

CRIMINAL DOCKET MANAGEMENT FOR SUPERIOR COURT
JUDICIAL DISTRICT 13B
PROSECUTORIAL DISTRICT 15

FILED

2020 AUG 19 A 10: 33

STATEMENT OF PURPOSE

BRUNSWICK CO., C.S.C.

In order for the citizens of the District to have continued confidence in the criminal justice system, there should exist a rational system of docket management that provides for the orderly, prompt, and just disposition of Superior Court criminal matters.

No such docket management system can exist without the cooperative efforts of those charged with ensuring justice for our citizens - the District Attorney and the Superior Court Judges of this district. To that end, District Attorney Jon David sets forth the following revised Criminal Docket Management System (CDM) pursuant to N.C.G.S. 7A-49.4 for the Superior Court division of Criminal Court within this district in consultation and coordination with Senior Resident Superior Court Judge Jason C. Disbrow.

Use of the CDM will employ logical procedures for the processing of criminal cases from indictment through disposition. The creation of a series of regular, known "events" in the processing life of each case should enable us to establish a measure of predictability in the disposition of cases, to produce more realistic and reliable trial calendars, and to be more efficient in our use of court time.

IN RE:
Local Rules and Procedure for The
Local Calendaring of Criminal Cases
IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

STATE OF NORTH CAROLINA
JUDICIAL DISTRICT 13B

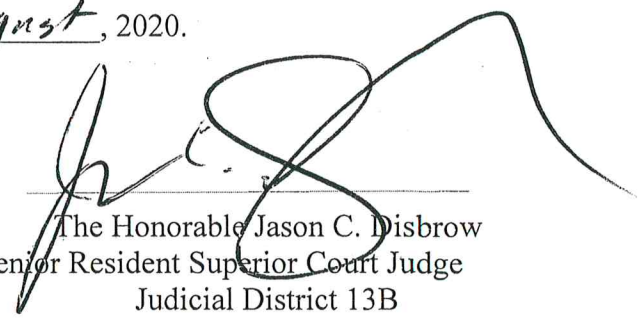
ORDER

In Judicial District 13B
In Superior Court Division

The attached Docket Management System for the calendaring of criminal cases is hereby adopted as the Local Rules for the Judicial District 13B Superior Court Division.

These rules supersede all previous criminal calendar rules of the Superior Court Division in Judicial District 13B.

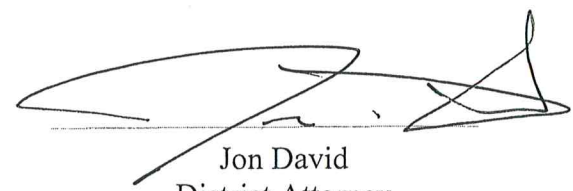
IT IS SO ORDERED, this the 18th day of August, 2020.



The Honorable Jason C. Disbrow
Senior Resident Superior Court Judge
Judicial District 13B

In so far as consent is needed to modify that authority given the District Attorney by the General Statutes of North Carolina to control the calendaring of cases in Superior Court, I hereby consent to the terms of this Order.

IT IS SO ORDERED, this the 18 day of August, 2020.



Jon David
District Attorney
Fifteenth Prosecutorial District

**JUDICIAL DISTRICT 13B
FIFTEENTH PROSECUTORIAL DISTRICT
Criminal Docket Management System for Criminal Superior Court**

RULE 1: General Provisions

1.1 The purpose of these rules is to institute a Criminal Docket Management System (CDM) that will provide for the orderly, prompt and just disposition of criminal matters in Judicial District 13B as well as the 15th Prosecutorial District. It is intended that matters addressed pursuant to this system be resolved in a fashion so as to protect the interests of Judicial District 13B and the rights of victims of crime, under N.C.G.S. 15A-830.5 and Article I Section 37 of the North Carolina State Constitution, as well as to ensure that the rights of criminal defendants are preserved.

1.2 The calendar for the disposition of criminal cases in Judicial District 13B, Superior Court Division, shall be set and maintained by the District Attorney in accordance with these rules. The District Attorney shall establish and maintain a case tracking system to monitor the number, age, type, and procedural status of all pending cases. (As used in these rules, the term "District Attorney" shall include the elected District Attorney for the Fifteenth Prosecutorial District and his or her designees.)

1.3 These rules shall be construed in accordance with the Constitution of the United States, the Constitution of North Carolina and the North Carolina General Statutes so as to facilitate the proper administration of justice and to avoid technical delay.

1.4 It is recognized that these rules are not complete in every detail and will not cover every situation which may arise. In the event these rules do not address a specific matter or issue, the District Attorney is authorized to act in his or her discretion, subject to the laws and Constitutions of North Carolina and the United States, and after consultation with the Senior Resident Superior Court Judge. If a matter or issue involves a specific case, the District Attorney will include the defense counsel of record, or the defendant if unrepresented, to ensure there is no ex parte communication with the Senior Resident Superior Court Judge. If the Senior Resident

Superior Court Judge is unavailable, then the District Attorney may consult with the Superior Court Judge presiding in this judicial district.

1.5 These rules shall be filed in the office of the Clerk of Superior Court of Brunswick County and may be cited accordingly.

1.6 Upon their filing pursuant to Rule 1.5, the Clerk of Superior Court shall distribute a copy of these rules to each member of the Bar of Judicial District 13B. The Clerk of Superior Court shall maintain a supply of printed rules to be provided to attorneys upon request.

1.7 The Clerk of Superior Court shall provide a file number for each case at the time of indictment. That file number shall be designated on all subsequent pleadings and papers filed with the Clerk, as well as all subsequent communications to opposing counsel, parties, or court personnel. All pleadings in a case, all motions and all documents needed to comply with these rules shall be filed with the Clerk.

1.8 The provision of these rules shall apply to all Superior Court cases pending on January 1, 2021 and all cases initiated after that date.

1.9 These rules shall not apply to cases designated as "**Exceptional**" by the District Attorney, a presiding Superior Court Judge, or by agreement of the parties. Cases which may be designated as "**Exceptional**" include, but are not limited to, First Degree Murder cases, complicated drug trafficking or drug conspiracy cases, cases involving multiple defendants or victims, complicated white-collar crimes, those cases requiring extraordinary scientific investigation, and those cases involving complicated evidentiary or legal issues.

RULE 2: Time Standard Goals

2.1 Absent exigent circumstances, each case not designated as "**Exceptional**" should be tried or disposed of within the following time period after its "Initiation Date" as defined below:

- a) Within 12 months for Class G, H, and I felonies and misdemeanor appeals;
- b) Within 24 months for Class C, D, E, and F felonies;
- c) Within 30 months for Non-Capital Class A, Class B1 and B2 felonies;
- d) Within 36 months for Capital Class A felonies.

2.2 In a felony case, "Initiation Date" is defined as the date of the return of service of an indictment (or notice of return of indictment to represented defendants) or the date of appointment of counsel, whichever occurs last. In a misdemeanor case, "Initiation Date" refers to the date of appeal to the Superior Court Division.

2.3 Cases designated as "**Exceptional**" shall receive specialized scheduling orders for the purpose of facilitating timely disposition. (See Rule 11.1 below.)

RULE 3: Discovery

3.1 Once counsel has appeared or been appointed in a case, it shall be presumed that counsel is seeking those items discoverable under the applicable statutes of North Carolina and state and federal case law. No formal request for discovery under N.C.G.S. §15A-902 or §15A-903 need be made; the provision of this rule regarding discovery shall be deemed an order of the Court in each case. Provision of discovery by the State acts as an automatic request for reciprocal discovery from the defendant and no formal request for reciprocal discovery under N.C.G.S. §15A-902 or §15A-905 need be made; the provision of this rule regarding reciprocal discovery shall be deemed an order of the Court in each case. The Court, after motion by the opposing party or on its own motion, may impose sanctions for failure to provide discovery, reciprocal discovery, or continuing discovery or continuing reciprocal discovery as provided by law or anticipated by these rules.

3.2 No later than four (4) weeks from the initiation date of a felony case, discovery applicable to the case shall be provided by the District Attorney to the attorney of record for the defendant. See N.C.G.S. § 15A-903. An attorney of record is defined as a duly licensed attorney

who has either entered, in writing, a general appearance in the case, or has been appointed to represent the defendant in either the district or superior court.

3.3 Reciprocal discovery, see N.C.G.S. § 15A-905, shall be provided by defense counsel to the State within four (4) weeks of defense counsel's receipt of discovery from the State.

3.4 If a change of attorney occurs after the initiation date of a case, it shall be the responsibility of the newly retained or appointed attorney to immediately notify the State of the change in representation of the defendant. Should a change in defense counsel occur, it is the joint responsibility of both new and previous counsel to ensure that the discovery material is transferred from the previous counsel of record to the new counsel of record. Upon the request of the new attorney, the State shall assist the new attorney in confirming that he or she has received complete discovery from the previous attorney.

3.5 The prosecutor assigned to a case shall be responsible for completing a "Discovery Disclosure Certificate (DDC)" for that case. (See a sample DDC attached as Exhibit A.) A completed and signed Discovery Disclosure Certificate shall accompany the discovery and shall be served upon the defense attorney of record in one of the following ways: (a) personal delivery, (b) U.S. postal delivery, (c) delivery to the office of the defense attorney, (d) by depositing the discovery material into the defense attorney's mailbox located in the office of the Clerk of Superior Court, or (e) by providing a digital copy through the Discovery Automation System (DAS) or other digital method approved by the Administrative Office of the Courts. A completed and signed DDC also shall be filed with the Clerk of Superior Court for placement in the court file.

3.6 All discovery motions filed by defense counsel shall contain one of the following certification provisions and shall be signed by defense counsel:

I, the undersigned attorney of record, do hereby certify to the court that prior to the filing of this motion I have thoroughly reviewed the discovery material supplied to me in this case by the office of the District Attorney.

Signature of Attorney

Date

OR

I, the undersigned attorney of record, do hereby certify to the Court that, as of this date more than four weeks have passed from the Initiation Date in this case, and that the District Attorney's office has failed to provide me with any discovery material in this case.

Signature

Signature of Attorney

Date

3.7 All reciprocal discovery motions filed by the District Attorney shall contain one of the following certification provisions and shall be signed by the prosecutor:

I, the undersigned prosecutor of record, do hereby certify to the Court that prior to the filing of this motion I have thoroughly reviewed the reciprocal discovery material supplied to me in this case by the defense counsel.

Signature of Attorney

Date

OR

I, the undersigned prosecutor do hereby certify to the Court, that as of this date more than four weeks have passed from the date that the State provided discovery to the defendant in this case, and that defense counsel has failed to provide the State with any discovery material in this case.

Signature of Attorney

Date

RULE 4: Calendaring Prior to Trial

4.1 At least once each month, in intervals of no greater than six weeks, the Senior Resident Superior Court Judge shall schedule a non-jury criminal session devoted to administration of the criminal calendar. This session shall be known as the "Criminal Docket Management Week." (CDM) The remaining criminal sessions will be reserved, to the extent reasonably possible, for the trial of criminal cases. On even months, the State and defense counsel will meet with the judge, and other staff, in a "conference setting" at a location within the Brunswick County Courthouse selected by the Senior Resident Superior Court Judge or Presiding Superior Court Judge. Locations may include, but are not limited to: the conference room of the Senior Resident Superior Court Judge's Office, the conference room of the District Attorney's Office, any jury assembly or deliberation room, any courtroom, or any other place within the Brunswick County Courthouse that the Senior Resident Superior Court Judge or Presiding Superior Court Judge may deem appropriate. Conferences will be mandatory for all cases with a scheduled trial date, and in the discretion of the presiding superior court judge for any other case for which either party wishes to conference. The District Attorney's Office will schedule the conference times for defense counsel and will publish the conference schedule with the CDM calendar. The conference sessions shall begin at 9:30 am on Monday of CDM week, and at 9:30 am on Tuesday of CDM week. Unrepresented calendar call will occur at 1:30 pm on Tuesday of CDM week. Should additional conferences be needed outside of this schedule, the Senior Resident

Superior Court Judge, in his or her discretion, may conference cases with the State and defense counsel on Friday of the third full week of the month. Pleas and motions, scheduled by the District Attorney's Office, will be held during all other available court time during CDM week. On odd months, the "CDM" week will consist of pleas and motions scheduled by the District Attorney's Office, and no conferences or unrepresented calendar call will occur.

4.2 Unless disposed of earlier, each felony case shall be calendared for a minimum of two specific case management week settings following the initiation date. The Defendant is required to be present during CDM conferences under the following circumstances:

- a) The defendant is not represented by defense counsel;
- b) The case is on a final setting, provided that the Defendant is not required to be present if the State and defense counsel agree that the Defendant's presence is not necessary, unless otherwise ordered by the presiding superior court judge; or
- c) The defendant has a trial date prior to the next regularly scheduled CDM conference week.

Defense counsel shall be present at every session of CDM for which he or she has cases on a final setting or cases on a trial calendar prior to the next regularly scheduled CDM conference week.

4.3 The first administrative calendar setting "First Setting" shall occur during the first Criminal Docket Management Week scheduled within thirty (30) days after initiation. If no Criminal Docket Management Week is scheduled within thirty (30) days after initiation, then the "First Setting" shall occur at the first Criminal Docket Management Week following such thirty (30) day period. The following matters shall be accomplished at the "First Setting":

- a) A determination that counsel has been retained, appointed, or expressly waived in writing;
- b) The identification of possible conflicts of interest;

- c) An inquiry by the Court as to whether a case will be declared "**Exceptional**" under these rules, if not previously declared "**Exceptional**" pursuant to Rule 1.9 above; and
- d) An inquiry by the Court as to the status of plea negotiations between the parties. A case may be disposed of by negotiated plea at the first setting, provided, however, that no guilty plea shall be adjudicated at this setting if the case involves a victim under N.C.G.S. 15A-830.5 and Article I Section 37 of the North Carolina State Constitution, the victim of the crime is not present, the victim of the crime has not received notice of the guilty plea from the State, the State has not made all reasonable efforts to notify the victim of the crime of the guilty plea, and the victim has communicated to the State his or her desire to be present or heard at the time of disposition of the case.

4.4 The final administrative calendar setting "Final Setting" shall occur during the next Docket Management Weeks following the first setting. The following matters shall be accomplished at the "Final Setting":

- a) A confirmation by the Court that the State has filed its discovery disclosure certificate, and if applicable, that the defendant has provided reciprocal discovery;
- b) The hearing of pre-arraignment motions, see N.C.G.S. § 15A-952(b) and (c);
- c) Arraignment, if defendant has filed a written request for arraignment pursuant to N.C.G.S. § 15A-941(d). If the defendant has not filed a written request for arraignment in accordance with N.C.G.S. § 15A-941(d), arraignment shall be deemed waived;
- d) An inquiry by the Court as to the status of plea negotiations between the parties. A case may be disposed of by negotiated plea at the final setting, provided, however, that no guilty plea shall be adjudicated at this setting if the case involves a victim under the Crime Victims' Rights Act, the victim of the crime is not present, and the victim has communicated to the State his or her desire to be present or heard at the time of disposition of the case.

- e) The setting by the court of deadlines for the filing of all remaining pre-trial motions, with the exception of motions in limine;
- f) The scheduling of a hearing date for the pre-trial motions;
- g) The scheduling of a plea date;
- h) The scheduling of a trial date pursuant to Rule 7 below.

4.5 Whenever practical, administrative settings shall be conducted by the Senior Resident Superior Court Judge but may otherwise be held by any duly commissioned superior court judge.

RULE 5: MOTIONS

5.1 A Defendant shall not be required to file any pre-trial motions until after the State has provided discovery under these rules.

5.2 All pre-arraignment motions shall be filed within the time specified by N.C.G.S. §15A-952.

5.3 During the final setting, parties shall establish the schedule of dates for which pre-trial motions, excluding motions in limine, shall be filed and heard. These hearing dates are firm dates and should be strictly adhered to unless good cause is shown for a deviation from the scheduled date. Pre-trial motions which, in the opinion of the court, will require lengthy evidentiary hearings or will be dispositive of the case shall be scheduled during a Criminal Docket Management Week or other time certain, so as not to impede the commencement of the trial on the scheduled trial date.

5.4 Except under circumstances which could not have been reasonably foreseen by the movant, all motions filed beyond the established deadlines are subject to summary dismissal by

the court. This provision does not apply to motions, such as motions in limine, which are appropriately directed to the judge presiding at trial or motions filed in accordance with timelines established by the North Carolina General Statutes that differ from these rules.

RULE 6: Negotiated Plea Offers

6.1 Unless the District Attorney decides not to make a negotiated plea offer in a particular case, the District Attorney should make every effort to extend a written plea offer to defense counsel of record no later than six (6) weeks after the initiation date of a case. In most cases, if a negotiated plea offer was extended and rejected in H&I court, a new plea offer may not be extended.

6.2 Defense counsel of record has a responsibility to convey all negotiated plea offers to the defendant as soon as reasonably possible.

6.3 Except in those cases in which the defendant is in the custody of the N.C. Department of Correction or of another county or state, defense counsel shall make all reasonable efforts to respond to the State's negotiated plea offer no later than four (4) weeks from the time it is received. If defense counsel fails to respond to a negotiated plea offer, the plea offer may be withdrawn.

6.4 With the consent of the Court, the parties may confer with the Court regarding the terms of a negotiated plea offer. The Court may conduct a plea conference, if, in the opinion of the Court, such a conference is supported by the interest of justice.

6.5 If either party discovers that it is unable to fulfill an understanding previously agreed upon in plea negotiations, that party shall give prompt notice to the Court and to the other party.

RULE 7: Trial Settings

7.1 At the final administrative setting, and at the first administrative setting for misdemeanor appeals, the District Attorney shall propose to the Court a trial date in each case reaching the trial phase. This date may be during either a criminal/civil session or a civil/criminal session as all sessions are "mixed" sessions. Criminal cases set during a civil/criminal session do not take precedence over civil cases scheduled for that session. After conferring with counsel for all parties, the Court then shall establish a trial date for each case. Counsel for the State and defendant are responsible for having their personal calendars available at the final setting in order to inform the Court of any personal or professional conflicts. Calendar call for the criminal trial calendar shall occur at 10:00 am on criminal/civil sessions and at 2:00pm on civil/criminal sessions. Every effort shall be made by both the State and defense counsel to avoid scheduling felony victim's rights cases or cases that involve out of state witnesses during civil/criminal session weeks.

7.2 The trial of a felony case shall occur no sooner than 30 days after the final administrative setting, except by agreement of the State and the defendant. See N.C.G.S. § 7A-49.4(b).

7.3 When a case has not been otherwise scheduled for trial within 120 days of indictment or of service of notice of indictment if required by law, then upon motion of the defendant at any time thereafter, the Senior Resident Superior Court Judge, or a superior court judge designated by the Senior Resident Superior Court Judge, may hold a hearing for the purpose of establishing a trial date for the defendant. See N.C.G.S. § 7A-49.4(c).

7.4 The established trial date shall be a firm date. Continuances will not be granted except for just cause or unless the administration of justice compels a continuance. Further, the presiding judge will consider all factors listed under N.C.G.S. §15A-952 (g) prior to making a ruling on a motion to continue.

7.5 Any request for a priority or peremptory setting based upon out-of-town witnesses, expert witnesses, or other scheduling concerns should be addressed to the Court at the final administrative setting.

7.6 Any case not reached for trial during a scheduled session of court shall be rescheduled for trial by the presiding judge or by the Senior Resident Superior Court Judge after conferring with counsel. In the event that a case is not rescheduled during the scheduled session of court in which it is not reached, it shall be rescheduled to an alternate criminal trial date by the State. The State shall make all reasonable efforts to confer with defense counsel prior to rescheduling the case for trial. The State shall consider the following facts when rescheduling the trial date: (a) whether the District Attorney is aware of the unavailability of a necessary witness; (b) the District Attorney or Defense Counsel's previously designated period of secured leave; or (c) whether the case has been declared "Exceptional." If the case is not automatically rescheduled for an alternate criminal trial term due to the existence of (a), (b) or (c), above, then the case shall be docketed during the next Criminal Docket Management Week for the purpose of resetting the trial date.

7.7 When scheduling for trial, priority should be given to cases according to the offense charged as follows:

- a) Capital cases;
- b) Non-capital homicides;
- c) Sexual offenses committed against minors;
- d) Rape and other sexual offenses, felony child abuse;
- e) First degree burglary, robbery and kidnapping;
- f) Drug trafficking and multiple drug sales;
- g) Felony assaults;
- h) First degree burglary; felony breaking and entering;
- i) Felony DWI and other felony offenses;
- j) DWI and Class A1 appeals; and
- k) Other misdemeanor appeals.

7.3 When scheduling for trial, case priority should be determined by consideration of the following eight (8) factors, in conjunction with Rule 7.7 above:

- a) Whether the defendant is in pre-trial custody;
- b) Whether the defendant constitutes a significant threat of injury to the alleged victim, witnesses or others in the community;
- c) Whether the victim is a child or related to the defendant;
- d) Whether the defendant is a recidivist;
- e) Whether the defendant is a public official;
- f) The age of the case;
- g) Whether the defendant has filed a written request for a speedy trial;
- h) Any significant problems or interests associated with the case of particular concern to the community;
- i) Matters of great public importance.

RULE 8: Printed Calendars

8.1 Not less than ten (10) calendar days prior to each Criminal Docket Management Week, the District Attorney shall prepare and publish a calendar of case settings as described in Rule 4 above. The Criminal Docket Management Week calendar shall designate cases as being docketed for first settings, final settings, or pre-trial motions (post-final setting motions). The Clerk of Superior Court shall prepare and publish a calendar for probation violations and other probationary matters.

8.2 The District Attorney, by and through a CDM coordinator, or his or her other designee, shall schedule all pleas and motions. The District Attorney CDM coordinator shall attempt to schedule all cases of a particular defense attorney within each administrative calendar section in consecutive order. Provided, however, that any matter which is anticipated to take thirty (30) or more minutes may be scheduled at the discretion of the District Attorney in non-consecutive order. Further, the District Attorney shall have discretion over scheduling, after

consultation with the Defense, with matters that require witnesses and victims of crime under N.C.G.S. 15A-830.5 and Article I Section 37 of the North Carolina State Constitution (Marsy's Law). Defense counsel shall have ALL plea transcripts and copies prepared prior to their scheduled court time.

8.3 Not less than ten (10) working days prior to each jury session of court the District Attorney shall prepare and publish a calendar of cases for trial. The District Attorney may list the order of cases for trial in his or her discretion, giving consideration to those factors set forth in Rules 7.7 and 7.8 above. The trial calendar shall not contain cases that the District Attorney does not reasonably expect to be called for trial. Upon consent of all parties and the Senior Resident Superior Court Judge or the assigned presiding superior court judge for a particular trial session, a case may be added on to the trial calendar after the (10) working day deadline.

8.4 A defendant shall be required to appear at the initial calling of the calendar during the jury session of court. After the call of the calendar, the Court, in its discretion and upon motion of defense counsel may place a defendant on standby.

8.5 Nothing in these rules shall be construed to affect the authority of the Court in the call of cases calendared for trial.

RULE 9: Motions for Continuances

9.1 All motions for continuances should be in writing, filed and delivered to the office of the Senior Resident Superior Court Judge and to opposing counsel not later than noon on Wednesday preceding the session in which the trial is calendared. Oral motions or motions filed out of time must show good cause for the failure to file a timely written motion.

9.2 In ruling on a motion for continuance, the Senior Resident Superior Court Judge will consider the following factors:

- a) The age of the case;

- b) Whether the defendant is in custody, and, if so, the length of the defendant's pretrial incarceration;
- c) Whether the defendant has co-defendants;
- d) The number of times the case has previously appeared on a trial calendar;
- e) Whether or not opposing counsel consents or opposes the continuance;
- f) Whether the case is a victim's rights case under N.C.G.S. 15A-830.5 and Article I Section 37 of the North Carolina State Constitution. and
- g) The opposing counsel's position as to when the trial should be rescheduled if continued.

9.3 The Senior Resident Superior Court Judge shall issue a ruling on the motion to continue as soon as reasonably possible after consideration of the reasons for the continuance request, the age of the case, the pre-trial detention status of the defendant, and the number and type of other trial matters present on the trial calendar for the session. In the event the Senior Resident Superior Court Judge is unavailable due to rotation, sickness, or vacation, any other judge designated by the Senior Resident Superior Court Judge may rule on continuance motions.

9.4 No case shall be continued without rescheduling the trial to a date certain, except in a case of extreme and unusual circumstances.

Rule 10: Superior Court Probation Violations

10.1 Probation violation hearings shall be heard on the Monday and Wednesday of the third full week of every month. The Clerk of Superior Court shall be responsible for creating a calendar for the matters for hearing.

10.2 The Office of Probation and Parole shall have scheduled court dates for each Probation and Parole officer in accordance with Rule 10.1 of the scheduling of Probation Court.

10.3 All hearings that are not reached or otherwise continued shall be continued to the officer's next court date unless all parties agree that the probation officer is not needed and consent to a different date.

RULE 11: Miscellaneous Provisions

11.1 Cases designated as "**Exceptional**" under these rules shall be subject to such scheduling orders as deemed appropriate and just by the Senior Resident Superior Court Judge.

11.2 Motions for appropriate relief shall also be governed by these rules and shall be initially placed on the administrative calendar.

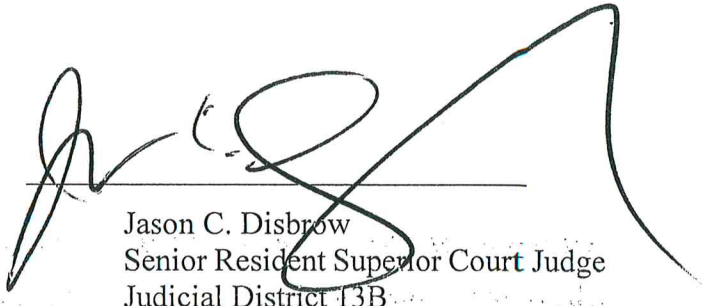
11.3 No provision of these rules shall be interpreted by any party or by the Court in such a way as to deprive any defendant of any right provided by the General Statutes of North Carolina or by the state and federal constitutions.

11.4 No provision of these rules shall be interpreted by any party or by the court in such a way as to deprive any victim of a crime any right provided by the General Statutes of North Carolina or by the Constitution of North Carolina. See N.C.G.S. § 7A-49.4(g).

11.5 These rules may be amended from time to time by the Senior Resident Superior Court Judge after conferring with the District Attorney and providing an opportunity for comment to the members of the local criminal defense bar.

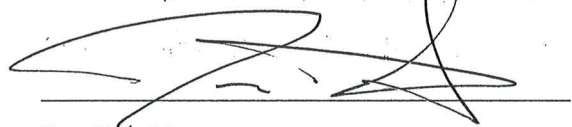
11.6 These rules shall remain in effect after the above referenced date and thereafter shall continue in effect from calendar year to calendar year unless consent to the entry of this order is revoked in writing by the District Attorney, or these rules are expressly abrogated by either the General Assembly of North Carolina or the Supreme Court of North Carolina.

Enacted this 18th of August, 2020.



Jason C. Disbrow
Senior Resident Superior Court Judge
Judicial District 13B

I consent to the Terms of this Order:



Jon David
District Attorney
Fifteenth Prosecutorial District

(EXHIBIT A)

STATE OF NORTH CAROLINA
COUNTY OF BRUNSWICK

THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE:

STATE OF NORTH CAROLINA
vs.

Discovery Disclosure Certificate, 15A-975 Notice

DISC ATTACHED – FELONY REPORT

To Attorney: _____

I am the prosecutor assigned to prosecute the above-captioned case. I certify that I provided discovery to the defendant of matters required by N.C. Gen. Stat. § 15A-903, et seq. and the local rules of the 13th District. I acknowledge my agreement to comply with the provisions of Article 48 of Chapter 15 of the N.C. Statutes relating to discovery without the necessity of an order by the court.

In addition to this disclosure, I recognize my continuing duty of disclosure. I will make good faith efforts to disclose to the Defendant any and all exculpatory materials now available, or which may become available to the State.

Pursuant to N.C. Gen. Stat. § 15A-975(b) the State hereby gives Notice of Intent to Use the following evidence and statements:

1. Any and all oral, written, recorded, and otherwise memorialized statements of the defendant and all witnesses pursuant to N.C.G.S. 15A-976. Any and all photographs, physical evidence, and video tapes collected from the Defendant, the Defendant's home or vehicle, the crime scene, and any other location pursuant to N.C.G.S. 15A-975.
2. Any and all laboratory analyses provided to the Defendant pursuant to N.C.G.S. 90-95(g).

Pursuant to N.C. Gen. Stat. §§ 15A-905 and 907, the State hereby requests reciprocal discovery of the Defendant. In the event Defendant does not voluntarily comply with the reciprocal discovery provisions, by this document the State moves the Court to order reciprocal discovery as outlined and to the extent provided, by N.C. law, specifically including, but not limited to 15A-905-908.

This done on the _____ day of _____, 20__.

_____ Responsible Prosecutor

Certificate of Receipt of Discovery and Acceptance of Reciprocal Discovery Provisions

I hereby certify that I have been served a copy of the discovery Disclosure Certificate and the accompanying Discovery. By taking receipt of the same I acknowledge my agreement to comply with the provisions of Article 48 of Chapter 15A of the N.C. Statutes relating to reciprocal discovery without the necessity of an order by the court.

This done on _____, 2017.

Attorney for the Defendant

CLERK COPY

FILE COPY

DEFENSE COPY

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Request/Motion for Discovery was served upon the Defendant or his/her attorney of record by:

_____ Hand Delivery

_____ Depositing a copy, properly addressed and postage prepaid, in a post office of official depository under the exclusive care and custody of the U.S. Post Office, to the following address:

_____ Facsimile to the Office of the Defendant's attorney of record.

_____ Depositing a copy, properly addressed in the courthouse mailbox of the defendant's attorney of record, located at the Brunswick County Court House, 310 Government Center Drive, Unit 2, Bolivia, NC 28422.

_____ Providing a digital copy through the Discovery Automated System.

This the _____ day of _____, 20 _____.

Assistant District Attorney
15th Prosecutorial District

(EXHIBIT B)

STATE OF NORTH CAROLINA
COUNTY OF BRUNSWICK

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE #

STATE OF NORTH CAROLINA

Vs

Defendant,

)
)
)
)
)
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SCHEDULING ORDER

This defendant appeared with counsel at the _____ term of court. From a review of the defendant's case(s) the court finds the following:

- The State has served the defendant's attorney with discovery.
- The State has served the defendant's attorney with discovery except for:

- The State has not served the defendant's attorney with discovery.
- The State has not extended to the defendant a plea offer but announced that an offer is forthcoming for the defendant's consideration.
- The State has made a plea offer in this case which the defendant has rejected. The terms of this plea offer were announced in open court.

It is therefore ordered that:

- The State will comply with the defendant's discovery request ten days prior to the _____ term of court.
- The defendant's case(s) have been scheduled for trial during the _____ term of court.
- The defendant shall file and serve on the State all pretrial motions by _____ or they shall be deemed waived.

This the _____ day of _____, 20_____.

Superior Court Judge