

STATE OF NORTH CAROLINA
FIFTH JUDICIAL DISTRICT
NEW HANOVER AND PENDER COUNTIES

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION

AMENDMENT TO LOCAL RULE 1
DISTRICT COURT TRIAL COURT CONTINUANCE POLICY FOR
CRIMINAL COURTS

Rule 1: Motions for Continuance----Criminal Cases.

The opening paragraph of the rule is amended to read: Criminal cases and infractions should be disposed at the earliest opportunity, including the first trial setting. However, when compelling reasons for continuance are presented which would affect the fundamental fairness of the trial process, a continuance may be granted for good cause. It is recognized that continuances may be necessary for a fair and impartial administration of justice.

Rule 1.1: Appropriate Court Official

In each section where a reference is made to a period of 90 days from the first calendaring as the triggering event to require involvement of the judge in the continuance process as the "Appropriate Court Official," the rule is amended to make the period 120 days.

Rule 1.8: Time Standards

This section is amended to read: The goal of the adoption of Local Rules and Continuance Policies in response to the Supreme Court of North Carolina's Caseflow Management Plan which was submitted to the General Assembly, is to dispose of all criminal and motor vehicle cases within 120 days of the first setting in District Court. Meeting this deadline may not be possible for a variety of reasons, and the "Appropriate Court Official" described in these rules should use the framework presented by these rules to evaluate the need for continuance, even after 120 days, and should make every effort to make a decision that promotes the fair administration of justice.

All sections of Local Rule 1, District Court Trial Court Continuance Policy for Criminal Courts not otherwise amended herein shall remain in full force and effect. In recognition of the fact that Rule 1 has not been enforced in a significant period of time, the effective date for enforcement of Rule 1 as amended herein, shall be September 15, 2014.

This the _____ day of August, 2014

J.H. Corpening, II
Chief District Court Judge