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STATE OF NORTH CAROLINA  
COUNTIES OF RUTHERFORD  
AND MCDOWELL

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
JUDICIAL DISTRICT 29A **FILED**

2020 MAR 16 A 8:56

**AMENDED**  
ADMINISTRATIVE ORDER FOR SUPERIOR COURT IN  
RUTHERFORD AND MCDOWELL COUNTIES  
RUTHERFORD COUNTY, C.S.C.  
BY CH

IN ORDER TO IMPLEMENT THE ORDER OF THE CHIEF JUSTICE OF THE NORTH CAROLINA SUPREME COURT, AND PURSUANT TO CLARIFICATION FROM THE CHIEF JUSTICE, THE FOLLOWING PROCEDURES WILL BE IMPLEMENTED FOR CRIMINAL AND CIVIL SUPERIOR COURT THROUGH APRIL 17, 2020. A SEPARATE ORDER HAS OR WILL BE ISSUED BY THE CHIEF DISTRICT COURT JUDGE FOR CRIMINAL AND CIVIL DISTRICT COURT.

1. No Juries will be available for criminal or civil trials for any term of Superior Court until after April 17, 2020.
2. All Superior Court matters other than the following listed matters are hereby continued to after April 17, 2020:
  - a. Proceedings to be conducted remotely;
  - b. First appearances or bond hearings, the appointment of counsel for indigent defendants, probation hearings, and probable cause hearings;
  - c. Proceedings for the purpose of obtaining emergency relief (e.g., a domestic violence protection order, temporary restraining order, civil commitment order, and similar order); and
  - d. Proceedings the Senior Resident Superior Court Judge determines can be conducted under conditions that protect the health and safety of all participants, including final dispositive matters for incarcerated individuals upon taking proper precautions.

All parties and victims to any other case, including those excluded above, will be automatically entitled to a continuance from any criminal or civil Superior Court session and no individual will be called and failed or cases dismissed as a result of civil parties, criminal defendants, or victims failing to attend Superior Court through April 17, 2020. Criminal defendants and others after Tuesday March 17, 2020 should contact the Clerk of Court for the County in which the case is pending for new Court dates, or other directions to obtain their new

Court dates. New civil trial dates for McDowell and Rutherford Counties may be obtained by contacting the Superior Court Judicial Assistant in Rutherford County.

3. Superior Court will be in session in McDowell County Monday, March 16, 2020 and Rutherford County Wednesday, March 18, 2020 for the disposition of first appearances, bond hearings, appointment of counsel, probation hearings, and probable cause hearings, where all necessary parties and counsel are available and for incarcerated defendants. Probation officers are expected to be available by phone or otherwise for the disposition of their scheduled cases on the foregoing days, and should make their contact information available to the District Attorney's Office or appear in Court. The Court may also hear proceedings the Senior Resident Superior Court Judge determines can be conducted under conditions that protect the health and safety of all participants, including final dispositive matters for incarcerated individuals upon taking proper precautions.

4. Each scheduled session of civil and criminal Superior Court through April 17, 2020 shall be opened on the first day of each term for the disposition of criminal and civil matters as scheduled on the Master Calendar and shall continue from day to day as needed in the discretion of the presiding Superior Court Judge for the disposition of only the following matters for incarcerated individuals and when all necessary parties and counsel are present:

- a. Proceedings to be conducted remotely;
- b. First appearances or bond hearings, the appointment of counsel for indigent defendants, probation hearings, and probable cause hearings;
- c. Proceedings for the purpose of obtaining emergency relief (e.g., a domestic violence protection order, temporary restraining order, civil commitment order, and similar order); and
- d. Proceedings the Senior Resident Superior Court Judge determines can be conducted under conditions that protect the health and safety of all participants, including final dispositive matters for incarcerated individuals upon taking proper precautions.

5. The Senior Resident Superior Court Judge or any other presiding Superior Court Judge may in his or her discretion alter or amend the terms of this administrative order for any particular case or matter as justice may require, or to protect and balance any Constitutional rights provided the Senior Resident Superior Court Judge determines the amendment or alteration can be conducted under conditions that protect the health and safety of all participants. The order of the Chief Justice of the North Carolina Supreme Court shall apply to the extent it is in conflict with the foregoing order.

6. This order is in full substitution of the previous administrative order entered March 13, 2020. This order shall be effective until and terminate at 5 pm, April 17, 2020.

Signed this the 15<sup>th</sup> day of March, 2020.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the end, positioned above a horizontal line.

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Senior Resident Superior Court Judge