

22B 761

**ADMINISTRATIVE ORDER IMPLEMENTING A DISTRICT CRIMINAL CASE  
MANAGEMENT PLAN FOR THE 26<sup>TH</sup> JUDICIAL DISTRICT**

This District Criminal Case Management (DCCM) Plan is established pursuant to N.C.G.S. 7A-146 which authorizes the Chief District Judge to set schedules of the district court and the inherent constitutional authority of the court to establish rules for the management of litigation to prevent undue delays, preserve court resources, and assure fair treatment of all parties. This plan further preserves the authority of the District Attorney to prepare the trial dockets pursuant to N.C.G.S. 7A-61. This plan further recognizes the constitutional and statutory authority of the District Attorney. Nothing contained in this plan limits, restricts or cedes such authority.

**1 Statement of Purpose**

The purpose of the DCCM Plan is to provide a structured system for the timely and efficient management of criminal cases in the district court of the 26<sup>th</sup> Judicial District. The DCCM does not apply to district criminal cases that have been classified by the District Attorney as intimate partner violence matters. Intimate partner violence cases are scheduled and managed according to a separate plan and state and local rules.

The 26<sup>th</sup> Judicial District recognizes responsibility for managing case progress, the defendant's right to a speedy trial, and the public's, including victims and witnesses, interest in a timely, fair and just resolution of criminal cases by application of uniform and consistent time standards for the conduct of criminal cases in the district court.

The objectives of the DCCM Plan include:

1. Early Court Intervention: The start of each case triggers the effort to resolve the case as early in the process as reasonable and to reduce the time and costs for the parties and the court without sacrificing rights or interests.
2. Continuous Court Control: For each case, realistic pretrial schedules are established so that progress to each scheduled event is appropriate and can be monitored to minimize unnecessary delay.
3. Controlling Continuances: While courts must allow adequate time to accomplish necessary tasks, events should also be scheduled sufficiently soon to maintain awareness that the court wants reasonable case progress and will not allow continuances simply because participants are not prepared.
4. Meaningful Pretrial Court Events: The court communicates to all participants in the legal process the purpose, deadlines and possible outcomes of all proceedings to ensure all events occur as scheduled and contribute substantially to the reasonable resolution of the case.
5. Firm and Credible Trial Dates: Trials regularly commence on the first date scheduled after the court determines no other case resolution options are possible.

A strong judicial commitment is essential to improving predictability, efficiency and timely disposition in criminal cases. Collaboration between the Court, the District Attorney, the Public Defender and the private defense bar is necessary to achieve just and efficient disposition of criminal cases. The Court is ultimately responsible for ensuring compliance with the North Carolina Criminal Procedure Act, through early and continuous judicial management to promote procedural justice.

Further, the DCCM Plan implements modified time standards modeled from the recommendations set out in the National Center for State Court’s Effective Criminal Case Management Study.<sup>1</sup> This is a departure from published North Carolina and Judicial Council time standards and reflects achievable standards for time to case disposition as outlined below:

- 75% of district court misdemeanor and infraction matters disposed within 120 days; and
- 98% of district court misdemeanor and infraction matters disposed within 180 days.

In order to achieve these goals, the DCCM Plan provides for the resolution of different categories of cases within a regular and predictable time frame warranted by the needs of the case.

**Table 1-Misdemeanor Cases Time Standard**  
**98% Within 180 Days**

Case Time Start	Case Time Suspension Begins	Case Time Suspension Ends	Case Time Stop
Filing of Citation with the Clerk of Superior Court; Service of Summons or Warrant on Defendant.	Referral to Specialty Court	Denial of acceptance into a Specialty Court	Final Disposition: <ul style="list-style-type: none"> <li>• Acquittal</li> <li>• Verdict</li> <li>• Sentence or Judgement</li> <li>• Order</li> <li>• PJC</li> <li>• Dismissal</li> </ul>
	Referral for Deferred Prosecution	Date of entry of contract, conditional discharge judgment	
	Bench warrant issue date	Appearance of defendant in court after a bench warrant	
	Court order for Forensic Evaluation	Date of court determination of ability to stand trial or declaration of incapacity	

<sup>1</sup> Model Time Standards for State Trial Courts. Available at: [https://www.ncsc.org/\\_\\_data/assets/pdf\\_file/0032/18977/mod el-time-standards-for-state-trial-courts.pdf](https://www.ncsc.org/__data/assets/pdf_file/0032/18977/mod-el-time-standards-for-state-trial-courts.pdf)

## 2 Case Management

The policies and procedures outlined in the DCCM Plan shall be implemented by the Chief District Judge in collaboration from the offices of the District Attorney, the Clerk of Court, and the Trial Court Administrator. The Chief District Judge shall monitor implementation and effectiveness of the DCCM with the assistance of the Trial Court Administrator (TCA). Implementation issues and performance outcomes will be addressed at regularly scheduled case management meetings chaired by the Chief District Judge.

All judges and court staff are responsible for compliance with the DCCM Plan and the effective management of the cases assigned to them, adherence to time standards and compliance with local rules for Criminal District Court.

### Roles and Responsibilities

#### **Chief District Judge**

The Chief District Judge shall prepare and publish a schedule of Criminal District Court sessions for the calendaring of court events consistent with the DCCM Plan. The Chief District Judge shall assign district judges to the criminal division who are engaged and committed to the administration of the DCCM Plan and shall provide orientation, resources and training on the DCCM Plan to all district judges assigned to the criminal division of district court.

#### **Trial Court Administrator**

The TCA will assign matters to case tracks in accordance with the DCCM Plan and assist the District Attorney's Office in scheduling court events that are required to occur after the initial appearance.

The TCA will post Pretrial Readiness and Case Management calendars to nccourts.gov four weeks in advance of the court event and a final list on the Wednesday prior to the event.

The TCA will assist assigned trial judges with the management of cases assigned to them after initial appearance.

Under the supervision of the Chief District Judge, the TCA will prepare regular reports which measure case processing performance and the use of court resources.

#### **District Attorney**

Pursuant to N.C.G.S. 7A-61, "The district attorney shall prepare the trial dockets, prosecute in a timely manner in the name of the State all criminal actions and infractions requiring prosecution in the...district court."

It is the policy of the District Attorney that his office will work in collaboration with the Chief District Judge, TCA and Clerk of Superior Court in the scheduling of court events.

### **Clerk of Superior Court—Criminal Division**

Under the supervision of the Clerk of Superior Court (CSC), the CSC-Criminal Division maintains all case information, creates the dockets of the court and serves as the official custodian of the record for court proceedings. The CSC-Criminal Division issues all notices, subpoenas, and orders in the name of the court for all case hearings and trials.

The CSC will post the trial dockets for both complex and non-complex trial sessions to nccourts.gov at least four weeks in advance of the scheduled session.

The contributions of the CSC-Criminal Division are critical to the success of the DCCM Plan.

### **Assignment and Docketing**

District Judges are individually assigned cases from the first appearance. The TCA, in collaboration with the District Attorney, assigns cases to trial and pretrial readiness conference calendars for individual district judges.

Each judge manages cases with the assistance of a court coordinator, who is assigned by the TCA. Probation violations, conditional discharge reviews and other post-adjudicative matters are assigned back to the original trial judge, whenever possible. In addition, a judge with an active case or a defendant that is still serving his or her sentence will be assigned a new case with the same defendant, whenever possible.

#### **1. Method of Assignment**

All criminal complaints are individually assigned to a district court judge, according to a plan developed by the District Attorney and the Chief District Court Judge. Officer-assigned court dates are used to schedule trial settings for which a law enforcement officer has been identified by the state as a necessary witness. Cases which do not have law enforcement officer witnesses are randomly assigned to individual district judges in a manner that balances the workload among the judges.

The judge to whom any district criminal action is assigned shall retain the matter, except as provided in the DCCM Plan, and no person may change any assignment except by order of the judge assigned with the consent of the judge receiving the reassignment or by order of the Chief District Judge.

#### **2. Companion and Related Actions**

When practical, all actions involving substantially the same parties, or substantially the same subject matter, or substantially the same factual issues, whether pending simultaneously or not, shall be assigned to the same judge.

### 3. Calendars

The Chief District Court Judge shall publish an annual calendar of sessions for the district criminal court at least 90 days prior to the start of each year and a weekly calendar of sessions for the district criminal court each Thursday for the following week.

The District Attorney has calendaring authority and matters will be scheduled according to the DCCM plan.

Dockets will be created by the Clerk of Superior Court and published according to the Rules of Record Keeping and posted on nccourts.gov at least four weeks prior to the scheduled session.

Administrative schedules will be maintained by the TCA and posted to nccourts.gov at least four weeks and a final list on the Wednesday preceding the court event.

Each judge, in consultation with the Assistant District Attorney assigned to a case and the assistance of a court coordinator assigned by the TCA, is responsible for the resetting of cases on a calendar for sessions to which the judge is assigned, and on a timely basis in the automated case management system. The Trial Court Administrator and the District Attorney are responsible for resetting matters that must be rescheduled due to the cancellation of a court session by the Chief District Judge. The Clerk of Superior Court will enter the reset dates into the case management system and re-docket the cases.

Consistent with Rule 3 of the General Rules of Practice for the Superior and District Courts, requests for a continuance or to reschedule a matter that has been scheduled for hearing, must be made by motion to the presiding judge of the court in which the case is calendared or to the Chief District Judge if the presiding judge is unknown or unavailable. Final rulings on continuance motions and requests to reschedule a matter shall be the within the sole discretion of the assigned judge.

### 4. Consolidated Cases

Original and reopened cases that are open during the same period of time for the same defendant shall be consolidated by the court coordinator and assigned, whenever possible, to the same judge that was assigned to the original case against the defendant. Consolidation of cases will remove the consolidated case from the presumptive assignment process.

Reasons for assignment to a different judge shall include, but are not limited to, the following: recusal due to conflict of interest, retirement or other permanent absence of the original judge.

### 5. Reopened Cases

Any post-adjudication motions and actions, including probation violations, shall be considered reopened cases. Reopened cases shall be assigned, whenever possible, to the judge assigned to the case for trial, who issued the verdict in the case.

## Reports

Under the direction of the Chief District Judge and the Trial Court Administrator and/or designees will provide regular case management reports detailed below. All reports will be presented by selected time period as required. Reports shall be shared with the DA Misdemeanor Unit Chief, PD Misdemeanor Unit Chief, Defense Bar Representative, Presiding Judges, and Chief District Judge.

## Cases

1.1 Court Filings by Case Type/Track

1.2 Pending Inventory of Active Cases by Judge—Active Pending Cases, New/Assigned Cases, Dispositions, and Clearance Rate

1.3 Age of Active Pending Cases in 30-day Increments

1.4 Court Case Clearance Rate by Case Type/Track

1.5 Time to Disposition by Judge

1.6 List of Backlog Cases Older than Time Standards

1.7 List of Cases and Defendants in Custody and Pending Adjudication over 60 Days

1.8 Defendants Diverted or Referred to Specialty Court by Judge

## Events

2.1 Summary of Continuances

2.2 Number of Continuances by Reason

## 3 Case Type Tracks

All motor vehicle and non-motor vehicle cases follow distinct tracks to resolution, defined by complexity and aligned with expected case processing steps and events that are needed to reduce continuances and reach a just resolution. Court events are closely tied to the severity of the crime(s) charged, and the expected complexity of evidence in the case. The following tracks are grouped by expected events and expected duration for most of the cases to reach a resolution. These expectations are guidelines, not time standards. Cases may take more or less time due to unique case factors.

**Table 2-District Court Criminal Case Type Tracks**

Track	Description	Expected Duration
<b>Original Cases</b>		
<b>Track 1</b>	<b>Misdemeanors</b> Infractions Misdemeanor Offenses Not Listed as Complex	120 days (proposed) 98%
<b>Track 2</b>	<b>Misdemeanors</b> Impaired Driving Offenses Death by Vehicle Assault with a Deadly Weapon Assault Inflicting Serious Injury Assault on a Female Domestic Violence Protection Order Violation Stalking (Regular and Cyber) Contributing to Delinquency of Minor Assault on Child Under 12 Sexual Battery	180 days 98%
<b>Non-Original Cases</b>		
<b>Track 3</b>	<b>Post-Adjudication Cases</b> Conditional Discharge Reviews Probation Violations Deferred Prosecution Revocations Post-Judgement Modifications Remands on Appeal Motions for Appropriate Relief	2 months without new cases aligned with original case for probation revocations and violations.
<b>Track 4</b>	<b>Specialty Courts</b> Wellness Driving While Impaired District Recovery Families in Recovery Stay Together Youth Recovery	Custom-managed

## 4 Court Case Events

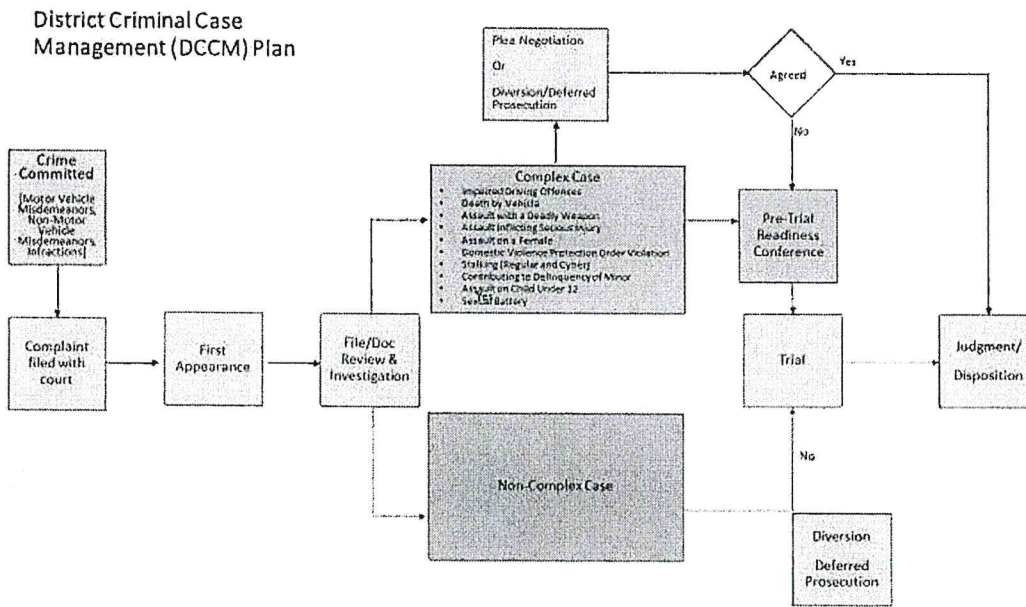
**Table 3-District Criminal Court Case Events**

Track	Event	Expectations
<b>Track 1</b>	First Appearance (FA)	72 hours after arrest or within 30 days of service of summons or citation
	Case Management Conference (CMCR)	30 days from FA
	Trial	60 days from FA
<b>Track 2</b>	First Appearance (FA)	72 hours after arrest or within 30 days of service of summons or citation
	Case Management Conference (CMCR)	30 days from FA
	Pretrial Readiness Conference (PTRC)	60 days from FA
	Trial	60 days from PTRC

Expected case events for Track 1, original cases and the initiating steps for Track 4 cases that may be transferred from an original case, are illustrated in Figure 1 below. Expected case events for Track 2 are illustrated in Figure 1 below. They are prescriptive only through the use of scheduling orders for specified tracks and/or case types, as determined and monitored by the TCA and presiding judge. Each judge, along with the assigned Assistant District Attorney, the CSC-Criminal Division, and Case coordinators will make every effort to ensure compliance with the expectations and timing for the scheduling of each court event. Good cause continuances, unavailability of docket space, case investigation issues, and other factors may impact case processing for each case. The trials and all procedures for cases in the 26<sup>th</sup> Judicial District are governed by the North Carolina General Statutes concerning Criminal Law and Procedure and Local Rules of District Criminal Court.



Figure 1



## Filing and Assignment

Cases are initiated in the District Court by the filing of a citation by law enforcement or by the issuance of criminal process by a magistrate upon the complaint of law enforcement or civilian. A first appearance is scheduled for defendants who are still in custody pursuant to NCGS 15A-601 or within 72 in the next scheduled session of district court hours whichever is sooner. First appearances for defendants who are not in custody should be scheduled within 30 days of service of the criminal process.

**Probation Violation Filings.** Probation Violation hearings for defendants who are in custody shall be scheduled before the first appearance judge for advisement on right to counsel and calendaring. These cases shall be treated as re-opened and calendared for hearing before the previously assigned judge.

## First Appearance (FA)

**In-Custody First Appearance.** The first appearance for in-custody defendants charged with misdemeanor offenses shall be scheduled in accordance with Subchapter VI of Chapter 15A of the North Carolina General Statutes.

The presiding judge shall:

- Advise the defendant of the nature of the charges against them;

- Determine the defendant's eligibility for court appointed counsel;
- Determine that the defendant or counsel has been furnished a copy of the process or order;
- Determine or review the defendant's eligibility for release under state law and the local bail policy.

Cases will be assigned to one of the three district criminal judges in accordance with the officer court date scheduling plan prepared by the District Attorney.

Track 1 cases shall be scheduled for trial before the assigned judge within 60 days unless a Case Management Conference (CMCR) is warranted. Track 2 cases shall be scheduled for a Pretrial Readiness Conference before the assigned judge within 60 days unless a CMCR is warranted. Track 1 and Track 2 cases for which a CMCR is warranted shall be scheduled for a CMCR before the judge assigned the earlier filed case(s). The CMCR shall be scheduled within 30 days or on the next scheduled date for the earlier filed cases, whichever is first.

Form CRF-12 Order Regarding Notice of Hearing/Court Event shall be used to schedule court events after First Appearances.

**Out-of-Custody First Appearance.** The first appearance for out-of-custody defendants charged with a misdemeanor offense shall be scheduled within 30 days of the issuance of the criminal process.

The judicial official shall:

- Advise the defendant of the nature of the charges against them;
- Determine the defendant's eligibility for court appointed counsel;
- Determine that the defendant or counsel has been furnished a copy of the process or order;

Represented defendants, by counsel, and unrepresented defendants who have executed a knowing and voluntary waiver of the assistance of counsel may accept an offer of diversion or plea agreement to be entered before the available district judge.

Cases that are not disposed at FA will be assigned to one of the three district criminal judges in accordance with the officer court date scheduling plan prepared by the District Attorney.

Track 1 cases shall be scheduled for trial before the assigned judge within 60 days unless a Case Management Conference (CMCR) is warranted. Track 2 cases shall be scheduled for a Pretrial Readiness Conference (PTRC) before the assigned judge within 60 days unless a CMCR is warranted. Track 1 and Track 2 cases for which a CMCR is warranted shall be scheduled for a CMCR before the judge assigned the earlier filed case(s). The CMCR shall be scheduled within 30 days or on the next scheduled date for the earlier filed cases, whichever is first.

## Case Management Conference (CMCR)

The CMCR is a case management strategy to manage multiple pending cases filed against a defendant in the District Court for cases in Tracks 1 and 2 and Track 3 Probation Violation cases. The CMCR will be conducted in the assigned district court according to the track schedule above (see Table 2) and will include all of the defendant's then pending cases. Later cases filed against a defendant will be scheduled with the earlier filed cases. Multiple cases with the same defendant will be managed by the highest track. The objectives of the CMCR are the following in sequential, prioritized order:

- Extension of a global plea offer if deemed appropriate by the District Attorney
- Modify the case management order
- Address and review pretrial issues
- Finalize deadlines for obtaining case investigation information
- Issue final case management order

Defense attorneys shall make reasonable efforts to communicate with the client about the status of pending cases, legal and factual defenses, pretrial issues and any plea offers extended by the state. If plea agreement is reached, the matter should be scheduled for a plea slot.

If no plea agreement is reached, then a CMCR shall be conducted. For Track 2 cases, the court shall determine, based upon individual case factors, whether the schedule for a case needs to be extended after consultation with the parties. The schedule may be modified by adopting a more complex case track or by custom setting subsequent events. The court shall determine whether any previously entered scheduling order requires amendment based upon individual case factors. Counsel shall be prepared to discuss all aspects of case management and scheduling, to include, without limitation, the following:

1. Any issues with obtaining evidence, including setting deadlines;
2. Any expert witness issues;
3. Any pretrial motions, pending or contemplated.
4. Any conflict issues concerning representation;
5. Any competency issues;
6. Anticipated time to prepare for and conduct a trial (trial length);
7. Pretrial conference scheduling;
8. Plea possibilities and any applicable expiration on offers;
9. Diversion court requests; and,
10. Any other issue affecting a timely resolution of the case.

A final, revised Scheduling Order shall be issued, which shall set forth expectations for the next scheduled event, including, but not limited to, evidence exchange, final plea negotiation and appearances of trial counsel and the defendant.

## Pretrial Readiness Conference (PTRC)

The PTRC shall be scheduled for Track 2 cases within 60 days of the FA or CMCR. The purpose of this setting is to ensure that the case is trial ready and to dispose of any pretrial issues. Certain pretrial motions should be filed prior to the PTRC and shall be ruled on at this setting. These include motions for forensic evaluation or motions to compel or produce reports or media.

Meaningful plea negotiations are encouraged prior to the PTRC.

If no plea agreement is reached or no guilty plea is scheduled, the parties will be required to have completed in advance a District PTRC Scheduling Order.

The statement should include, at minimum, the following:

- The defendant's custody status;
- Defendant's other pending cases and their status;
- Statement of defense counsel's efforts to obtain media, knoll documents, blood test results, forensic evaluation or other documents or media deemed necessary to the preparation of a defense;
- Whether pretrial motions are anticipated; and
- Whether a plea offer has been discussed.

Defense attorneys shall complete the electronic District PTRC Scheduling Order and submit it by 12PM on the Wednesday preceding the PTRC. The PTRC Scheduling Order is submitted by electronic delivery to the email address assigned to the courtroom in which the matter is calendared.

Defense attorneys and unrepresented defendants may appear in person in the designated courtroom at 1:30PM. Defense attorneys may appear remotely for PTRC via Webex at 2:00PM using the URL assigned to the courtroom in which the matter is calendared.

After completion of the PTRC, a final trial date shall be set. No continuances after the PTRC shall be granted without exceptional cause. Notices of trial conflict shall be communicated to opposing counsel and the assigned judge as soon as they are known and no later than the date of the PTRC. The court will make a determination as to any conflicts at the PTRC.

## Trial (TRL)

**Track 1 Trials.** Track 1 cases will be scheduled before the assigned judge during weeks designated for the judge to hear Track 1 trials. The District Attorney sets matters on the trial docket. Limits on the number of cases that may be scheduled for trial in each session of district criminal court will be set by the Chief District Judge in consultation with the District Attorney, defense bar and the TCA. Limits on the number of Track 1 cases that may be scheduled will be

set to ensure efficient use of court resource to reach timely disposition of calendared matters without unnecessary continuance or delay.

In advance of Track 1 trial settings, attorneys are expected to review all documents in the court file, including probable cause worksheets, witness affidavits completed by law enforcement officers or civilian witnesses and presented to the magistrate. Attorneys are expected to engage in reasonable and timely efforts to obtain information necessary to the preparation of a defense in advance of the scheduled trial date. Continuances will be rare and granted for good cause.

**Track 2 Trials.** Track 2 cases will be scheduled for trial within 60 days by the assigned judge at the PTRC. Track 2 cases will be scheduled for trials at specific times on specific dates during the weeks designated for the assigned judge to hear Track 2 Trials. The District Attorney sets matters on the trial docket and the date and time will be finalized by the assigned judge at the conclusion of the PTRC in consultation with all parties. Trial dates will only be set on cases deemed by the assigned judge as ready for trial.

No continuance of the trial will be granted except upon a demonstration of extraordinary cause. Requests for continuances to another trial week will be considered if received within 30 days of the trial week. Requests for continuances made less than 30 days prior to the scheduled trial week will be granted for emergencies or extraordinary circumstances.

#### Probation Hearing (PROB)

Track 3 Probation Violation cases shall be scheduled before the previously assigned judge within 14 days during the sessions of court designated for probation violation hearings. Defendants who remain in custody on a probation violation after the FA, shall be scheduled for a probable cause hearing before the assigned judge within 7 days.

New cases that are filed against a defendant against whom a probation violation is filed shall be assigned to the previously assigned (sentencing) judge for a CMCR prior to the scheduling of any other case event required by this plan.

#### Reviews (REV)

Certain judgments are required to be reviewed by the judge who entered the order, including, 15A Conditional Discharge Judgments. These matters should be scheduled for review during sessions of court designated for probation violation and review hearings. These may be scheduled at intervals in the discretion of the assigned judge.

## 5 Policies and Other Procedures

### Specialty Court Referrals and Case Management

## Notice of Appearance

Private defense attorneys who have been retained on a case filed in district court shall enter a Notice of Limited or General Appearance with the Clerk of Superior court no less than 30 days prior to the next scheduled court event or within 7 days of being retained whichever is sooner.

Attorneys are required to use form AOC-G-312, "Notice of Appearance by Counsel."

Appointed and privately retained attorneys shall comply with all duties of diligent case investigation and preparation prescribed by the DCCM. Appointed and privately retained attorneys shall appear for all scheduled court events unless granted leave by the assigned judge in advance of the scheduled event.

## Continuances

It is the policy of the 26<sup>th</sup> Judicial District to provide justice for citizens without unnecessary delay and without undue waste of the time and other resources of the Court, the litigants, and other case participants. To protect the credibility of scheduled trial dates, trial-date continuances are especially disfavored.

The 26<sup>th</sup> Judicial District, District Criminal Court, continuance policy shall be implemented in a manner that does not conflict with North Carolina law. The court will resolve scheduling conflicts when an attorney has conflicting engagements in different courts in accordance with Rule 3.1 of the General Rules of Practice for the Superior and District Courts.

A showing of due diligence is required in order for the district court to grant continuances. All trial continuances shall be scheduled no later than 30 days after the original setting, except for extraordinary circumstances.

All applications for a continuance are addressed to the sound legal discretion of the presiding (assigned) judge and, if not expressly provided for, shall be granted or refused as the ends of justice may require.

**Trials.** All trial dates shall be a firm date. Continuances will not be granted except upon a showing of good cause or the fair administration of justice requires a continuance.

Even where both parties agree, the circumstances warranting a continuance must be stated in any motion for continuance which will be considered and ruled upon by the Court.

Continuances will not be granted merely by agreement of counsel.

### Track 1 Trial Continuances

Continuances of Track 1 cases set on a trial calendar shall be disfavored except upon a showing of good cause. The fact that the setting is the first trial setting or to seek global plea offers are not alone good cause absent specific demonstration that a continuance is necessary to prevent prejudice to a party or for the fair and proper administration of justice.

Motions to continue Track 1 cases shall, to the greatest extent possible, be made to the assigned district judge with notice to opposing counsel 30 days in advance of the scheduled trial setting. Any grant of a continuance motion or request by the Court shall be made on the record, with an indication of who requested it and the reasons for granting it.

The rescheduled trial shall be held within 30 days.

#### Track 2 Trial Continuances

The trial date established for Track 2 cases at the Pretrial Readiness Conference shall be a firm date. Continuances will not be granted unless for a circumstance that could not have been reasonably foreseen and/or the fair administration of justice requires a continuance.

Applications for continuances of Track 2 matters that have been placed on a trial setting must be made in writing using Form CRF-13 Motion to Continue, served on the opposing counsel and submitted to the court by email to the email address assigned to the courtroom in which the case is set at least 30 days prior to the scheduled trial date. If opposing counsel objects to the continuance, the objection may be presented at a hearing on the motion or its basis may be stated in writing using Form CRF-15 Objection to Motion to Continue, served on the moving attorney and submitted by email to the email address assigned to the courtroom in which the case is set.

The TCA will schedule Track 2 motions to continue trials for consideration before the assigned judge during a PTRC/CMCR session of district criminal court. The TCA will notify the attorneys of the date for which the motion has been scheduled and will provide the next three available trial dates.

In the event of an emergency or if unforeseen circumstances arise in which the 30-day requirement is unable to be met, the same process shall be followed to have the matter scheduled in front of the assigned district court judge as soon as the circumstance is known. Only emergency matters or situations involving exigent circumstances that could not have been reasonably foreseen prior to the deadline will be scheduled outside of the allowed submission deadline. Continuance requests received after the 30-day deadline for reasons known before that time will be summarily denied.

Actions will not be removed from a trial calendar except by order of the presiding (assigned) judge or the Chief District Judge if the assigned judge is unavailable.

**Pretrial Readiness, Case Management Conferences and Plea Slots.** Applications for continuance of a scheduled PTRC, CMCR or plea slot must be made using Form CRF-13 Motion to Continue, served on opposing counsel and submitted to the court by email to the email address assigned to the courtroom in which the case is set for hearing at least 10 days prior to the scheduled event. Objections shall be made in writing using Form CRF-15 Objection to Motion to Continue, served on the moving party and submitted to the court by email to the

email address assigned to the courtroom in which the case is set for hearing and the presiding judge within 3 business days of receiving notice of the motion to continue.

Good cause reasons for continuances of events, other than Track 2 Trials, requested within the deadlines in the DCCM order, include the following:

- Reasonable scheduling conflicts for the defendant;
- Religious holidays for the defendant or necessary witnesses, with affidavit;
- Lack of notice to defendant within three days of an event, absent court documentation of notice being provided to counsel;
- Reasonable scheduling conflicts for counsel, except the DA and defense counsel shall be requested, when known in advance, to assign associate counsel for non-trial events, where required by the court, and for the associate counsel to meet the requirements for preparation for each non-trial event;
- Unavailability of a witness for trial or other dispositive event;
- Unavailability of a victim for trial or other event for which the victim has a right to be present and/or heard; and
- Any other good cause reason as determined by the presiding judge.

Extraordinary cause reasons for granting continuances or an extension of time of Track 2 matters scheduled for trial, include the following:

- The party is absent, and counsel are present to substantiate a good cause for his or her absence, including, but not limited to, illness or injury;
- Absence or serious illness of counsel;
- Absence of witness more than 100 miles from the court;
- Party, leading attorney, or material witness in attendance on active duty as member of National Guard or component of armed forces of the United States, with or without motion of the parties; and
- Case not reached during trial week.

#### Effective Date

The rules and policies proscribed in the DCCM shall become effective on the 11<sup>th</sup> day of May, 2022 and shall supersede any prior rules of procedure.

This, the 10<sup>th</sup> day of May, 2022.



Honorable Elizabeth T. Trosch  
Chief District Court Judge



## Appendix A

### Local Forms

(All local forms are also available on Mecklenburg County's Local Rules and Forms page:  
<https://www.nccourts.gov/locations/mecklenburg-county/mecklenburg-county-local-rules-and-forms>)

26<sup>th</sup> Judicial District Case Management Plan for District Criminal Court

In the General Court of Justice District Court Division  <b>STATE OF NORTH CAROLINA</b> COUNTY OF MECKLENBURG	File No: _____  Additional File Notes: _____
<b>STATE VERSUS</b>	<b>PRETRIAL READINESS CONFERENCE SCHEDULING ORDER</b>
Name of Defendant _____	
Name of Co-Defendant(s), if any _____	

<b>CASE INFORMATION:</b>			
Defendant in Custody: <input type="checkbox"/> Yes <input type="checkbox"/> No	Other Pending Cases Involving Defendant(s): <input type="checkbox"/> Yes <input type="checkbox"/> No		
Defendant Present: <input type="checkbox"/> Yes <input type="checkbox"/> No	If Yes, File Number(s): _____		
Defense Counsel: <input type="checkbox"/> Appointed <input type="checkbox"/> Retained	Status of Other Pending Cases: _____		
Assistant DA: _____	Defense Attorney: _____ Appeared: <input type="checkbox"/> Yes <input type="checkbox"/> No		

<b>ADA AND DEFENSE COUNSEL CERTIFY THAT:</b>	
<input type="checkbox"/> There are no conflicts regarding this case that would prevent this case from moving forward to trial.	
<input type="checkbox"/> DMVR/Video was requested on _____ (date) and has been received.	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Knoll docs were requested on _____ (date) and have been received.	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Blood results were received.	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Forensic Eval was requested on _____ (date) and has been received.	<input type="checkbox"/> Yes <input type="checkbox"/> No
The defense counsel is seeking the following documents and has made efforts to obtain them: _____	
<input type="checkbox"/> Pretrial motions are anticipated	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> They have met and discussed the case, including a plea offer, if applicable.	Plea Offer Extended: Yes <input type="checkbox"/> No <input type="checkbox"/>
<input type="checkbox"/> Defense counsel has communicated with defendant	<input type="checkbox"/> Yes <input type="checkbox"/> No
Other: _____	

<b>CERTIFICATION SIGNATURES:</b>	
This is the _____ day of _____, 20_____.	
Assistant District Attorney: _____	Attorney for Defendant: _____

<b>THIS CASE IS (TO BE COMPLETED BY JUDGE):</b>			
<input type="checkbox"/> Scheduled for trial			
Date: _____	<input type="checkbox"/> AM <input type="checkbox"/> PM	Courtroom: _____	Duration: _____
<input type="checkbox"/> Scheduled for plea			
Date: _____	<input type="checkbox"/> AM <input type="checkbox"/> PM	Courtroom: _____	
<input type="checkbox"/> Scheduled for second pretrial readiness conference			
Date: _____	<input type="checkbox"/> AM <input type="checkbox"/> PM	Courtroom: _____	

<b>SIGNATURE:</b>	
This is the _____ day of _____, 20_____.	
Honorable Judge Presiding: _____	

CRF-11 Revised 4/2022

CRF-11 is available on Mecklenburg County's Local Rules and Forms page on NCcourts.gov:  
[https://www.nccourts.gov/assets/documents/local-rules-forms/CRF-11%20District%20PTRC%20Scheduling%20Order%20FINAL.pdf?4cAdyOGfei.ZU3OCKgMNch\\_S5EbG1sj](https://www.nccourts.gov/assets/documents/local-rules-forms/CRF-11%20District%20PTRC%20Scheduling%20Order%20FINAL.pdf?4cAdyOGfei.ZU3OCKgMNch_S5EbG1sj)

26<sup>th</sup> Judicial District Case Management Plan for District Criminal Court

In the General Court of Justice District Court Division  <b>STATE OF NORTH CAROLINA</b> COUNTY OF MECKLENBURG	File No: <hr/> Additional File Notes: <hr/>
<b>STATE VERSUS</b>	<b>Notice of Hearing/Court Event</b>
Name of Defendant	
Name of Co-Defendant(s), if any	
Other Pending Cases Involving Defendant(s): <input type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes, File Number(s):	
Status of Other Pending Cases:	

A court hearing will be held in the above captioned matter as follows:

<input type="checkbox"/> <b>Pre-Trial Readiness Conference (PTRC)</b> <i>Defense counsel shall make reasonable efforts to investigate the facts of the case in advance of the Pre-Trial Readiness Conference (PTRC), including obtaining documents available in the court file, submitting timely requests for media, reports or interviews of witnesses and law enforcement officers and review of the CRF-11 District PTRC Scheduling Order.</i>		
Date:	Time: <input type="checkbox"/> AM <input type="checkbox"/> PM	Location:
<input type="checkbox"/> <b>Case Management Conference (CMCR)</b> <i>Defense counsel shall make reasonable efforts assess the status of all pending cases involving the defendant and to communicate with the defendant about resolution of all matters pending in district court.</i>		
Date:	Time: <input type="checkbox"/> AM <input type="checkbox"/> PM	Location:
<input type="checkbox"/> <b>Trial</b>		
Date:	Time: <input type="checkbox"/> AM <input type="checkbox"/> PM	Location:
<input type="checkbox"/> <b>Other Court Event (Please specify):</b>		
Date:	Time: <input type="checkbox"/> AM <input type="checkbox"/> PM	Location:
The ____ Day of _____, 20____.		
Signature of Honorable Judge Presiding:		

CRF-12

CRF-12 is available on Mecklenburg County's Local Rules and Forms page on NCcourts.gov:  
[https://www.nccourts.gov/assets/documents/local-rules-forms/CRF-12%20Order-Next%20Hearing%20Date-First\\_0.pdf?dPS7kmDdapegiKHdAhDZHGPcquIWgL6](https://www.nccourts.gov/assets/documents/local-rules-forms/CRF-12%20Order-Next%20Hearing%20Date-First_0.pdf?dPS7kmDdapegiKHdAhDZHGPcquIWgL6)

26<sup>th</sup> Judicial District Case Management Plan for District Criminal Court

In the General Court of Justice District Court Division  <b>STATE OF NORTH CAROLINA</b>  COUNTY OF MECKLENBURG	File No: _____  Additional File Notes: _____
<b>STATE VERSUS</b>	<b>MOTION FOR CONTINUANCE</b>
Name of Defendant _____	
Name of Co-Defendant(s), if any _____	

The undersigned attorney and/or self-represented defendant requests a continuance or extension of time in the above captioned matter and offer(s) the following information.

The EVENT is for:

- Track 1 Case
- Track 2 Case

The EVENT for which a continuance or extension of time is requested is:

- A Pretrial Readiness Conference (PTRC)
- A Case Management Conference (CMCR)
- A Trial

Date the above EVENT is Presently Calendared: \_\_\_\_\_

Previous Number of Continuances for this matter: \_\_\_\_\_

For Track 1 Trial:

This motion is made for GOOD CAUSE for the following reason(s):

- Reasonable scheduling conflicts for the defendant;
- Religious holidays for the defendant or necessary witnesses, with affidavit;
- Lack of notice to defendant within three days of an event, absent court documentation of notice being provided to counsel;
- Reasonable scheduling conflicts for counsel, except the DA and defense counsel shall be requested, when known in advance, to assign associate counsel for non-trial events, where required by the court, and for the associate counsel to meet the requirements for preparation for each non-trial event;
- Unavailability of a witness for trial or other dispositive event;
- Unavailability of a victim for trial or other event for which the victim has a right to be present and/or heard; and
- Any other good cause reason as determined by the presiding judge. \_\_\_\_\_

26<sup>th</sup> Judicial District Case Management Plan for District Criminal Court

For Track 2 Trial:

This request is being made after the PTRC for GOOD CAUSE,  prior to TRIAL for the following reason(s):

- The party is absent, and counsel are present to substantiate a good cause for their absence, including, but not limited to, illness or injury;
- Absence or serious illness of counsel;
- Absence of witness more than 100 miles from the court;
- Party, leading attorney, or material witness in attendance is on active duty as a member of National Guard or component of armed forces of the United States, with or without motion of the parties.

The undersigned certifies the following efforts made to communicate with the opposing Party/Attorney regarding the continuance and has received the following response:

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Requesting Party/Attorney - PRINT NAME / PHONE  
 ADA  Defendant

\_\_\_\_\_  
Requesting Party/Attorney - SIGNATURE

Attention Opposing Party/Attorney: You must submit any response to this motion no later than two days after the date that the motion for continuance was submitted to the court.

Copy to (Note: Opposing Party/Attorney must be noticed prior to submission to the Court):

\_\_\_\_\_  
 ADA  Defendant

\_\_\_\_\_  
Date By:  FAX  EMAIL  HAND-DELIVERY  US MAIL

CRF-13 Revised 4/2022

CRF-13 is available on Mecklenburg County's Local Rules and Form page on NCcourts.gov:  
[https://www.nccourts.gov/assets/documents/local-rules-forms/CRF-13%20%28Motion%20to%20Continue%29%20District%20Court%20-%20Fillable.pdf?ZCPYRF3heXceA8WR7nPBI4KliRp\\_Sldj](https://www.nccourts.gov/assets/documents/local-rules-forms/CRF-13%20%28Motion%20to%20Continue%29%20District%20Court%20-%20Fillable.pdf?ZCPYRF3heXceA8WR7nPBI4KliRp_Sldj)

26<sup>th</sup> Judicial District Case Management Plan for District Criminal Court

In the General Court of Justice District Court Division  <b>STATE OF NORTH CAROLINA</b> COUNTY OF MECKLENBURG	File No: _____  Additional File Notes: _____
<b>STATE VERSUS</b> Name of Defendant _____ Name of Co-Defendant(s), if any _____	<b>ORDER GRANTING OR DENYING                  MOTION FOR CONTINUANCE</b>

The  State's /  Defendant's Motion to Continue in the above captioned case is hereby

**Granted** - The \_\_\_\_\_ scheduled on \_\_\_\_\_  
(court event)  
 \_\_\_\_\_ will be rescheduled for \_\_\_\_\_.

**Denied** - The matter will be heard on the date and time presently calendared.  
 Prior to the next event, the following instructions to the attorneys/parties are given:

\_\_\_\_\_

\_\_\_\_\_  
 Presiding Judge

\_\_\_\_\_  
 Date

Attention: The Party or Attorney who submitted the motion for consideration must also timely copy the opposing party/ attorney of the ruling.

26<sup>th</sup> Judicial District Case Management Plan for District Criminal Court

In the General Court of Justice District Court Division  <b>STATE OF NORTH CAROLINA</b> COUNTY OF MECKLENBURG	File No: _____ Additional File Notes: _____
<b>STATE VERSUS</b>	<b>OBJECTION TO MOTION FOR CONTINUANCE</b>
Name of Defendant _____	
Name of Co-Defendant(s), if any _____	

The undersigned objects to the motion for a continuance filed in the above captioned matter based upon the following reason(s):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ Date

ADA  Defendant

Copy to (Note: Opposing Party/Attorney must be noticed prior to submission to the Court):

\_\_\_\_\_ Date

ADA  Defendant

By:  FAX  EMAIL  HAND-DELIVERY  US MAIL

