

STATE OF NORTH CAROLINA IN THE GENERAL COURT OF JUSTICE  
COUNTY OF CUMBERLAND DISTRICT COURT DIVISION

2020 JUL 16 P 2: 54

20 R 1004

In the Matter of: CUMBERLAND CO., C.S.C.

Magistrates Rule 60 Orders BY \_\_\_\_\_ Administrative Order

Pursuant to the authority vested by the North Carolina General Statute §1A-1, Rule 60(b)(1) in the Rules of Civil Procedure, which allows a court to “relieve a party from a final judgment, order; or proceeding” for a number of specified reasons based in equity.

WHEREAS Rule 60(b)(1) authorizes setting aside judgements and orders on the grounds of excusable neglect, surprise or mistake

WHEREAS, NCGS 7A-228 allows the Chief District Court Judge to authorize magistrates to hear Rule 60(b)(1) motions to set aside a magistrate’s judgment or order because of mistake, excusable neglect, or surprise.

WHEREAS, it would promote the interest of justice and judicial economy to allow Cumberland County Magistrates to hear motions pursuant to Rule 60(b)(1) on a magistrate’s order.

It is therefore decreed, adjudged and ordered that the Magistrates appointed and serving Cumberland County are granted authority to set aside magistrate judgments and orders upon a party’s filing of a motion or own the own motion and initiative of the Magistrate pursuant to Rule 60(b)(1) of the North Carolina General Statues.

Ordered this 15 day of July 2020.

  
\_\_\_\_\_  
Toni S. King  
Acting Chief District Court Judge

STATE OF NORTH CAROLINA  
COUNTY OF CUMBERLAND

FILED

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT AND DISTRICT COURT DIVISIONS  
FILM # 20 12 888

In the Matter of:

2020 JUN 18 A 8:24

Juvenile Indictments

CUMBERLAND CO., C.S.C.

Administrative Order

Pursuant to the authority vested in the North Carolina General Statute §7A-41.1 and in consideration that grand jury proceedings are generally secret pursuant to G.S. 15A-623(e), indictments are not usually considered confidential documents.

Whereas, a Superior Court Judge can direct that a bill of indictment be sealed until the defendant is arrested or appears before the court as stated in G.S. 15-A-6239f).

Whereas, § 7B-1601. Jurisdiction over delinquent juveniles. (a) The court has exclusive, original jurisdiction over any case involving a juvenile who is alleged to be delinquent. For purposes of determining jurisdiction, the age of the juvenile at the time of the alleged offense governs. (b) When the court obtains jurisdiction over a juvenile alleged to be delinquent for an offense committed prior to the juvenile reaching the age of 16 years, jurisdiction shall continue until terminated by order of the court or until the juvenile reaches the age of 18 years, except as provided otherwise in this Article.

Whereas, G.S. 7B-3000(b) states that "all juvenile records shall be withheld from public inspection, and except as provided in this subsection, may be examined only by order of the court."

Whereas, the court may order the sealing of a juvenile court record. N.C. Gen. Stat. § 7B-3000(c). Sealed court records may only be viewed with a court order

Whereas G.S. 15A-623(f) The presiding judge may direct that a bill of indictment be kept secret until the defendant is arrested or appears before the court. The clerk must seal the bill of indictment and no person including a witness may disclose the finding of the bill of indictment, or the proceedings leading to the finding, except when necessary for the issuance and execution of an order of arrest.

Whereas, the sealing of indictments would preserve the confidentiality of the juvenile and shield the juvenile from a social and professional stigma.

It is therefore decreed, adjudged and ordered that the Clerk of Superior Court shall seal all juvenile true bill of indictments but that a certified copy of said indictment shall be given to the Juvenile Clerk's division to hold in the juvenile file. The indictment may be unsealed if the juvenile's case is transferred to the Superior Court division and will become public information in the same way that any other indictment in the criminal justice system is public information.

Ordered this 17<sup>th</sup> day of June, 2020.



James Floyd Ammons, Jr.  
Senior Resident Superior Court Judge



Toni S. King  
Acting Chief District Court Judge