

STATE OF NORTH CAROLINA
COUNTIES OF CHEROKEE/CLAY/
GRAHAM/MACON/SWAIN

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
DISTRICT 30A

**ADMINISTRATIVE ORDER
IN RE: COVID-19**

I.

This Order is entered in compliance with, and response to, the order of Chief Justice Cheri Beasley, effective March 16, 2020, the contents of which are set forth verbatim (emphases added) as follows:

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, it has been determined and declared 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.

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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.

II.

With respectful regard for the order of Justice Beasley, and as expressly allowed by her order, the undersigned Superior Court Judge determines that certain court proceedings, which normally do not involve large numbers of people, "can be conducted under conditions that protect the health and safety of all participants", so long as the preventive health measures outlined above are followed.

Therefore, in all counties of District 30A, in Superior Court, the following shall apply:

1. The courthouses in all counties shall remain open, and accessible to the public under the health requirements stated above.

2. The Clerks' offices in all counties shall remain open and maintain regular business hours.
3. Calendar calls will not be held in any court. Matters will be scheduled individually to avoid large crowds in court facilities.
4. Jury trials shall be continued for at least 30 days, and no petite juries will be summoned during that time, but motions in civil and criminal cases shall be heard as calendared.
5. Bench trials in civil and criminal cases shall be heard as calendared.
6. In criminal cases, administrative matters (including but not limited to guilty pleas, probation violation hearings, routine administrative settings and bond hearings) shall be handled during regular trial weeks, and also during administrative weeks as usual, provided, however, that the District Attorney will provide definite dates and times for such matters in order to minimize the number of participants required to be in the courtroom together.
7. Grand juries will be convened as deemed appropriate by the District Attorney, who shall give due regard to the health concerns stated herein. The court shall remain in session to receive indictments as they are returned.
8. In the event Justice Beasley's order is extended beyond July 1, grand jurors who have served the statutory twelve-month period will continue to serve until a regular jury session of superior court is held and replacements are selected.
9. Private appointed counsel will be allowed to make interim fee applications under Indigent Defense Services rules and regulations.

10. The preventive health measures ordered by Justice Beasley, and as they may be amended in the future, shall be strictly followed and enforced by all county and court officials.
11. In the event it is made to appear to the presiding judge that the proceedings allowed by this order will involve an unexpected large number of participants (for example, 20 spectators show up at a bench trial) or that any number of necessary participants may fall into the category of “likely been exposed to COVID-19” as defined by Justice Beasley, the presiding judge may order continuances or other measures (such as sequestration or video appearances of witnesses) as deemed appropriate.
12. The situation addressed by this order is constantly changing, and this order may be modified to deal with such changes.

This 16th day of March 2020.

A handwritten signature in black ink, appearing to read 'W. Coward', written over a horizontal line.

Honorable William H. Coward
Senior Resident Superior Court Judge, District 30A