

ADMINISTRATIVE COURT WITH A MAGISTRATE PRESIDING JULY 1, 1998 RULES REVISION

Effective July 9, 1998, the special court session called an Administrative Court will be modified. These sessions will be held the 2nd and 4th Thursday of each month in Courtroom D. No trials will take place at these sessions, and only the defendant and/or his attorney will be required to attend. No law enforcement officers or other prosecuting witnesses will ever be present.

Goals of Administrative court:

1. to assure that trial court time is used more effectively and is reserved for actual trials;
2. to relieve law enforcement officers from unproductive waiting time in court and to reduce the number of court appearances requiring the attendance of law enforcement officers;
3. to make it more convenient, for the public and the bar, to handle a minor traffic offense during a flexible time period;
4. to reduce the number of continuances in criminal District Court; and
5. to use courtroom space more efficiently and to assure that, in the trial courts, there will be no fire code violations as a result of exceeding the maximum capacity for the courtroom.

Matters Appropriate for Hearing in Administrative Court:

1. guilty pleas in all waivable offenses, in accordance with the schedule of offenses and fines or penalties promulgated by the Conference of Chief District Court Judges pursuant to G.S. 7A-148;
2. guilty pleas in Class 3 misdemeanors (example: most city ordinances, solicitation to commit a Class 1 misdemeanor);
3. guilty pleas in other charges that the District Attorney wants to send to Administrative Court, with the consent of the Chief District Court Judge, and which the DA reduces to either a waivable offense or a Class 3 misdemeanor.

If authorized by the Chief District Court Judge, the magistrate may also grant continuances and report any defendant's failure-to-appear to the Clerk, for the Clerk to report to the Division of Motor Vehicles (DMV).

Only if the Clerk of Superior court or an Assistant Clerk (not a deputy clerk) is present at these Administrative Court sessions, the Clerk or the Assistant Clerk may appoint counsel for indigent defendants. Otherwise, cases where the defendant may receive an active sentence should be set for District Court if a plea is not entered in Administrative Court.

If the law enforcement officer charges an individual with multiple violations, some of which would be appropriate for Administrative Court and some of which would not, that person should be cited for the officer's regular court date for all charges.

These Administrative Court procedures apply to all citations issued by Police Departments, the Sheriff, and the Highway Patrol, and only as directed by the District Attorney's Office. Administrative Court is not for warrants, summons, or other process. If an officer believes, for whatever reason, that he or she needs to talk with the District Attorney before the DA and judge can appropriately handle a case as a routine case, the officer may set that case for his or her regular court date.

Continuances:

Once a case is called in Administrative Court, there will be NO continuances to a subsequent Administrative Court session.

Administrative Court Procedures:

No cases should be set by the officer prior to 30 days from the date the process was issued and the citations must be turned in to the Clerk's Office promptly. No officer shall suggest to any defendant that he or she may come to the Judge's or District Attorney's Office before the court date to get a reduction or a dismissal, as these offices are not staffed to handle cases on a drop-in basis.

[Comment: The 30-day minimum will allow sufficient time for the citation or other criminal process to be returned to the Clerk's Office by the officer, for the Clerk to set up the case file and calendar the case for Administrative Court; and for the defendant to hire an attorney and/or to decide what his or her plea will be.]

Administrative Court will be in session from 8:30 a.m. to 12:30 p.m. and 2:00 p.m. to 4:00 p.m. On the date assigned, persons scheduled to appear in this court may come in anytime during these hours. Defendants will be heard on a first-come, first-served basis. Attempts will be made to accommodate attorneys when they arrive in court, to prevent any inconvenience for other courts requiring an attorney's presence. [However, such accommodation should not be done at the expense of the general public waiting for the court to hear their case.]

Reporting Failures to Appear:

In compliance with G.S. 20-24.1, at the close of each session [the calendar of remaining cases will be called and failed] and the clerk will report to the Division of Motor Vehicles, any failure to appear by any defendant whose name was on the Administrative court calendar for a traffic offense. In addition, in appropriate cases the clerk will present to a district court judge a calendar noting those individuals who failed to appear or dispose of their case, so that the judge may issue appropriate process for their failure to appear.

Additional Comments:

Officers should remember to advise defendants that appropriate citations may be paid by waiver to the Clerk of Superior Court or any Magistrate, if done before the Administrative Court date.

Attached is a list of offenses approved for Administrative court. There are a few changes from the earlier list.

This the 2nd day of July, 1998.

Richard W. Stone
Chief District Court Judge

Approved by:

Belinda J. Foster
District Attorney

EXHIBIT A

The following matters are approved for Administrative Court:

- a. All infractions including but not limited to
 - a. Expired registration
 - b. Expired inspection
 - c. Unsafe movement
 - d. Red light/stop sign violation
 - e. Failure to yield
 - f. Following to close
 - g. Exceeding safe speed
 - h. Exceeding posted speed
 - I. Improper passing
 - j. Improper parking
 - k. Improper equipment (brakes, tires, speedometer, etc.)
 - l. Seat belt violation
 - m. Child restraint violation
 - n. Failure to remain stopped for school bus
 - o. All non-moving violations
- b. Speeding charges not to exceed 85 m.p.h. in a 65 m.p.h. zone;
- c. Speeding charges not to exceed 80 m.p.h. in a 55 m.p.h. zone;
- d. No operator's license; fail to comply with restrictions; allowing unlicensed operator to drive
- e. Offenses involving automobile registration and financial responsibility; and
- f. Additional offenses:
 1. Careless/Reckless Driving
 2. DWLR (revocation not based on impaired driving)
 3. No insurance (non-accident)
 4. Littering
 5. Window tint violations
 6. Fictitious registration card/tag
 7. All city ordinances