

17 R 243

AUG 2 2017

NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE  
DISTRICT COURT DIVISION  
17B JUDICIAL DISTRICT

STOKES AND SURRY COUNTIES

FILED

2017 AUG -2 P 3:43

SURRY COUNTY, CSC

ADMINISTRATIVE ORDER

CRIMINAL/TRAFFIC ADMINISTRATIVE COURT

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Pursuant to the administrative authority vested in the undersigned judge, and in conjunction with the District Attorney and Clerks of Court for Stokes and Surry Counties,

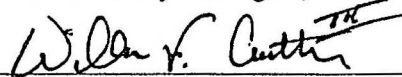
FORTHWITH, the District Attorney's Office shall assign an assistant district attorney for each session of administrative court which shall be held the 1<sup>st</sup> and 3<sup>rd</sup> Fridays of each month in Surry County and the 2<sup>nd</sup> Friday of each month in Stokes County unless otherwise ordered.

Any matter for trial shall be calendared for the officer's soonest available District Court date.

Administrative court cases may be continued by the consent of the parties up to 6 months from the initial calendaring of the case in administrative court. Cases shall be calendared thereafter for the officer's next regularly scheduled District Court date.

The Clerk of Superior Court shall allow an extension to allow compliance in payments toward criminal judgements not to exceed 90 days.

This the 2nd Day of August, 2017



The Honorable William F. Southern III  
Chief District Court Judge

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SURRY COUNTY, CSC

ADMINISTRATIVE ORDER

DISTRICT COURT CALENDARING

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Pursuant to the administrative authority vested in the undersigned judge, the following administrative order is entered FORTHWITH:

**Off Docket Calendaring**

District Court cases shall be heard on the date calendared by the Clerk of Superior Court's office in each county. Off docket matters shall not be added to a calendar other than the one assigned by the Clerk's office without the consent of all parties and approval of the presiding judge. Best practice for consent should include notification to all relevant victims or witnesses as well as the parties.

The moving party shall provide the Clerk of Superior Court with notice of at least 48 hours of the proposed date to ensure the correct file is secured and a supplemental calendar may be prepared.

**Orders for Arrest/Failures to Appear/Failures to Comply**

Unless represented by counsel on waivable offenses, all defendants shall appear on their assigned court date. No defendant's appearance shall be excused unless the presiding judge assigned has given prior written or electronic authorization.

Counsel may appear on behalf of a client but it remains in the judge's discretion to require the defendant's appearance or strike any order for arrest.

The presiding judge shall hear any motions to strike orders for arrest or modify assessment of any failure to appear or failure to comply fee. No order for arrest shall be stricken outside of an open court appearance by the defendant charged with failing to appear without an order by the judge taking such action. All orders should include the name of the defendant, file number, and name of the prosecutor consulted.

Defendants served with orders for arrest for failure to comply with monetary judgements may apply their personally posted cash bonds to satisfy their judgement and by signing a waiver of further hearing acknowledging the same either before the clerk or magistrate.

Any bond that is posted by a third party wishing to apply the money to the monetary judgement on behalf of a defendant may also do so before the clerk or magistrate and make a knowing and voluntary acknowledgment of the use of the funds for that

### **Continuances**

It is in the discretion of the presiding judge to rule on any motion to continue. It continues to be best practice to allow one continuance for each party for any case with good cause shown to the presiding judge.

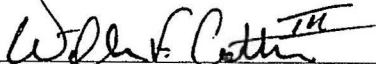
Defendants in criminal cases may be excused from appearing at their first court date if they have retained counsel prior to Court and counsel has notified the District Attorney's Office and District Court Judge's Office. No further appearance is waived however without prior order from the presiding judge.

### **Times to Pay for unsupervised probation**

The Clerk of Superior Court shall allow an extension to allow compliance in payments toward criminal judgements not to exceed 90 days unless the original judgement says otherwise. The Clerk shall consider issues of restitution and partial payments in determining any extension of times to pay.

Motions for additional times to comply thereafter may be filed and calendared for hearing before the original sentencing judge.

This the 2nd Day of August, 2017

  
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Honorable William F. Southern III  
Chief District Court Judge