

STATE OF NORTH CAROLINA  
COUNTY OF BURKE

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
20-R-\_\_\_\_\_

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

ORDER CONCERNING COURT  
OPERATIONS FOR THE  
MAY 11, 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. Pursuant to the Chief Justice's second order, all superior court proceedings must be scheduled or rescheduled for a date no sooner than 1 June 2020. Emergency Directive 1.
4. The Chief Justice's second order permits proceedings to be held when "the proceeding will be conducted remotely." Emergency Directive 1, Exception a.
5. The Chief Justice's second order permits proceedings when "the proceeding is necessary to preserve the right of due process of law." Emergency Directive 1, Exception b.
6. The Chief Justice's second order permits proceedings when "the proceeding is for the purpose of obtaining emergency relief." Emergency Directive 1, Exception c.
7. Finally, the Chief Justice's second order permits proceedings when the senior resident superior court judge "determines that the proceeding can be conducted under conditions that protect the health and safety of all participants." Emergency Directive 1, Exception d.
8. Chief Justice Beasley 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.
9. The undersigned Superior Court Judge has reviewed the calendar for the May 11, 2020 Session of Criminal Superior Court in Burke County and conferred with representatives of the District Attorney's office.
10. It appears that there are thirty-nine defendants who have pending probation violations set for hearing during this session of court.

11. Approximately 15 of these defendants are not represented by counsel and require a counsel determination.

12. There are at least 3 defendants who are incarcerated in local jails.

Pursuant to the provisions of the orders entered by Chief Justice Cheri Beasley, it is hereby ordered for the purposes of the May 11, 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 May 11, 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-D	10:00 a.m.
F-M	10:20 a.m.
N-Z	10:40 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 jail cases will be addressed at 11:00 a.m. after the first appearances. The jail cases include the following three defendants:

Defendant	Attorney
Gary Hutchinson	Rooks
Wesley Jordan	
Trever Suttles	Cheuvront

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

Defendant's Last Name	Time Slot
A-L	11:20 a.m.
M-P	11:40 a.m.

