

STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE

25<sup>TH</sup> JUDICIAL DISTRICT

DISTRICT COURT DIVISION

**ADMINISTRATIVE ORDER REGARDING EXPANSION OF COURT OPERATIONS**

FOR THE DISTRICT COURT DIVISION AND MAGISTRATES COURT

IN THE 25<sup>TH</sup> JUDICIAL DISTRICT -

IN RESPONSE TO THE JUDICIAL BRANCH RESPONSE TO THE JUDICIAL BRANCH RESPONSE TO COVID-19

NOW COMES the undersigned Chief District Court Judge of the 25<sup>th</sup> Judicial District, and it appearing that in response to the order of the Chief Justice on March 13, 2020 regarding COVID-19 the undersigned entered a temporary order based upon the conditions existing at that time; Later in the same day after the entry of the temporary order, a memorandum regarding temporary Audio Video policy was sent out by NCAOC Director, McKinley Wooten, Jr.; On Saturday, March 14, 2020 Governor Roy Cooper entered an executive order prohibiting the congregation of 100 persons or more and canceled school for two weeks in the state of North Carolina; On Sunday, March 15, 2020 the Honorable Cheri Beasley issued a memorandum that reiterated and clarified her March 13, 2020 order; On March 27, 2020 Governor Roy Cooper entered Executive Order 121 and enacted a "Stay at Home" order. On Friday, April 3, 2020 the Honorable Cheri Beasley issued a new order with new Emergency Directives necessary to reduce the spread of infection while ensuring the continuation of essential court functions.

**On May 20, 2020 Governor Roy Cooper entered Executive Order 141 easing restrictions on Travel, Business Operations and Mass Gatherings. On May 21, 2020 the Honorable Cheri Beasley issued a new order and additional Emergency Directives expanding court operations. Therefore, to abide by the most recent order of the Chief Justice of the North Carolina Supreme Court, and the additional circumstances recited herein, the following procedures will be implemented for criminal and civil matters as it relates to DISTRICT COURT and MAGISTRATES' COURT and shall apply to these courts in Burke, Caldwell and Catawba counties.**

**To continue to administer justice while protecting the health and safety of the public and court personnel, Judicial District 25 (comprised of Burke, Caldwell and Catawba Counties) shall operate by the following guidelines *effective* June 1, 2020.**

1. That Emergency Directive 12 from Chief Justice Cheri Beasley's May 21, 2020 Order provides that the Senior Resident Superior Court Judge shall determine the maximum allowable occupancy of each courtroom or meeting space and that the maximum allowable occupancy of each courtroom shall be prominently posted at the entrance of each courtroom and shall have designated social distancing markers accordingly. That for the purposes of this order, that maximum allowable occupancy designated by such is the controlling number.

2. That each county shall have at least one term of Family/Domestic Civil District Court during the month of June. That the Case Coordinators have worked and shall continue to work to minimize the number of persons in each courtroom by scheduling cases by specific dates and times. That at no time shall the number of persons in the courtroom be greater than that number set out pursuant to the above emergency directive listed above.
3. That each county shall have at least one term of Civil Non-Domestic District Court during the month of June. That the Clerk of Court and Case Coordinator have worked and shall continue to work to minimize the number of persons in each courtroom by scheduling cases by specific dates and times. That at no time shall the number of persons in the courtroom be greater than that number set out pursuant to the above emergency directive listed above.
4. That all criminal calendars for the month of June in each county shall be split with a 9:00 am calendar and a 2:00 pm calendar. That the calendar in each county shall not exceed the number of people designated for the courtroom where court will be held.  
(Example: That if the district criminal courtroom can hold 25 people using social distancing, and an overflow space that can hold 25 people is available, then the 9:00am and the 2:00 pm calendar shall not include more than 50 defendants for each session). That the Clerks will work with the District Attorney and the Defense Attorneys to schedule cases that are most pertinent. That any additional cases in excess of that number shall be continued. Attorneys are encouraged to use Waiver of Appearance and Misdemeanor Plea Agreements in appropriate cases.
5. That there will be at least one regular Domestic Violence Court session scheduled each week in each county during the month of June. That the Domestic Violence Protection agency shall work with the Clerk of Court's Office and Child Support Agency (\*where applicable) to ensure the number of persons calendared or in court does not exceed the maximum capacity to ensure safety with social distancing pursuant to the above directive. That at no time shall the number of persons in the courtroom be greater than that number set out pursuant to the above emergency directive listed above. \*The total number of cases will include Child Support Cases, Domestic Violence Cases, and Divorces.
6. That there will be at least one Child Support Court session scheduled each week in each county during the month of June. That the Child Support Attorney shall work with the agency and the Clerk of Court's Office as well as with the Domestic Violence Protection (\*where applicable) agency to ensure the number of persons calendared or in court does not exceed the maximum capacity to ensure safety with social distancing pursuant to the above directive. That at no time shall the number of persons in the courtroom be greater than that number set out pursuant to the above emergency directive listed above. \*The total number of cases will include Child Support Cases, Domestic Violence Cases, and Divorces.



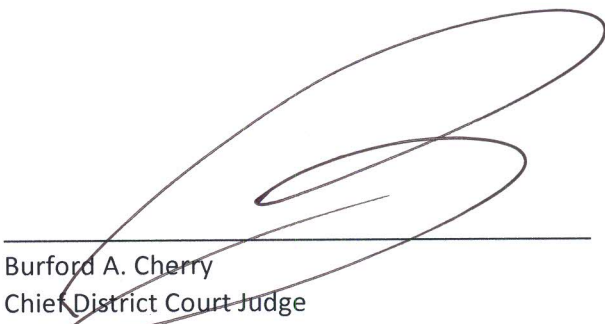
7. That Juvenile Court, including Department of Social Services as well as Juvenile Delinquent court shall be scheduled each week in each county at least once during the month of June. That the Department of Social Services Attorney and/or the Department of Public Safety-Juvenile Court Division/District Attorney's Office shall ensure the number of persons calendared or in court does not exceed the maximum capacity to ensure safety with social distancing pursuant to the above directive.
8. That there will be at least one Magistrate's Court session scheduled each week in each county during the month of June. The Clerk of Court's Office will ensure the number of persons calendared or in court does not exceed the maximum capacity to ensure safety with social distancing pursuant to the above directive. That at no time shall the number of persons in the courtroom be greater than that number set out pursuant to the above emergency directive listed above.
9. **That ALL Emergency Directives set out by the Chief Justice as well as ALL orders set out by the Senior Resident Superior Court Judge or any COVID-19 Coordinator designated by the Senior Resident Superior Court Judge shall be followed during all District Court sessions.**
10. That judicial officials shall continue to make use of remote hearing technology.
11. That judicial officials should minimize large gatherings and face-to-face interaction between court staff and the public.
12. That the AMENDED JUNE JUDGES' Schedule will is published separate from this Administrative Order.

This order supersedes the order sent on Monday, April 6, 2020.

To the extent that this order is in conflict with the order of the Chief Justice of the North Carolina Supreme Court on May 21, 2020 the order of the Chief Justice shall apply.

This order may be modified at any time to accommodate further Executive Orders, Orders of the Chief Justice of the North Carolina Supreme Court, and/or directives of the North Carolina Administrative Office of the Courts, and/or directives by the respective Senior Resident Superior Court Judge.

This is the 27 day of MAY 2020



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Burford A. Cherry  
Chief District Court Judge  
25<sup>th</sup> Judicial District

## SUGGESTED PRACTICES FOR COURT IN THE TIME OF CORONAVIRUS

### PURPOSE OF THESE PRACTICES

The purpose of these suggested practices to reduce the risk of spreading the Coronavirus to individuals who appear in court in Burke or Caldwell County. The risk of spreading the virus is two-fold. First, you could be exposed to others in the court room who have been exposed to the virus and they could spread it to you. Second, you could have already been exposed to the virus and could be, knowingly or unknowingly, spreading to others. Following these practices should reduce the risk from these potential pathways to spread the virus.

### GENERALLY APPLICABLE RULES

Only people who are participating in the case actually being heard should be inside the bar or well of the court room.

People in court, including attorneys, bailiffs, clerks and defendants, are permitted to wear masks and gloves in the court room. The Court system does not provide masks or gloves. You need to bring your own if you want to use them.

In the court room, maintain six feet of separation from others in order to maintain “social distancing” at all times.

Do not approach the bench or the clerk’s desk without seeking and obtaining permission.

Individuals waiting in court for their case to be called should maintain “social distancing.” Follow the instructions given by the bailiffs concerning where to sit in the court room. It is not necessary for individuals who travelled together to be in court to maintain “social distancing.”

Bailiffs are authorized to ask people in the court room to step outside temporarily in order to preserve their ability to maintain “social distancing” in the courtroom. The court schedule has been adapted to attempt to avoid this situation.

The court room remains open to the public during all court proceedings.

When asked to come forward for your case, a defendant should stand at the place identified or designated to him or her and should remain at that location unless granted permission to move to another location.

### CLERKS

Defendants and others should be affirmed and not asked to swear on a Bible.

Please provide a supply of pens that can be used when necessary by defendants or others who need to complete forms or other court documents.

Forms to apply for court-appointed counsel and waivers of counsel should be copied and made available for use in the court room. The AOC Form \_\_\_\_ should not be attached to the application for court appointed counsel.

The Court encourages the Clerk of Court to assign only one court room clerk to be present in the court room during sessions of court. This matter is only a suggestion and the Clerk of Superior Court has the lawful authority to determine how many clerks to have present in the court room.

#### BAILIFFS OR COURT ROOM OFFICERS

Prop open the rear doors to the courtroom and the doors to be utilized by the attorneys and court personnel when court is in session. These doors should remain open while court is in session.

Pens provided to defendants or others in court should not be reused. Pens returned by defendants or others should be stored in a single location for sterilization after court ends.

Bailiffs should wear gloves when handing pens and court forms to defendants and others and when retrieving these items.

When papers, such as applications for court appointed counsel are collected from defendants or others in the court room, the bailiff should place this paperwork on the judge's bench.

Bailiffs should monitor the court room in order to ensure that persons present maintain "social distancing."

There is no need to maintain "social distancing" for individuals who arrive at the court room together since that only increases the risk of exposure of others to these individuals.



Catawba County  
District Courtroom Appearance Rules  
In Response to Covid-19

1. Only those involved in the case that is called for disposition will be allowed inside the well of the court.
2. Before coming inside the bar, it will be necessary for that person to use hand sanitizer. Each defendant when he approaches the defense table will also use hand sanitizer. Masks and gloves, if available, are encouraged.
3. If an attorney needs to speak to a defendant who is in custody before the plea is taken or the motion heard, such conversations shall take place inside the holding cell area and not in the courtroom. Security will provide them as much privacy as is reasonable under these circumstances.
4. No defendant or witness will be placed under oath by placing a hand on the Bible. Each defendant or witness will be affirmed.
5. Each defendant will use a pen provided by their attorney. Pens will not be shared among defendants.
6. Do not approach the bench, clerk or court personnel without prior court permission.
7. Prior to your case being called, all those who are not involved in that proceeding will sit in the audience outside of the bar. Each party in the courtroom will maintain social distancing of at least six-feet apart from the person closest to them.
8. Courtroom bailiffs will block off every other row in the courtroom such that every other row in the courtroom will be left vacant.
9. If you must confer with opposing counsel or court personnel maintain at least a 6 foot distance from the other. If you need to consult with each other in a more private setting, the court will be at ease so that you can confer outside of the bar.