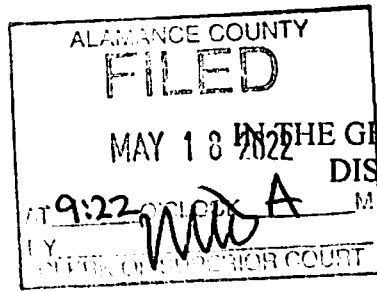


NORTH CAROLINA  
ALAMANCE COUNTY



IN THE GENERAL COURT OF JUSTICE  
DISTRICT COURT DIVISION

**ADMINISTRATIVE ORDER**

**RE: REQUIRMENTS AND PROCEDURE FOR FINGERPRINTING DEFENDANTS**

**THIS MATTER** is appropriate for entry of an Administrative Order as is affects the entire Criminal District Court Division of Judicial District 15A (Alamance County). By authority of N.C.G.S. §7A-146 and pursuant to the directives of the North Carolina Supreme Court, it is hereby ordered that all parties and attorneys with cases pending in Criminal District Court of Judicial District 15A shall comply with the following procedures effective immediately.

THAT Defendants shall be fingerprinted pursuant N.C.G.S. §15A-502. The “Memo dated October 29, 2019” is attached hereto and incorporated by reference into this Order.

THIS Administrative Order shall supersede all previous Administrative Orders regarding fingerprint requirements and procedures.

THIS Administrative Order shall be applicable to all self-representing Defendants (pro se) and Defendants represented by attorneys.

THIS Administrative Order shall be applicable to new cases, cases previously continued and 90-96 returns.

THIS Administrative Order is not intended to encourage nor discourage Law Enforcement Officers from performing their normal operating procedures regarding issuing citations in lieu of making an arrest when applicable.

It is the responsibility and duty of the arresting law enforcement agency to fingerprint the Defendant and forward those fingerprints to the State Bureau of Investigation pursuant to the statutory requirements.

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. Any person that is brought before the Magistrate to the Alamance County Jail that must be fingerprinted pursuant to N.C.G.S. §15A-502 shall be fingerprinted by the arresting Law Enforcement Officer.

2. The Magistrate will enter the check digit number on the State Bureau of Investigation disposition and place in the court file.

3. The Magistrate will ensure that the arresting Law Enforcement Officer complies with this Administrative Order.

4. The arresting law enforcement agency is responsible for fingerprinting a Defendant pursuant to N.C.G.S. §15A-502 even if they are not the charging agency.

5. Any person cited and released and not taken before a Magistrate (i.e. Possession of Controlled Substance pursuant to N.C.G.S. §90-95(a)(3) including but not limited to possession of marijuana and other charges of misdemeanor possession of controlled substance) will be fingerprinted by an Alamance County Sheriff's Department Bailiff at the Defendant's first appearance or next court appearance.

6. Any Juvenile required to be fingerprinted shall be fingerprinted by an Alamance County Sheriff's Department Bailiff. The Department of Juvenile Justice shall contact a Bailiff and the Juvenile shall be escorted by Juvenile Justice to the side door entrance (emergency exit) of the J.B. Allen Courthouse and a Bailiff will escort the Juvenile and the Juvenile Justice representative into the Probation Office Intake Room to be fingerprinted.

7. The Alamance County Sheriff's Department Bailiff will provide the necessary fingerprint documentation to the Alamance County Clerk's Office to be filed in the court file for any Defendant or Juvenile they fingerprint. It shall be the duty of the Alamance County Sheriff's Department to forward those fingerprints to the State Bureau of Investigation pursuant to the statutory requirements.

8. The Alamance County Clerk's Office will determine and identify which Defendants need to be fingerprinted by marking the docket with two asterisks (\*\*).

9. The Alamance County Clerk's Office will have an orange AOC-CR-360 Order for the Judge's signature for any Defendant that refuses to be fingerprinted pursuant to N.C.G.S. §15A-502 by the Alamance County Sheriff's Department Bailiff in court.

10. The Assistant District Attorney in court will request Defendant to accompany an Alamance County Sheriff's Department Bailiff to the Probation Intake Office to be fingerprinted pursuant to N.C.G.S. §15A-502.

11. If Defendant refuses to voluntarily be fingerprinted at the Assistant District Attorneys request, then the Assistant District Attorney will address the matter with the presiding Judge. The presiding Judge will order Defendant to accompany the Alamance County Sheriff's Department Bailiff to be fingerprinted pursuant to N.C.G.S. §15A-502.

12. Any Defendant who refuses to be fingerprinted pursuant to N.C.G.S. §15A-502 after being ordered to do so or leaves court without being fingerprinted after being ordered to do

so is subject to the criminal contempt powers of the Court pursuant to N.C.G.S. §5A-15, including issue of an Order for Arrest pursuant to N.C.G.S. §5A-16 if necessary.

13. No case wherein the Defendant has not been fingerprinted pursuant to N.C.G.S. §15A-502 shall be continued until the presiding Judge has addressed the fingerprint requirement.

14. Any Defendant appearing on a 90-96 return will be required to comply with the fingerprint requirements pursuant to N.C.G.S. §15A-502 prior to the dismissal of the Defendant's case.

This the 10<sup>th</sup> day of May, 2022.

  
Bradley Reid Allen, Sr.  
Chief District Court Judge



**BRADLEY REID ALLEN, SR.**  
CHIEF DISTRICT COURT JUDGE

**JUDICIAL DISTRICT #15A**  
ALAMANCE

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SUITE 120  
GRAHAM, NC 27253  
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BRADLEY.R.ALLEN@NCCOURTS.ORG

## **MEMO**

**October 29, 2019**

**EFFECTIVE NOVEMBER 4, 2019**

**RE: Fingerprinting of Defendants Pursuant to 15A-502**

The U.S. Attorney's Office met with the Sheriff's Offices across the state and determined that fingerprints were not properly being collected. Subsequently, the Judges, DA's Office, Sheriff's Department and Clerk's Office have met to address the issue of some Defendants not being fingerprinted/photographed when required.

The Clerk's office and the Sheriff's Department are working to determine Defendants that should have been fingerprinted pursuant to the above statute and have not been properly fingerprinted. Pursuant to 15A-502 Defendants shall be fingerprinted if:

- a. A person charged with the commission of a Felony or Misdemeanor may be photographed and his fingerprints may be taken for law-enforcement records only when he has been:
  1. Arrested or committed to a detention facility, or
  2. Committed to imprisonment upon conviction of a crime, or
  3. Convicted of a Felony.
- b. It shall be the duty of the arresting law enforcement agency to cause a person charged with the commission of any of the following Misdemeanors to be fingerprinted and or forward those fingerprints to the State Bureau of Investigation:
  1. G.S. 14-134.3 (Domestic Criminal Trespass), G.S. 15A-1382.1 (Offense that involved domestic violence), or G.S. 50B-4.1 (Violation of a valid Protective Order).
  2. G.S. 20-138.1 (Impaired Driving), G.S. 20-138.2 (Impaired Driving in Commercial Vehicle), G.S. 20-138.2A (Operating a Commercial Vehicle After Consuming Alcohol), and G.S. 20-138.2B (Operating Various School, Child Care, EMS, Firefighting, or Law Enforcement Vehicles after Consuming Alcohol).
  3. G.S. 90-95(a)(3) (Possession of a Controlled Substance)

The statute also requires per 15A-502(f):

If a person is charged with an offense for which fingerprints are required pursuant to this section but the person is not arrested for that offense, the Court before which the charge is pending shall order the Defendant to submit to fingerprinting by the Sheriff or other



appropriate law enforcement agency at the earliest practical opportunity. If the person fails to appear for fingerprinting as ordered by the Court, the Sheriff shall so inform the Court, and the Court may initiate proceedings for Criminal Contempt against the person pursuant to G.S. 5A-15, including issue of an Order for Arrest pursuant to G.S. 5A-16, if necessary.

The issue will mainly come up in District Court when a Defendant has been cited and not arrested for Possession of Controlled Substance pursuant to NC GS 90-95(a)(3). Including but not limited to Possession of Marijuana and other charges of Misdemeanor Possession of Controlled Substance.

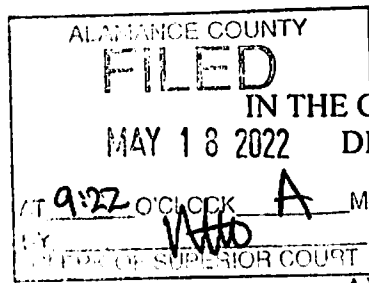
The Court will order Defendants to submit to fingerprints pursuant to 15A-502 and AOC-CR-360 Court Order.

There will be a fingerprint machine placed in the Probation Office on the 1<sup>st</sup> Floor of the Judge J B Allen, Jr. Courthouse. It should only take a few minutes for the Deputy Sherriff to process the mandatory fingerprint requirements.

If you have any questions, please contact me.

Bradley Reid Allen, Sr.  
Chief District Court Judge

NORTH CAROLINA  
ALAMANCE COUNTY



IN THE GENERAL COURT OF JUSTICE  
DISTRICT COURT DIVISION

**ADMINISTRATIVE ORDER**

**RE: CRIMINAL DISTRICT COURT ATTORNEY TIME SLOTS**

**THIS MATTER** is appropriate for entry of an Administrative Order as it affects the entire Criminal District Court Division of Judicial District 15A (Alamance County). By authority of N.C.G.S. §7A-146 and pursuant to the directives of the North Carolina Supreme Court, it is hereby ordered that all parties and attorneys with cases pending in Criminal District Court of Judicial District 15A shall comply with the following procedures effective June 1, 2022.

THAT pursuant to an Administrative Order filed May 27, 2020, Criminal District Court attorney time slots were created to avoid crowded courtrooms and allow for social distancing pursuant to Governor Roy Cooper declaring a statewide emergency and Chief Justice Cheri Beasley's Administrative Orders in response to the Coronavirus COVID-19.

THAT pursuant to an Administrative Order filed September 30, 2021, beginning October 11, 2021, all cases scheduled in Criminal District Court, Courtroom B would be scheduled for 9:00 a.m.

THAT pursuant to an Administrative Order filed February 25, 2022, full courthouse operations resumed pursuant to Governor Roy Cooper declaring a statewide emergency and Chief Justices Cheri Beasley's and Paul Newby's Administrative Orders in response to the Coronavirus COVID-19.

THAT after the Administrative Order filed February 25, 2022, Criminal District Court continued to utilize the attorney time slots for cases scheduled in Courtroom A.

THAT the current schedule has caused the Court to be inefficient with a lot of wasted time waiting on Defendants, witnesses, and attorneys to appear before the Court.

**NOW, THEREFORE, IT IS HEREBY ORDERED:**

1. Beginning June 1, 2022, Criminal District Court will no longer utilize the attorney time slots in Courtroom A. All cases scheduled in Criminal District Court on or after June 1, 2022, in Courtroom A will be scheduled for 9:00 a.m. Defendants must appear in court at 9:00 a.m. Attorneys should be in court at 9:00 a.m. unless

they are appearing in another court. If they are in another court, they should notify the Assistant District Attorney and Courtroom Clerk as soon as possible.

2. All cases scheduled in Criminal District Court, Courtroom B will continue to be scheduled for 9:00 a.m. Defendants, witnesses, law enforcement officers and attorneys must appear in court at 9:00 a.m. Any Defendant not present at 9:00 a.m. on their scheduled court date may have an order for arrest entered and their bond may be revoked
3. The District Attorney's Office and Defense Attorneys shall make all reasonable efforts to contact Defendants, witnesses, and law enforcement officers to inform them of said change.
4. Attorneys scheduled to appear in both Criminal District Court Courtroom A and Courtroom B on the same day should report to Courtroom B prior to Courtroom A.
5. For any cases scheduled in Criminal District Court, Courtroom A during the month of June 2022, the Court will not revoke a Defendant's bond or issue an order for arrest for failure to appear until after the Defendant's attorney's time slot has passed on Defendant's court date unless the Defendant has been specifically informed to be in court at 9:00 a.m..
6. For any cases scheduled in Criminal District Court, Courtroom A or Courtroom B beginning July 1, 2022, any Defendant not present at 9:00 a.m. on their scheduled court date may have an order for arrest entered and their bond may be revoked.
7. This Order supersedes the Administrative Order regarding Criminal District Courtroom B filed on September 30, 2021.

This the 16<sup>th</sup> day of May, 2022.

  
Bradley Reid Allen, Sr.  
Chief District Court Judge