

NORTH CAROLINA
23rd JUDICIAL DISTRICT

IN THE GENERAL COURT OF JUSTICE
SUPERIOR AND DISTRICT COURT

20 R 42

2020 MAR 16 P 1:34

IN RE:

CORONAVIRUS)
(COVID-19))

WILKES CO. C.S.C.

BY  ADMINISTRATIVE ORDER

The undersigned Senior Resident Superior Court Judge for the 23rd Judicial District enters this administrative order in response to Governor Roy Cooper declaring a state of emergency and Chief Justice Cheri Beasley's Administrative Order in response to the coronavirus COVID-19.

IT APPEARING TO THE COURT that on March 10, 2020, Governor Cooper declared a state of emergency and recognized that the "NC DHHS recommends that people at high risk of severe illness from COVID-19 avoid large groups of people as much as possible." Furthermore, the Governor recognized that the "people at high risk of severe illness" are "adults over 65 years, those with underlying health conditions including heart disease, lung disease, or diabetes, or with weakened immune systems."

AND IT FURTHER APPEARING TO THE COURT that the NC DHHS recommends for "Mass Gathering Events" that the event organizers, in part: (1) Urge everyone who is sick not to attend, (2) Encourage those who are at high risk, as described above, not attend, (3) Find ways to give people more physical space to limit close contact as much as possible, and (4) Encouraged attendees to wash hands frequently.

AND IT FURTHER APPEARING TO THE COURT that Article 1, Section 18 of the North Carolina Constitution provides: "Court shall be open. All courts shall be open; every person for an injury done him in his lands, goods, person, or reputation shall have remedy by due course of law; and right and justice shall be administered without favor, denial, or delay."

AND IT FUTHER APPEARING TO THE COURT that on March 13, 2020 Chief Justice Cheri Beasley entered an order directing local court officials to schedule or reschedule all superior and district court proceedings for a date no sooner than April 16, 2020, unless the proceeding:

1. Will be conducted remotely;
2. Is necessary to preserve the right to due process of law (e.g., a first appearance or other bond hearing, appointment of counsel for an indigent defendant, probation hearing, or probable cause hearing);

3. Is for the purpose of obtaining emergency relief (e.g., a domestic violence protection order, temporary restraining order, juvenile custody order, judicial consent to juvenile medical treatment order, or civil commitment order); or
4. The senior resident superior court judge, chief business court judge, or chief district court judge determines that the proceeding can be conducted under conditions that protect the health and safety of all participants.

This emergency directive will not apply to any proceeding in which a jury or grand jury has already been empaneled, and it will not prohibit judicial officials from exercising in-chambers or ex parte jurisdiction. We encourage the use of remote technology (such as WebEx) for ongoing hearings whenever possible.

***Please see attached
Order of the Chief Justice of the Supreme Court of North Carolina***

NOW, THEREFORE, IT IS ORDERED that:

1. All superior court proceedings shall be scheduled/rescheduled for a date no sooner than April 16, 2020, unless the proceeding:
 - a. Will be conducted remotely through WebEx or other means;
 - b. Is necessary to preserve the right to due process of law (e.g., a first appearance or other bond hearing, appointment of counsel for an indigent defendant, probation hearing, or probable cause hearing);
 - c. Is for the purpose of obtaining emergency relief (e.g., temporary restraining order or other emergency hearings); or
 - d. The senior resident superior court judge or chief business court judge determines that the proceeding can be conducted under conditions that protect the health and safety of all participants.
 - e. Continuances will be freely granted.
2. No person with the coronavirus or flu-like symptoms will be allowed to enter the courthouses in the District;
3. All persons seeking entrance to the courthouses of the District may be subject to limited medical screening and other procedures to ensure safety of those in the Courthouse.
4. Everyone working or attending court at the courthouse should wash their hands frequently.

5. Contact information is as follows:

- a. Judge's Chambers:
 - i. Superior Court: 336-651-4416.
 - ii. District Court: 336-651-4412.
- b. Clerk's Office:
 - i. Alleghany County: 336-372-3900.
 - ii. Ashe County: 336-219-1400.
 - iii. Wilkes County: 336-651-4400
 - iv. Yadkin County: 336-679-3600
- c. District Attorney's Office: 336-651-4410

6. For updates on court closures and future court schedules please visit the NC Courts website at www.nccourts.gov or call the following numbers:

- a. Alleghany County: 336-372-3900.
- b. Ashe County: 336-219-1400
- c. Wilkes County: 336-651-4400
- d. Yadkin County: 336-679-3600

7. This administrative order shall expire April 16, 2020 or when the declared state of emergency expires or upon further order of the Chief Justice of the North Carolina Supreme Court or the undersigned.

This the 16 day of March 2020.



MICHAEL D. DUNCAN

Senior Resident Superior Court Judge

**ORDER OF THE CHIEF JUSTICE OF THE
SUPREME COURT OF NORTH CAROLINA**

On 10 March 2020, Governor Roy Cooper declared a state of emergency in North Carolina in response to the emerging public health threat posed by COVID-19. Since that time, the World Health Organization has designated the COVID-19 outbreak as a global pandemic, and the North Carolina Department of Health and Human Services has urged all North Carolinians to take steps to reduce the spread of infection.

Accordingly, I hereby determine and declare under N.C.G.S. § 7A-39(b)(2) that catastrophic conditions resulting from the public health threat posed by COVID-19 exist in all counties of this state.

Although the superior courts and district courts remain open, two emergency directives are necessary to reduce the spread of infection.

Emergency Directive 1

I order that all superior court and district court proceedings be scheduled or rescheduled for a date no sooner than 30 days from the issuance of this order, unless:

1. the proceeding will be conducted remotely;
2. the proceeding is necessary to preserve the right to due process of law (e.g., a first appearance or bond hearing, the appointment of counsel for an indigent defendant, a probation hearing, a probable cause hearing, etc.);
3. the proceeding is for the purpose of obtaining emergency relief (e.g., a domestic violence protection order, temporary restraining order, juvenile custody order, judicial consent to juvenile medical treatment order, civil commitment order, etc.); or
4. the senior resident superior court judge, chief business court judge, or chief district court judge determines that the proceeding can be conducted under conditions that protect the health and safety of all participants.

This emergency directive does not apply to any proceeding in which a jury has already been empaneled.

This emergency directive does not apply to grand juries which have already been empaneled.

This emergency directive does not prohibit a judge or other judicial officer from exercising any in chambers or ex parte jurisdiction conferred by law upon that judge or judicial officer, as provided by law.

Additionally, I encourage the superior courts and district courts to liberally grant additional accommodations to parties, witnesses, attorneys, and others with business before the courts who are at a high risk of severe illness from COVID-19.

Emergency Directive 2

I further order that the clerks of superior court shall post a notice at the entrance to every court facility in their county directing that any person who has likely been exposed to COVID-19 should not enter the courthouse. A person who has likely been exposed to COVID-19 who has business before the courts shall contact the clerk of superior court's office by telephone or other remote means, inform court personnel of the nature of his or her business before the court, and receive further instruction. For purposes of this order, a person who has likely been exposed to COVID-19 is defined as any person who:

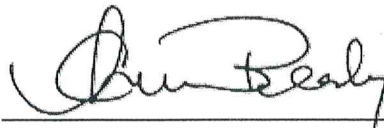
1. has traveled to China, South Korea, Japan, Italy, or Iran within the previous 14 days;
2. has been directed to quarantine, isolate, or self-monitor;
3. has been diagnosed with COVID-19; or
4. resides with or has been in close contact with any person in the abovementioned categories.

* * *

The directives contained in this order will take effect Monday, 16 March 2020.

This order may be extended in whole or in part for additional 30-day periods if necessary.

Issued this the 13th day of March, 2020.



Cheri Beasley
Chief Justice
Supreme Court of North Carolina