

STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

COUNTY OF BURKE

20-R-_____

IN THE MATTER OF THE OPERATION
OF THE SUPERIOR COURT DIVISION
IN JUDICIAL DISTRICT 25-A

ORDER CONCERNING COURT
OPERATIONS FOR THE
AUGUST 17, 2020 SESSION

This matter came on before Robert C. Ervin, Senior Resident Superior Court Judge, in the exercise of the Court's in chambers jurisdiction. The undersigned judge makes the following order subject to orders previously entered by Chief Justice Cheri Beasley of the Supreme Court of North Carolina.

1. On March 13, 2020, Chief Justice Cheri Beasley entered an order pursuant to N. C. Gen. Stat. 7A-39(b)(2) determining that catastrophic conditions resulting from a public health threat posed by COVID-19 exist in all counties of this state.
2. On April 2, 2020, Chief Justice Cheri Beasley entered a second order pursuant to N. C. Gen. Stat. 7A-39(b)(2) determining that "catastrophic conditions resulting from the COVID-19 outbreak have existed and continue to exist in all counties of this state."
3. On May 21, 2020, Chief Justice Cheri Beasley entered a third order pursuant to N. C. Gen. Stat. 7A-39(b)(2) determining that "catastrophic conditions resulting from the COVID-19 outbreak have existed and continue to exist in all counties of this state."
4. Emergency Directive 9 issued on May 21, 2020 provides that "no session of court may be scheduled if doing so would result in members of the public sitting or standing in close proximity and/or for extended periods of time in contravention of current public health guidance."
5. The undersigned judge believes that this session of court may be conducted in conformity with Emergency Directive 9.
6. On June 20, 2020, Chief Justice Cheri Beasley entered an order pursuant to N. C. Gen. Stat. 7A-39(b)(2) which extended the emergency directives contained in her May 21, 2020 order.
7. Chief Justice Beasley has further ordered the Clerk of Superior Court to post notices on the doors at all courthouse entrances directing persons who have likely been exposed to COVID-19 not to enter the courthouse.
8. The undersigned Superior Court Judge has reviewed the calendar for the August 17, 2020 Session of Criminal Superior Court in Burke County and conferred with representatives of the District Attorney's office.
9. It appears that there are 53 defendants who have pending probation violations set for hearing during this session of court.

10. Approximately 26 of these defendants are not represented by counsel and require a counsel determination.

Pursuant to the provisions of the orders entered by Chief Justice Cheri Beasley, it is hereby ordered for the purposes of the July 20, 2020 Criminal Session in Burke County that:

1. No calendar call will be held for this session of court.
2. Unrepresented defendants in probation cases shall appear in open court on August 17, 2020 at the times set forth on the following schedule so that the Court can address matters related to the determination of the status of counsel:

| First letter in the Defendant's last name | Time to Appear |
|---|----------------|
| A-H | 10:00 a.m. |
| I-O | 10:20 a.m. |
| P-Santana | 10:40 a.m. |
| Sherrill-Z | 11:00 a.m. |

3. If an attorney files a general appearance in any case on behalf of any unrepresented defendant prior to the beginning of this session of court, neither counsel nor the defendant will be required to appear in open court.

4. The remaining cases on the probation calendar will be heard as shown on the following schedule:

| TIME | ATTORNEYS |
|------------|------------------------------|
| 11:15 a.m. | Chevront, Yamouti and Clontz |
| 11:45 a.m. | Bostian, Rooks and Sherrill |
| 12:15 p.m. | Back and Webster |
| 2:00 p.m. | Unrepresented Defendants |
| 2:30 p.m. | Beyer and Sheffer |
| 3:00 p.m. | Amos |

5. Attorneys handling cases involving inmates in local jails are encouraged to coordinate with the courtroom officers in order to facilitate communication with their clients prior to the time of the hearing. It is not anticipated that inmates will be transported to the courthouse. If at all possible, the hearings will be conducted by video.

6. In cases where the defendant is incarcerated in the Burke County jail, the counsel determination may be addressed utilizing the available video equipment.

7. Attorneys and probation officers are encouraged to attempt to resolve probations matters by consent and waiver of hearing if feasible. A form for use in this situation has been provided to defense counsel and probation officers.

8. Any defendant or attorney who believes that they have been exposed to COVID-19 shall contact Justina Tate at (828) 433-3288, the District Attorney's office or their attorney for further instructions prior to appearing in court.

This the ____ day of July 2020.

Robert C. Ervin
Senior Resident Superior Court Judge