

STATE OF NORTH CAROLINA
COUNTY OF GASTON

IN THE GENERAL COURT OF JUSTICE
SUPERIOR AND DISTRICT COURT DIVISIONS

FILED

2020 MAR -5 P 2:48

IN THE MATTER OF THE SETTING)
AND AWARDING OF ATTORNEYS')
FEES FOR COURT APPOINTED BY)
ATTORNEYS IN CRIMINAL CASES)
_____)
_____)

GASTON CO., C.S.C.

ADMINISTRATIVE ORDER

THIS CAUSE BEING CONSIDERED BY THE Senior Resident Superior Court Judge and the Chief District Court Judge of Judicial District 27A, upon being advised that the Administrative Office of the Courts desires each state judicial district to respectively enter an administrative order identifying how conflicts will be resolved in situations where the Court first sets one figure in open court for court appointed attorney compensation at the final disposition of a case(s), but subsequently awards an alternative amount, typically resulting from the attorney's submission of a fee petition inconsistent with his/her initial courtroom assertion in this regard;

AND IT APPEARING that when such inconsistencies with indigent defense attorneys' fees arise, the first of the two court ordered figures should take precedence over any following time and/or services declared and erroneously awarded as a result of a fee application in direct conflict with an attorney's initial assertion. That the reasons for the order initially setting the fees to take precedence over a subsequently ordered fee include: (1) The need for stability, consistency and certainty in court orders; (2) Any fee set by the Court in open court at the time the defendant is sentenced will be based on the attorney's certification as an officer of the court as to the value, nature and amount of the attorney's services; and (3) the hearing resulting in the entry of this first order will enable the court to inform the defendant about the value of the fees, which will constitute a civil lien against him or her, and afford the defendant an opportunity to be heard on the matter;

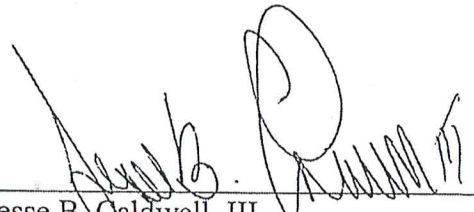
WHEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

1. That whenever there are two court orders awarding conflicting court-appointed attorney compensation in the same criminal case, the fee set by way of court order in open court at the time of sentencing will be the amount to be awarded by the State of North Carolina, and therefore the amount entered by the Office of the Clerk of Superior Court of Gaston County

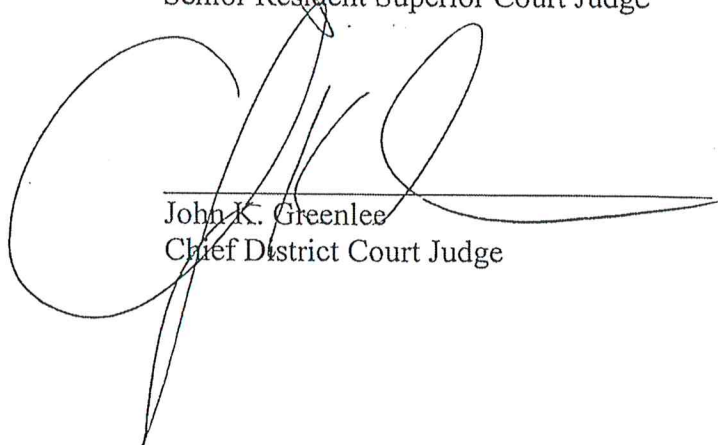
against the defendant as either part of a criminal probationary judgment or a civil judgment against the defendant.

2. This order shall remain in full force and effect, until such time as it may ever be amended or modified.

Entered this the 15th day of March, 2020.



Jesse B. Caldwell, III
Senior Resident Superior Court Judge



John K. Greenlee
Chief District Court Judge