

**26TH JUDICIAL DISTRICT
DISTRICT COURT DIVISION
LOCAL RULES OF CRIMINAL PROCEDURE**

Rule 1 – General Rules

1.1 These rules supersede all prior local criminal procedure rules of the District Court. As used herein, “District Attorney” means the District Attorney for the 26th Judicial District or any Assistant District Attorneys appearing on the District Attorney’s behalf.

Rule 2: Dress Code

2.1 Attorneys are required to appear in court during all sessions in appropriate business attire. Casual dress is prohibited.

2.2 Attorneys should refrain from wearing or displaying any political or campaign buttons, lapel stickers, or patches, pins or like displays of support for political candidates, parties, or organizations while in any of the courtrooms. Such items are inconsistent with the administration of justice, and may demonstrate an appearance of impropriety and/or favoritism to the general public.

Rule 3 – Sessions of Criminal Court

3.1 Criminal trial court shall operate on a daily basis, with cases set in either the morning at 9:00 a.m. (the “A” session) or afternoon at 1:30 p.m. (the “B” session). Courtrooms assigned to handle criminal trials will be courtrooms 4130, 4150, 4170, 4310, 4330, & 8370. All defendants shall be present at the call of the calendars at 9:00 a.m. in the morning, or 1:30 p.m. in the afternoon. In addition to, and not in limitation of additional sanctions, if neither the defendant nor their attorney has appeared (or provided the Court or District Attorney notification of their whereabouts) by the second docket call (assuming same is given), such case may be subject to the issuance of Orders of Arrest or Failures to Appear.

3.2 Due to the juvenile offender population being smaller than the adult offender population, the cases of juvenile offenders should called first for both A and B sessions. To prevent potential holdups in court proceedings, cut-off times shall be implemented at 9:45 a.m. for the A session and 2:15 p.m. for the B session.

3.3 Except for persons charged with domestic violence offenses, which are addressed in Rule 8.1 below, all persons in custody shall have a first appearance in Courtroom 1150 the following regular court day or within 96 hours or as soon as practicable after the arrest. For persons in custody with misdemeanor charges, bond will be set or reviewed. The court shall address appointment or waiver of counsel, and notify the Defendant of their next court date. With the consent of the Defendant, the District Attorney and the Court, a Defendant may waive counsel and tender a plea of guilty on certain misdemeanor offenses. Defendants charged with felonies who have met their conditions of release shall appear in Courtroom 1150 for a first

appearance as indicated on their release order.

3.4 For persons being held in custody on felony charges, bond and probable cause hearings shall be scheduled in courtroom 1150 at 9:00 a.m. consistent with N.C.G.S § 15A-606.

3.5 With the exception of Domestic Violence probation violations, which will be heard in courtroom 4130 on Fridays, and unless exigent circumstances exist, all District Court probation violations will be heard in trial Courtroom 4330 on Fridays. District Court supervised probation violations will be heard beginning at 9:00 a.m., and may be carried over to the afternoon session. District Court unsupervised probation violations will be heard in the afternoon session beginning at 1:30 p.m. Priority on probation violations, both supervised and unsupervised, will be given to any defendant held in custody on those violations. In the event that courts are closed on a Friday, the Chief District Court Judge may schedule an alternative date when the probation violations will be heard. Subject to the calendaring authority of the District Attorney, all probation violations calendared after 5:00 p.m. on Tuesdays shall be set for hearing on Friday of the following week.

3.6 Persons charged with misdemeanors and infractions who are not in custody will be scheduled for a first appearance in Administrative Courtroom 1130 at both 9:00 a.m. or 1:30 p.m. The specific dates for appearances may be set by the citing police officer, magistrate, district attorney, or district court judge—Attorneys may appear on behalf of their clients, and may resolve cases, if the clients have authorized, in writing, the attorney's appearance, and the offenses are waivable offenses, consistent with NCGS 15A-1011.

3.7 Regular sessions of Environmental Court will be held on the first Tuesday of the month in Courtroom 4330 beginning at 9:00 a.m. Defendants are required to be present.

3.8 Compulsory School Attendance Law Violations will be heard in Courtroom 8370 on Tuesdays at 1:30 p.m. Cases involving child victims will be heard in Courtroom 8370 on Tuesdays at 1:30 p.m.

3.9 Cases initiated by a private citizen shall be screened by the District Attorney's office and, if appropriate, scheduled for Private Warrant Court, which shall be held on alternating Mondays in Courtroom 4330. Parties shall be referred to Community Based mediation, as required by NCGS § 7A-38.5.

Rule 4 – Tracks for Courtrooms 4150, 4170 and 4310

4.1 All misdemeanor criminal cases will be assigned to one of two tracks: Track 1 (Standard) or Track 2 (Expedited). Track 1 will include DWI and represented cases, while Track 2 will include all unrepresented cases and non-DWI cases when defense counsel chooses this option.

4.2 Cases assigned to Track 1 (Standard) shall proceed through the following events in the order shown:

- (a) First Appearance will occur within 30-days of charge
- (b) Pretrial Readiness Conference (PTRC) will occur within 30-days of the First Appearance
- (c) Follow-up PTRC (only if needed) will occur within 30-days of the PTRC
- (d) Trials will occur on the next available date after either the PTRC or Follow-up PTRC

4.3 Cases assigned to Track 2 (Expedited) shall proceed through the following events in the order shown:

- (a) Initial Appearance – Courtroom 1130 within 30-days of charge
- (b) Trial –within 30-days of charge

4.4. Guilty pleas will be accepted at any stage of the process for cases on either track.

4.5 At the First or Initial Appearances a plea is accepted, waiver is signed or counsel appointed. A PTRC date is set for Track 1 cases and Trial date is set in Track 2 cases.

4.6 All eligible defendants seeking court appointed counsel will be assigned a Public Defender (PD) at the Initial Appearance hearing in Courtroom 1130. Defendants will be advised that any decision to subsequently hire private counsel must be done in a manner that has counsel being retained by the time of the Pretrial Readiness Conference (PTRC) in Track 1 cases and by the time of Trial in Track 2 cases. Otherwise, the assigned PD shall be prepared to proceed at the respective next hearing. If a waiver is signed or the defendant is ineligible to have the PD appointed, the defendant will be informed s/he must retain counsel or be prepared to proceed pro se at the time of the PTRC in Track 1 cases and Trial in Track 2 cases. The Waiver Slip (CFR-10) will be provided to the defendant conveying the same message. The Court may revisit the appointment of counsel if the defendant has previously waived counsel and there has been a change of circumstance.

4.7 At the *Pretrial Readiness Conference* a plea offer is made. It is the practice of the District Attorney's Office to make the best offer possible at the outset rather than to make a high opening offer and expecting to negotiate down from the offer. The District Attorney's Office provides prior record level for general misdemeanors and notice of any potential grossly aggravating and aggravating factors in DWI cases. New allegations or additional evidence may be alleged at any time prior to arraignment, although such may result in a continuance. The plea is then either accepted or discovery is exchanged and the scheduling order is completed. Within the Scheduling Order, the case will either be set for a Trial, Plea or, if needed a Follow-up PTRC.

- (a) Cases should be moved to a follow-up PTRC if they have the following issues outstanding:
 - 1. DMVR/Video has not been received after a timely request
 - 2. Knoll documents have not been received after a timely request
 - 3. Blood result have not been received

4. Forensic Evaluation has not been completed/report has not been received
 5. Compliance for dismissal with reason for continuance included on completed Scheduling Order
 6. Case is set for Findings of Facts
- (b) Cases should be set for plea upon the request of the defendant.
- (c) Cases should be set for trial under the following conditions:
1. Case ready for trial – nothing is outstanding
 2. Driving record needs to be requested/has not been received
 3. Witness/Officer needs to be added.

4.8 When available, defense counsel who has made a general appearance, may request a police report (KBCOPS) and video (DWI cases) at the PTRC. If a jail report (DWI cases) is desired, the request should be directed to the Sheriff's Office. The ADA is also to produce the driving record at the PTRC in DWLR cases. When discovery materials are provided by the District Attorney's Office, defense counsel must agree that all materials including reports and recordings will remain in the custody and control of defense counsel. Defense counsel may exhibit copies of the discovery materials to the defendant and discuss their content with the defendant, but defense counsel will not permit the defendant to possess or control copies of discovery materials. Unrepresented defendant will be permitted to review all discovery but will be prohibited from copying or sharing them.

4.9 The Scheduling Order shall be completed fully by the ADA and defense attorneys and document the following matters where applicable:

- (a) Whether there are any conflicts that would prevent the case from moving forward to trial.
- (b) Whether there are any other pending misdemeanors or felony cases that will impact the case
- (c) That the State's witnesses listed are present and that both parties have spoken with them (if necessary) and/or documentation regarding the case has been exchanged. Or if a witness is not present, without having been excused, the name, role, and reason for their absence is listed.
- (d) The State has checked for the existence of the following and has provided to the defense, where available:
 1. Police reports & Victim/Witness statements
 2. Statements made by defendant
 3. Chemical analysis
 4. Jail logs
 5. DMVR/Body camera footage
 6. Defendant's criminal record & level
- (e) The ADA and defense counsel have met and discussed the case, including the

- plea offer, if applicable.
- (f) A plea offer has been extended
- (g) The pre-trial motion that defense counsel anticipates filing.
- (h) Any stipulations to be entered.

4.10 All cases must have a Scheduling Order completed for every court date unless the case has been given a review date for compliance of a judgment or is currently set for review for compliance of a judgment and is being continued.

4.11 Scheduling Orders for continuance or advancement to a different setting may be completed without requiring the judge's signature if they meet ALL the following criteria:

- (a) There have been fewer than three (3) 4th Floor trial court settings (excluding Compliances for Dismissal, Bond Hearings, and OFA Strikes).
- (b) The defendant is represented by Counsel.
- (c) The ADA and defense attorney consent to the continuance or advancement.
- (d) The defendant's signature is required on the Scheduling Order when a trial setting is being moved to a plea setting.

4.12 Scheduling Orders for continuance of a setting or advancement to a different setting require the judge's signature in the following situations:

- (a) The defendant is NOT represented by counsel. Pro Se cases set for compliance for dismissal do NOT need to be called before the judge.
- (b) The ADA or defense attorney objects to the continuance.
- (c) There have been more than two (2) 4th Floor trial court settings (excluding Compliances for Dismissal, Bond Hearings, and OFA Strikes).

4.13 To effectuate resolution, the judge, in cases requiring a signature, may establish interim deadlines for actions to occur. Sufficient time between the deadline and the established trial date will be provided.

4.14 The ADA will turn in all completed and signed Scheduling Orders with the shucks to the Judge throughout the court session. The Clerk will make copies of all Scheduling Orders for each court session to be provided as the Trial Court Administrator's (TCA) copy.

4.15 At the Follow-Up PTRC, a plea is accepted or the case status is reviewed. Confirmation is sought that all issues identified at the original PTRC have been addressed and the case is in a position to set for trial. If the case is still not in a position to be set for trial, the Assistant District Attorney (ADA) and defense counsel must document what tasks must still be completed and the deadline to accomplish such on a new Scheduling Order. If the current Follow-up PTRC constitutes the 3rd or a greater trial court setting (excluding compliances for dismissals, bond hearings, and OFA strikes), the Scheduling Order must be presented to the judge for his or her signature. The judge may also inquire why there has not been compliance with the terms of the previously issued scheduling order. Cases should be moved to another Follow-up PTRC if the issues outlined in 4.7(a) 1-6 are outstanding, to a plea according to

4.7(b), or to trial if conditions in 4.7(c) are met.

4.16 At any Plea setting, the plea will be accepted or the case may be continued for a future Plea or a Trial or Follow-up PTRC if needed. Cases should be moved to a Follow-up PTRC if the issues outlined in 4.7(a)1-6 are outstanding, reset for plea upon defendant's request, or moved to trial if conditions in 4.7(c) are met.

4.17 At the trial setting, a plea will be accepted or a trial will be held. Plea offers are withdrawn if not accepted by the close of the original Trial session. ADA's will work closely with the DWI Task Force to schedule additional court dates based on the projection sheets and the availability of the officers. The judge will have authority over how a case will proceed following any rulings on pre-trial motions. Should circumstances dictate a continuance, the case will be reset in accordance with 4.7(a)-(c).

4.18 On the evening prior to the start of the following session, an email notice regarding cases set for trial in each courtroom will be sent to the respective presiding judges with copy to defense attorneys with special notation as to those that are likely to be reached.

4.19 The State will be prepared to proceed with cases likely to be reached for trial at 9:45 a.m. and 2:15 p.m. for A and B sessions respectively. Defense attorneys with trial settings must check in with the ADA in the courtroom by 9:45 and 2:15 for A and B sessions respectively. If the defense attorney will be late or absent, s/he should report via email to MecklenburgDistrictCheckin@nccourts.org. If absent, the email should note who will make an appearance on their behalf.

4.20 Defense attorneys shall provide their office phone number and cell phone number to the District Attorney's Office Misdemeanor Unit so that contact can be made when counsel have not checked in for trials by 9:45 a.m. and 2:15 p.m. and no advance email notification has been received. The ADA will attempt to contact any Defense Attorney who has not checked in for trial settings by 9:45 a.m. and 2:15 p.m. and shall notify the judge of the outcome. The presiding judge is responsible for ensuring defense attorneys who have been put on notice are prepared to proceed at the appropriate times.

4.20 The ADA will notify the judge of circumstances when any trial is being called in lieu of a designated priority trial.

Rule 5 – Appearances by Attorneys

5.1 All attorneys who are representing persons charged with infractions, misdemeanors, and probation violations in any criminal trial court (4130, 4150, 4170, 4310, 4330 and 8370) shall file an appearance form (CRF-09) indicating whether they are making a general or limited appearance.

5.2 For all cases associated with Rule 4 and assigned 4170, 4310, 4330, the case will be set for a PTRC if private counsel appears on behalf of the defendant at the First Appearance setting and makes a general appearance. If private counsel makes a limited appearance and seeks

additional time, one continuance may be granted in exchange for counsel signing the Notice of Appearance (CRF-09); which requires counsel to make a general appearance at the next setting or have the defendant present and ready to proceed. Continuance shall not exceed 30 days in length. When the defendant fails to secure private counsel, and appears on the continuance date, eligibility for appointed counsel will be considered and the case set for a PTRC in Track 1 cases and Trial in Track 2 cases.

5.3 All attorneys who are representing persons charged with felonies must file an appearance form indicating the extent of their representation. Any appearance is considered a general appearance unless limited in writing.

5.4 Attorneys that have matters pending in more than one trial court or have matters to attend to in Superior or Federal Court during the same morning or afternoon sessions, are responsible for informing the District Attorney or the Court of their conflict, and the anticipated time of arrival back to that trial court to resolve their pending matter. Attorneys are encouraged to indicate, as well, whether their pending matter in each trial court is for plea, motion, or trial, in order to promote efficiency and to properly utilize court time. All attorneys should be familiar with Rule 3.1 of the General Rules of Practice for the District and Superior Courts, which outlines guidelines for resolving scheduling conflicts.

5.5 Attorney's should review and be mindful of the rules of entry and withdrawal of Attorney in Criminal Cases as set forth in NCGS § 15A-141, 142 & 143 which are incorporated by reference herein.

5.6 Attorney's should always identify themselves to the Court.

5.7 Attorneys must meet and confer with their clients as soon as possible after receipt of an appointment from the Public Defender's Office. If the person charged is not being held in custody, appointed counsel must make every reasonable effort to contact the person charged, and arrange a suitable location to fully discuss the facts of the case or cases, the need to subpoena witnesses, obtain required documents and proof, and all matters related to a proper defense. Appointed counsel is strongly discouraged from meeting a new client for the first time at the courtroom on the date of hearing. Attorneys and all parties should make every effort to be prepared to handle the assigned cases on the first trial date, and should not expect a continuance of the case(s) in order to meet and prepare.

5.8 All attorneys appointed to represent individuals who are in custody in Mecklenburg County, shall make all reasonable efforts to confer with their clients, in person, at the facility in which they are incarcerated, within three (3) business days, after receiving notice of appointment consistent with the North Carolina Commission on Indigent Defense Services "Performance Guidelines for Indigent Defense Representation in Non-Capital Criminal Cases at the Trial Level" adopted November 12, 2004.

Rule 6 – Defendants Arrested for Failing to Appear

6.1 Every Defendant arrested for failing to appear in Criminal court shall be scheduled for a first appearance in Courtroom 1150. In the event Courtroom 1150 is closed for

holiday or other reason, such cases shall be set pursuant to the rules of the North Carolina General Statutes.

6.2 If the judge presiding over the first appearance deems the Defendant's next trial date to be the last, the judge shall note the same on the Order Appointing Counsel.

6.3 The magistrate shall inform defendants that they must appear in Courtroom 1150 at the scheduled time whether or not they satisfy conditions of pretrial release. The clerks shall include these Defendants on the Courtroom 1150 docket.

Rule 7 – Motion to Strike An Order For Arrest/Forfeiture

7.1 Motions to Strike an Order of Arrest or Order of Forfeiture ("OFA/Forfeiture") shall be in writing. The moving party shall attach any supporting documentation to the motion.

7.2 Unless there are exigent circumstances, no more than one Motion to Strike shall be granted on any one charge.

7.3 Defendants who fail to appear in any of the district court drug treatment, mental health or DWI will be added on in Courtroom 4330 the Friday following the failure to appear to issue or withdraw an order for arrest.

7.4 The Defendant shall appear in court on the "add on" date.

7.5 The Court shall strike the OFA/Forfeiture only if the movant satisfies the Court that on the date s/he failed to appear the Defendant was:

- (a) incarcerated;
- (b) hospitalized or other institutionalized;
- (c) provided with wrong court date/time;
- (d) ordered to be arrested because of court clerk error; or
- (e) if other extraordinary cause exists.

7.6 Absent extraordinary circumstances, and excepting actions by the clerk to correct clerical errors, a case must be placed on the docket, via Add-On slip pursuant to Rule 13 below, before the Court will consider a Motion to Strike an Order for Arrest/Forfeiture.

Rule 8 – Setting Bond in Certain Domestic Violence Cases

8.1 Persons arrested pursuant to N.C.G.S. §15A-534.1 will be scheduled for a first appearance hearing on the "C" docket during the next available morning session in Courtroom 4130. Conditions of pretrial release will be established by the judge presiding in Courtroom 4130. The judge will have available for use in establishing conditions of pretrial release the case papering which includes the affidavit concerning the offense and the defendant's criminal history. In the event that courtroom 4130 is closed for a holiday or any other reason, the Domestic Violence "C" docket will be held in courtroom 1150.

8.2 Attorneys representing a client with an outstanding domestic violence warrant should surrender the client to the Sheriff and then schedule a bond hearing in Courtroom 4130. Magistrates will not contact a judge after business hours during the week or on weekends to set bonds.

8.3 Attorneys should not speak with a judge about bond and should not request the magistrate to contact the judge except in open court and when the District Attorney is represented. Judges approached by an attorney about setting bonds should decline to hear any argument without the presence of the District Attorney.

8.4 "No Issue List"

- (a) For persons who are arrested on warrants issued upon the complaints of an individual who is determined to be on the "No Issue List", the magistrate shall have the authority to determine the conditions of release in accordance with the bond policy.
- (b) For persons who are involved in domestic litigation, and the judge assigned to the domestic case has initiated the process to have one or more of the parties placed on the "No Issue List", but the Chief District Court Judge has not yet finalized the process, and the person sought to be placed on the "No Issue List" initiated the warrant resulting in the arrest, the presiding family court judge shall have the authority to direct the arrested person's conditions of release.

8.5 Further instructions on the "No Issue List" are set forth in 09-R-163 which was made effective February 25, 2009, and said Administrative Order is available on the 9th floor at the judicial offices.

Rule 9 – Criminal Trial Subpoenas to Law Enforcement Officers

9.1 Trial subpoenas to law enforcement officers to appear and testify must be filed with the Sheriff no less than fourteen (14) days prior to the scheduled court appearance. Law enforcement is expected to be present if subpoenaed.

9.2 Trial subpoenas to law enforcement officers to appear and produce documents, within their custody and control, must be filed with the Sheriff no less than fourteen (14) days prior to the scheduled court appearance.

9.3 If the Defendant or attorney for the Defendant can demonstrate that the notification to him/her of the court date was given less than fourteen (14) days prior to the scheduled court hearing, diligent efforts will be made to accomplish service on the officer, notwithstanding the fourteen (14) day limit.

9.4 Trial subpoenas to law enforcement officials shall be clearly labeled with the exact date, time, session, and courtroom that the officer is to begin his/her testimony. Subpoenas shall list a contact person and telephone number.

9.5 The defense attorney should notify the subpoenaed officer immediately upon determining that the officer's testimony will not be needed.

9.6 Breath Analysts are to be subpoenaed for all trial settings.

9.7 Blood Analysts are to be notified the day of the setting to ascertain their availability.

9.8 This order applies to Criminal District Courts 4130, 4150, 4170, 4310 and 4330. (It does not apply to Juvenile or Civil Domestic Violence hearings).

9.9 Subpoenas that are not in compliance with the guidelines established in this order will not be served and notification will be given to the issuing party.

Rule 10 – “Knoll Motions” in Driving While Impaired ("DWI") Cases

10.1 Motions to dismiss based upon alleged violations of the provisions of N.C.G.S. §15-A-511, N.C.G.S. §15A-534.2 or applicable case law shall be made in writing, shall set forth with specificity the basis of the motion and be served upon the District Attorney assigned to the courtroom in which the case is calendared not later than fifteen (15) calendar days before the calendared date. The movant shall be responsible for issuing applicable subpoenas to secure evidence to support their motion.

10.2 The failure of defense counsel to prepare and serve the written motion to dismiss pursuant to this rule shall be grounds for the trial judge's refusal to consider the motion.

Rule 11 – Fee Petitions

11.1. Barring exigent circumstances, Fee Petition forms shall be filled out completely and submitted immediately upon the conclusion of the case. The purpose of this requirement is to facilitate timely payment and to assure that, in all criminal cases and in civil cases in which the court intends to enter a civil judgment, the defendant or respondent is given notice of the claimed hours and an opportunity to be heard.

11.2 An itemized listing of hours and work performed shall be attached to every Fee Petition form submitted by attorneys. Inasmuch as Fee Petitions are public records, counsel should exercise care not to disclose work product.

11.3 Fee Petitions must be submitted for payment within 120 days after the date of final disposition.

11.4 The only in-county travel time that is allowable to be charged on a Fee Petition is that for travel to and from Jail North to confer with a client or witness. Travel time to and from an attorney's office to the courthouse is not a billable item.

11.5 When a defendant fails to appear, assigned counsel/interpreter shall wait at least 45 days, but no more than 120 days, before submitting a fee petition.

11.6 For cases where interim fee petitions have been submitted, the total amount previously awarded shall be indicated on the final Fee Petition.

11.7 Fee applications shall be filled out legibly, completely and accurately before submission to a judge for approval. Every attempt should be made by counsel submitting a fee application to obtain a valid social security number from a client, and to record the same on the application.

11.8 Attorneys shall include with each attorney Fee Application an itemized billing record which provides sufficient details regarding counsel's services in the case to demonstrate that the claim for compensation is reasonable. At a minimum, the itemized billing record must reflect attorney time broken down according to date, description of services, and amount of time in hours and six minute (1/10th hour) increments.

11.9 Before accepting any appointed criminal cases, counsel should be familiar with the North Carolina Commission on Indigent Defense Services "Performance Guidelines for Indigent Defense Representation in Non-Capital Criminal Cases at the Trial Level" adopted November 12, 2004.

Rule 12 – Motions for Appropriate Relief

12.1 Motions for Appropriate Relief made pursuant to G.S. §15A-1411 shall be made in writing and filed with the Clerk of Superior Court. The Motion shall be served on the District Attorney. Once the District Attorney is served the clerk shall forward a copy of the Motion to the Chief District Court Judge for further assignment. The movant is responsible for securing any necessary witnesses or documents in support of such motion. Motions for Appropriate Relief shall not be instituted by the "add on" process.

12.2 All motions for appropriate relief filed in district court shall, when filed, be referred to the Chief District Court Judge, who will assign the motion as provided by N.C.G.S. §15A-1413, for review and administrative action, including, as may be appropriate, dismissal, calendaring for hearing, entry of scheduling ordering for subsequent events in the case, or other appropriate actions.

12.3 All motions for appropriate relief filed in district court are subject to dismissal by the Chief District Court Judge or District Court Judge hearing same if the motion lacks merit on its face or fails to comply with G.S. §15A-951.

Rule 13 – Transfer of Cases

13.1 Upon the scheduling of a criminal case for trial or disposition for a particular day of court in a specified courtroom, that case may be moved out of a scheduled courtroom to be heard on that same day in a different courtroom if:

- (a) The presiding judges in both courtrooms agree to the transfer of the case(s); and
- (b) The move promotes efficient use of courtroom availability, personnel, and properly utilizes resources to avoid delay, continuances, or inconvenience to witnesses and other parties.

Rule 14 – Add-Ons

14.1 Attorneys requesting cases to be added on in a particular courtroom should request the District Attorney to sign the add-on slip.

14.2 For cases associated with Rule 4 (Courtrooms 4150, 4170 and 4310), Add-on's do not need to be added on for motions to continue where both parties consent. In those cases, the parties should fill out a standard add-on and once signed by the ADA and defense attorney, the defense attorney shall make a copy of the add-on. The defense attorney should then take both copies of the add-on slip to the Attorney Window in the Clerk's Office to be moved in ACIS and the original placed in the shuck. The Clerk's Office should then place the copy of the add-on slip and Scheduling Order in the TCA Box for pick up.

Rule 15 - Continuances

15.1 Continuances of cases set on a trial calendar require the consent of the Court. However, in the interest of court room efficiency, the District Attorney, with the consent of the defendant, may continue cases without the consent of the Court for cases scheduled on a trial docket in Courtrooms 4130, 4330, and 8370. If the parties cannot agree on such continuance, the Court shall resolve the issue. Cases associated with Courtrooms 4130, 4330, and 8370 that are not set on trial calendars are subject to settings as determined by the District Attorney's office. A case is "set on a trial calendar" when said calendar is published on the web site of the Administrative Office of the Courts. The rescheduling of cases in Courtrooms 4150, 4170 and 4310 is governed by Rules 4.11 and 4.12.

15.2 Cases that were continued or not reached in 4170 and 4310 prior to July 31, 2017 and have been reset for a session on or after this date are considered ready for trial. If the Court determines a legacy case is not ready for trial or is not going to be reached, a scheduling order will be entered either setting it for a Follow-up PTRC or Trial.

Rule 16 - Notice of Appeal

16.1 When a notice of appeal is filed with the Clerk of Superior Court for a case in which an active sentence was imposed, the Clerk shall set such notice of appeal before the court from where the judgment was entered within three (3) business days of such notice. If the judge from whence the appeal is taken is not available, such notice of appeal shall be set in the same court room from whence it issued. The defendant and the defendant's attorney, if applicable, shall appear on the scheduled court date to perfect such notice of appeal.

16.2 For cases in which no active sentence was imposed, the District Attorney may

transfer such notices of appeal to Courtroom 1130 if necessary for efficiency purposes. The defendant and/or the defendant's attorney shall appear on such scheduled date to perfect such notice of appeal.

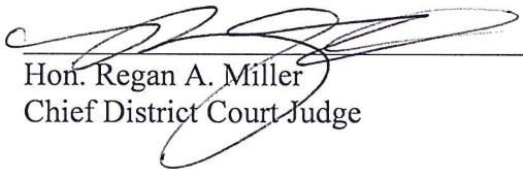
Rule 17 – Accountability

17.1 The TCA shall gather and report performance data related to the number of trial setting cases scheduled, disposed, and continued. Session clearance rates and the age of the caseload in relation to the adopted time standards shall also be reported. Reports shall be shared with the DA Misdemeanor Unit Chief, PD Misdemeanor Unit Chief, Defense Bar Representative, Presiding Judges, and Chief District Judge. The TCA shall also facilitate periodic meetings attended by the above representatives to discuss operational issues and performance measures.

Effective Date

These Rules shall become effective on the 31st day of July 2017 and shall supersede any prior rules of procedure.

This the 13 day of July, 2017.



Hon. Regan A. Miller
Chief District Court Judge