

STATE OF NORTH CAROLINA
COUNTY OF NEW HANOVER

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION

LOCAL RULE FOR BOND HEARINGS IN DISTRICT COURT
AMENDED

FELONY CASES

The following procedures are adopted for conducting bond hearings on felony cases pending in the District Court for New Hanover County:

1. Bond hearings will be conducted based upon written motions filed with the Clerk of Superior Court, Criminal Division. Defense attorneys must attempt to contact the assistant district attorney assigned to the case to arrange a convenient date for the hearing. A Motion for Modification of Bond and Notice of Hearing form is attached hereto as Exhibit A and must be filed. The agreed upon date must be entered on this form. In the event there is no agreed upon date, or the attorney has not been able to consult with the assigned assistant district attorney, the attorney may select a date at least three business days from the date of the filing of the motion, so that the assistant district attorney may respond.
2. All bond hearings on felonies will take place at 2pm in Courtroom 100, Tuesday through Friday. Bond hearings will be scheduled prior to the 1st appearances held in Courtroom 100.
3. On filing the clerk will make appropriate arrangements for the file to be in Courtroom 100 at 2pm on the date designated.
4. After filing the attorney will serve the assistant district attorney by delivering a copy to the front desk of the District Attorney's Office. The attorney will also deliver a copy to the Security Operations Center, Room 221, at the entrance to the Courthouse. The Sheriff's Department is responsible for the AOC-CR-200 Conditions of Release and Release Order, the "blue sheet" being brought from the jail on the designated date and delivered to Courtroom 100 at 2pm. The Sheriff's Department is also responsible for having the Defendant available by video at the New Hanover County Jail.
5. The assistant district attorney is not required to take any action unless there is an objection to the date set by the attorney. In the event of an objection, the assistant district attorney should attempt to contact the attorney to reschedule the hearing at an agreed upon date. If there is a new date agreed to by both attorneys, the new date should be entered on the form, filed with the clerk, delivered to the Security Operations Center set out above, and served on the attorney by placing a copy in the attorney's folder in the District Attorneys office. The clerk and Sheriff's Department will follow their same

procedures outlined above for the new hearing date. If there is no agreed upon date, the assistant district attorney should note the objection on the form and follow the same procedure outlined in this paragraph. If there is no agreed upon date the assistant district attorney assigned to the case or any other assistant district attorney should appear on the date designated by the attorney and may ask the presiding judge to continue the case. Both parties will be bound by the judge's decision to conduct the hearing or reschedule to another date.

6. The assistant district attorney may consent to conducting the hearing on less than 72 hours notice, but no bond hearings may be conducted without the AOC-CR-200 in hand and the Defendant present at least by video.

7. In the event of an emergency any presiding judge may request the file and AOC-CR-200 so that a hearing can be conducted.

8. These rules do not apply to the review of conditions of release that is required as part of first appearances pursuant to G.S. 15A-605.

MISDEMEANOR CASES

1. Bond hearings for misdemeanors shall be heard in the courtroom where the case is scheduled to be heard so that the assistant district attorney assigned to that courtroom may participate in the bond hearing.

2. The same scheduling and notice form may be used for misdemeanor cases as felony cases.

3. The defense attorney requesting the bond hearing shall provide 3 business days notice of the bond hearing. Bond hearings on misdemeanors may be heard on any weekday that regular criminal court is held in the appropriate courtroom.

4. On receipt of the scheduling and notice form, the assistant district attorney shall notify the bailiff to add the defendant to the jail list for the appropriate day. Appearance of the defendant may be waived by defense counsel in misdemeanor cases. In the event the appearance of the defendant is waived, the assistant district attorney shall request that the bailiff deliver the AOC-CR-200 to the courtroom on the appropriate day. Bond hearings shall not be conducted without the AOC-CR-200.

5. On filing the clerk will make appropriate arrangements for the file to be in the courtroom on the designated day.

6. Bond hearings in misdemeanor cases may be heard on less than 3 days notice if the assistant district attorney and defense attorney agree. Adequate time must be provided to the Sheriff's Department to secure the AOC-CR-200 from the jail.

7. These rules do not apply to the review of conditions of release that is required as part of first appearances as provided by G.S. 15A-605.

ADOPTED AS A LOCAL RULE FOR CRIMINAL DISTRICT COURT THIS THE
29TH DAY OF JULY, 2013.

J.H. Corpening, II
Chief District Court Judge