1 Failure of a defendant or witness to appear as required shall subject that person, at the discretion of the judge, to any sanctions provided by law.

12.2 Failure to comply with any section of these rules shall subject counsel to all sanctions allowed by law and deemed appropriate in the discretion of the Presiding Judge.

Rule 13: Probation Violation Cases [Rule for scheduling probation violations will be adopted later.]

Rule 14: Motions for Appropriate Relief

14.1 Motions filed seeking appropriate relief shall be forwarded by the Clerk of Court to the office of the Senior Resident Superior Court Judge for review pursuant to N.C.G. S. 15A-1420

(1) - (7). Upon review, a Superior Court Judge shall take one of the following actions:

1. Dismiss the motion without evidentiary hearing;
2. Allow an evidentiary hearing, appoint counsel if necessary and notify the District Attorney to file an answer to the motion;
3. Schedule a hearing date at a future court session in the county where the motion was filed.

Rule 15: Evidence and Exhibits (see NC General Rule 14 and AOC Forms)

15.1 **Trial:** The attorneys shall be responsible for handling and marking of evidence. Parties appearing pro se shall be instructed and assisted by the clerk in applying these rules.

- A. **Marking of Exhibits:** All exhibits shall be marked, numbered, and introduced with "evidence" tags or labels indicating whether plaintiff/Defendant/State as applicable. When there are multiple parties, labels shall reflect which party. All exhibits shall be marked and numbered by counsel prior to trial. The exhibits should also be provided to opposing counsel before trial.
- B. **Custody:** All evidence shall be in the custody of the Clerk once it is introduced. Prior to that time the respective attorneys, parties and witnesses shall be responsible for all evidence. If possible, Judge and Counsel should agree on disposition of evidence at the end of trial.
- C. **Log:** The courtroom clerk shall maintain an evidence log on form AOC-G-150.
- D. **Large Exhibits, Diagrams, Posters:** When a party offers an enlarged documentary exhibit, the party shall also offer the document in its regular size to the court. Enlargements shall be maintained by the party producing them unless otherwise directed by the court. If the Clerk is to preserve any documents or other exhibits mounted on foamboard or other backing, the offering party should remove it from the backing.
- E. **Copies:** Attorneys shall be responsible for providing at least 15 copies of all documents which are introduced into evidence when practical. At the

conclusion of the trial, the Clerk shall destroy all copies upon maintaining the original or 1 copy of the document.

15.2 Preservation of Evidence

- A. **Conclusion of Trial:** At the conclusion of trial, the Courtroom Clerk shall take all of the evidence, confirm that it is clearly marked. The Clerk shall prepare disposition and destruction orders for signing by the Judge.
- B. **Packaging:** The Clerk shall place all evidence in a package (envelope, plastic bag, or cardboard box as appropriate), seal the package with tape, date and initial the seal in a manner so that later the Clerk may determine if the package has been breached.
- C. **Notice of Intent to Dispose of Evidence:** The courtroom clerk shall prepare and serve each attorney with a Notice of Intent to Dispose of Exhibits/Evidence (form AOC-G-151) prior to the conclusion of the trial.
- D. **Inventory:** The Clerk shall maintain an inventory of all evidence in her custody.
- E. **Controlled Substances:** Whenever controlled substances are introduced into evidence, the Clerk shall place the controlled substances in a sealed envelope and initialize it in a manner that the Clerk can tell if the envelope has been breached. All controlled substances shall be secured in a safe or other secure locked depository within the vault in the Clerk's Office. Only the Clerk and one or two evidence custodians designated by the Clerk shall have access to that depository.
- F. **Inventory of Controlled Substances:** A copy of the inventory of controlled substances shall be provided by the Clerk to the Senior Resident Superior Court judge, the District Attorney, and the Sheriff, at least quarterly. Twice a year, on or about the 15th of January and the 15th of July, the Clerk shall review the inventory of all evidence and destroy all which are no longer needed.
- G. **Firearms, Ammunition, and other Incendiary Devices:** Firearms, ammunition, and other incendiary devices shall be separately inventoried by the Clerk. They shall be separately maintained in a locked, sealed cabinet within the vault in the Clerk's Office. Only the Clerk and her designated evidence custodian shall have access to it. At the conclusion of each trial, the Clerk shall inquire of the District Attorney and the defense attorney as to the preservation of any ammunition or incendiary devices. The Clerk shall also request of the Court an order to destroy the firearm, and shall maintain that order with the inventory of the firearm and in the appropriate court file.

Rule 16: Miscellaneous Provisions

16.1 These rules replace the Rules for Criminal Superior Court, Judicial District 15B adopted 25 November 1998.

16.2 **Pretrial Release:** District 15B policies and procedures for pretrial release are set forth in the "Pretrial Release Policy, Judicial District 15B" adopted 30 October 1998, as amended. Upon motion of a party or on its own initiative, the Court may consider conditions of pretrial release at any scheduled hearing.

16.3 **Presentence Investigations:** Cases will be referred to the Sentencing Services Program pursuant to the Comprehensive Sentencing Services Program Plan for the 15B Superior Court District.

16.4 The TCC shall distribute a copy of these rules to each member of the Chatham and Orange County Bars and the office of the Public Defender for Judicial District 15B. The TCC, District Attorney, Public Defender, and each of the Clerk's Offices shall maintain a supply of printed rules to provide to defendants and attorneys upon request.

These rules incorporate the criminal docketing plan as required by G.S. 7A-49.4. The Public Defender and the local Bar have participated in the drafting of these rules.

Adopted this the 22nd day of December, 1999.

Carl R. Fox
District Attorney

Wade Barber
Senior Resident Superior Court Judge

Reviewed and commented upon by:

Williams, Jr., Public Defender

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