

NORTH CAROLINA

CATAWBA COUNTY

FILED

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CATAWBA COUNTY

CLERK OF SUPERIOR COURT

BY: A. Kincaid

IN THE GENERAL COURT OF JUSTICE

SUPERIOR COURT DIVISION

**ADMINISTRATIVE ORDER ADDRESSING FIRST APPEARANCES
IN FELONY CASES AND THE SETTING OF COURT DATES IN OTHER
MATTERS IN SUPERIOR COURT**

*(THIS ORDER SUPERCEDES THE AMENDED ADMINISTRATIVE ORDER ENTERED
ON APRIL 25, 2016 REGARDING FIRST APPEARANCES IN FELONY CASES)*

Whereas, based upon the changing of court schedules, NC Gen. Stat. § 15A-601, and the interests of justice, a new procedure is needed to address those matters which are currently being addressed on the **Felony First Appearance Calendar** heard in District Court.

Now therefore, it is **ORDERED** as follows:

1. Effective January 1, 2026, the procedure for the setting of court dates and/or first appearances for (a) new bills of indictments, (b) probation violations in Superior Court and (c) misdemeanor appeals shall be as follows:

NEW INDICTMENTS RETURNED BY THE GRAND JURY

2. When a true bill of indictment is returned by the Catawba County Grand Jury, the clerk of Superior Court shall prepare a new court file for each indictment and shall prepare a "Notice of Return of Bill indictment," AOC-CR-215.

- a. In those indictments where the defendant was charged with the same felony pursuant to a warrant for arrest (AOC-CR-I 00) and there has not been a waiver of probable cause by defendant in district court, or a district court judge found that probable cause did not exist or in those cases where the defendant was not charged with the felony pursuant to a warrant for arrest, the clerk shall cause to be issued an order for the defendant's arrest (AOC-CR-217). In all cases where the clerk issues an order for the defendant's arrest on a new indictment, the clerk shall set forth on the Notice of Return of Bill indictment and/or the Order for Arrest that the defendant's court date shall be set by the Magistrate upon arrest. The Magistrate shall set the defendant's first appearance court date in Superior Court as provided in paragraph 3 below.

- b. In those indictments where the defendant was charged with the same felony pursuant to a warrant for arrest (AOC-CR-100) and has either waived the right to a probable cause hearing in district court or a district court judge has found that probable cause exists, the Clerk shall not issue an order for the defendant's arrest. The clerk shall, in such cases, set the defendant's court date on form AOC-CR-215 as the next available Criminal Session of Superior Court pursuant to a calendar provided by the District Attorney, and shall further proceed as follows:

i. In those cases where the defendant is represented by counsel, the clerk shall deliver to the Defendant's attorney a copy of the Notice of Return of Bill indictment (AOC-CR-215), together with the Indictment.

ii. In those cases where the defendant is not represented by counsel, the clerk shall mail to the Defendant by certified mail at his/her last known address a copy of the Notice of Return of Bill indictment (AOC-CR-215), together with the Indictment.

3. Upon the arrest of a defendant pursuant to paragraph 2(a) above, the Magistrate shall set the Defendant's first appearance (pursuant to NCGS 15A-601) for the next available session of Superior Criminal Court. These cases will be heard on the first day of every Criminal Superior Court Session. The Magistrate shall set the first appearance for these cases as follows:

a. If the defendant is arrested prior to 12:00 p.m. on the last business day of the week, then the Magistrate shall set the defendant's first appearance for the following week of Superior Court, if Superior Court is in session.

b. If the defendant is arrested after 12:00 p.m. on the last business day of the week, then the Magistrate shall not set the defendant's first appearance on the following week's calendar, but rather, shall set the first appearance on the next available Superior Court calendar after the following week.

4. At such first appearance before a Superior Court Judge, in addition to addressing those matters set forth in NCGS 15A-602 through 15A-605, the defendant shall be given his or her next court date, which shall be the next available Criminal Administrative Session of Superior Court pursuant to a calendar provided by the District Attorney.

PROBATION VIOLATIONS

5. The current practice observed in this district of providing the statutory preliminary hearings to inmates who have been arrested on new Superior Court probation violations pursuant to NCGS 15A-1345(c) shall continue - those hearings shall be held on the first day of the week in Superior Court if in session or on the first day of the week in District Court if Superior Court is not in session.

6. Upon a defendant's arrest for his/her failure to appear for a superior court date for a probation violation, the Magistrate shall set the defendant's court date for the probation violation for the assigned probation officer's next available court date at a Superior Court Criminal Session pursuant to a calendar provided by the District Attorney's office.

7. When a probation officer cites a defendant to court for a probation violation, without an accompanying order for arrest, then the probation officer shall set the defendant's court date for the assigned probation officer's next available court date at a Superior Court Criminal Session pursuant to a calendar provided by the District Attorney's office.

MISDEMEANOR APPEALS

8. When a defendant who is convicted of a crime in the District Court Division gives notice of appeal in open court to the Superior Court Division, the Assistant District Attorney present in the courtroom shall immediately advise the court and defendant of the Superior Court trial date and shall ensure that such case is placed on the appropriate calendar.

9. When a defendant who is convicted of a crime in the district court division gives timely notice of appeal at any time other than in open court, by the filing of a written notice of appeal, or otherwise, the clerk shall set the Defendant's next court date on a Superior Court trial calendar not earlier than 30 days from the date the notice of appeal is filed. The clerk shall further send a copy of the Notice of Appeal and the court date which has been set to the District Attorney's office, who shall place the matter on the appropriate trial calendar.

ORDER FOR ARREST BASED UPON FAILURE TO APPEAR

10. Upon the arrest of a defendant for failure to appear for a court date in Superior Court, the Magistrate shall set the court date for the next available criminal session of Superior Court pursuant to a calendar provided by the District Attorney's office.

ARRAIGNMENTS IN SUPERIOR COURT

11. Arraignments in Superior Court, as required by NCGS 15A-943, shall be held on or before the third administrative court date for each Superior Court criminal case, unless such arraignment is continued by joint consent of the State and Defendant.

This the 5th of December, 2025

12/5/2025 3:49:10 PM



Nathaniel J. Poovey

Senior Resident Superior Court Judge

Judicial District 19