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STATE OF NORTH CAROLINA
23RD JUDICIAL DISTRICT

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
2020 DEC 11 P 4: 04

ADMINISTRATIVE ORDER RE: COVID-19 -- EFFECTIVE DECEMBER 14, 2020
WILKES COUNTY, N.C.

BY 

As many of you are aware, due to the continuing rapid spread of Covid-19 and in the interest of controlling the spread of the virus in order to protect the safety and health of our citizens, Chief Justice Cheri Beasley of the North Carolina Supreme Court will be entering a new order directing local court officials to schedule or reschedule all superior and district court proceedings for a date no sooner than 30 days from the effective date of December 14, 2020 (January 13, 2021). This administrative order is for the District Courts of the 23rd Judicial District and is intended to clarify and inform you of the plans and procedures that will be in effect until the expiration of the Order of the Chief Justice or until otherwise terminated.

All District Court proceedings will be scheduled or rescheduled for a date no sooner than 13 January 2021. There are limited exceptions listed in the Chief Justice's Order, as well as local exceptions within the purview of the Order, as listed below:

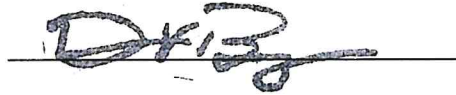
1. Proceedings that will be conducted remotely through WebEx or other means. I have entered a separate order concerning the hearing of child welfare matters by means of WebEx. Any matter that can be handled remotely should still be heard during the effective period of this Order.
2. Proceedings necessary to preserve the right to due process of law, such as first appearances, other bond hearings, appointment of counsel for an indigent defendant, probation hearings for persons in custody, and probable cause hearings. The Clerks previously had plans approved by the undersigned whereby they will notify defendants of their right to counsel, including possible appointment of counsel, in the continuance notices that they send to criminal defendants. Said defendants will be notified of the procedure for requesting court appointed counsel and a clerk will consider the application for appointed counsel and appoint counsel where appropriate. The clerks should feel free to contact a judge with any questions or concerns about a particular application for appointed counsel;
3. Proceedings for the purpose of obtaining emergency relief. Such proceedings include proceedings for domestic violence protection orders, temporary restraining orders, juvenile custody orders, judicial consent to juvenile medical treatment orders, and civil commitment orders; or
4. The Chief District Court Judge determines that the proceeding can be conducted under conditions that protect the health and safety of all participants.

5. Concerning criminal District Court sessions, courts will hear pleas involving appearance of counsel on behalf of defendants and waiver of the defendants' appearances as allowed by statute. Given the need to issue this Order quickly, at this time the procedure will be that defense counsel and the District Attorney's office should communicate in advance of the scheduled court date and discuss potential waiver cases, including possible time slots for attorneys. Courts will also hear pleas by WebEx where practical and allowable.
6. Concerning civil District Court sessions, in addition to the matters specifically allowed to be heard in person by the terms of the Chief Justice's Order, our courts will hear any other civil matter which can be handled remotely, including, but not limited to, temporary child custody proceedings.
7. All pending civil cases will be continued as set forth above unless a case falls under a stated exception. If the case was noticed by the Judges' Office, we will send the new notice. If the case was noticed by an attorney, the attorney will need to re-notice the case after January 13 2021. All other continuance orders/notices will be handled by the appropriate Clerk's Office. Again, any case that will be handled by WebEx will still be heard.
8. If you are involved in a matter which does fall under a stated exception, your case will be heard on the appropriate date as usual.
9. The undersigned is aware that the Sheriff's Offices in this district are having problems with Covid-19 cases developing in the county jails, and that transportation of defendants to the courtroom and back to the jail creates risk of spread of the virus in their facilities. Because of this, District Court Judges shall exercise their good discretion in deciding whether to hear in-person felony pleas involving incarcerated defendants.
10. All persons appearing in the District Courts of this district shall continue to abide by all previous orders entered by Judge Duncan and myself with relation to rules to be followed concerning Covid-19 procedures. It is particularly important that no party, attorney, witness, court personnel or any other person shall attend a District Court session if that person has likely been exposed to Covid-19 or if that person is exhibiting symptoms of disease related to the virus, such as fever, coughing, loss of taste of smell, nausea or vomiting. Also, what we know as "cold symptoms" have now been connected to Covid-19, and no one should attend a court session with these symptoms. Further, for purposes of District Court, no person having a fever of 99 degrees or over should attend a court session, and all those entering the District Courts should utilize temperature checking devices in the courthouse before entering the courtroom when those devices are available.
11. Our courts will liberally grant accommodations to parties, witnesses, attorneys and others with business before the courts, particularly if they are at high risk of severe illness from Covid-19.

12, Further orders or amendments may be made in the future.

13. This order is effective as of 14 December 2020 and will continue in effect until 13 January 2021 pending further orders.

This the 11th day of December, 2020.

A handwritten signature in black ink, appearing to read "D. Byrd", is written over a horizontal line.

DAVID V. BYRD
CHIEF DISTRICT COURT JUDGE
JUDICIAL DISTRICT 23