

***Please refer to 25R000405-120 in Portal for the fully executed Administrative Order regarding Cell Phones and Other Electronics in the Courthouse.**

NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE

CABARRUS COUNTY

SUPERIOR AND DISTRICT
COURT DIVISIONS

IN RE:

)

)

CELL PHONES AND OTHER

)

ADMINISTRATIVE ORDER

ELECTRONIC DEVICES

)

(Electronic Devices)

IN COURTHOUSE

)

The undersigned Senior Resident Superior Court Judge and Chief District Court Judge for Judicial District 25 enter this administrative order regarding cell phones and other electronic devices in the Cabarrus County Courthouse.

IT IS ORDERED that:

1. Electronic Devices Prohibited. Except as otherwise authorized, all cell phones, computers, electronic tablets, cameras, or other electronic devices capable of recording or transmitting sound or images ("electronic devices") are prohibited in the Cabarrus County Courthouse.
2. Exceptions to Prohibition.
 - a. Authorized Persons. This prohibition does not apply to "authorized persons." Authorized persons include courthouse staff, attorneys, law enforcement officers, probation officers, county or school staff entering the building on county business, and AOC staff. Authorized persons also include any individual who has been issued an access card to the Cabarrus County Courthouse or a Clerk Pass, as provided below. Authorized persons are not allowed to photograph or record in court sessions unless authorized to do so by the presiding judge.
 - b. Clerk Passes. The Clerk is authorized to issue cellphone passes to individuals who regularly appear at the courthouse for work-related purposes, such as real estate matters, for photographing documents and postings. These passes are strictly for work-related photographs and telephone calls. The permission authorized by a Clerk Pass is limited to the first floor of the courthouse.
 - c. Day Passes. Any *pro se* litigant may seek authorization from bailiffs at the front door of the courthouse to bring an electronic device into the

courthouse if necessary for Clerk or court business. If this request is denied, then the individual should request permission from the presiding judge at the time of the hearing or the Clerk of Court for clerk-related business. To avoid inconvenience, a *pro se* litigant can seek advance permission from the Court by emailing an Application for One-Time Electronic Device Entry Permit to Ashlyn Lyles for Clerk matters, to Kelly Guza for district court cases and Megan Trivette for superior court cases at least three business days before the hearing or meeting. The application is attached hereto as Exhibit A and can be found at nccourts.gov. Attorneys may bring electronic devices of their clients into the courthouse if needed for a hearing, but counsel must maintain possession of the electronic device while it is in the building – unless it is placed in a Faraday bag. For good cause, presiding judges are authorized to permit litigants to bring in electronic devices into court for court-related business.

- d. Courthouse Meetings. The Clerk, Judges, and the District Attorney are authorized to allow individuals to bring electronic devices to their offices for meetings. The Sheriff may also provide authorization for good cause shown.
 - e. Jurors. Once a jury has been selected for an individual case, the presiding judge may authorize jurors to bring their phones into the courthouse to be stored in lockers provided in deliberation rooms.
 - f. Others. Bailiffs at the front door have discretion to permit an individual to bring a phone into the courthouse if doing so is needed for reasons such as the person used a rideshare app to the courthouse, it's a hardship to return phone to car due to mobility issues, etc.
3. Faraday Bags. Faraday bags to store phones are available and required for individuals who meet the criteria outlined herein in Paragraphs 2(c) (Days Passes), (d) (Courthouse Meetings), and (f) (Others). These bags are unlocked using a base. Bases have been distributed to the various offices in the building and to courtrooms. The individual who unlocks the bag to provide phone access is also responsible for seeing that the phone is relocked in the bag when the person leaves the office or courtroom. A base is also available to unlock the bag and retrieve their phone when they leave the courthouse.
4. Photographing and Recording within the Courthouse. The use of television, motion picture, video recorder, audio recorder, or still photography cameras, or any device capable of recording or transmitting sound or images in any hearing or trial is prohibited unless specifically authorized by the judge presiding in said

court. Request for authorization should be made a reasonable time in advance of the trial or hearing so as not to cause a delay in the court's business. The presiding judge's authority is limited by Rule 15 of the General Rules of Practice for the Superior and District Courts. Except through authorized systems such as CRAVE, no one – including Authorized Persons – is allowed to photograph or record in court sessions unless authorized to do so by the presiding judge.

5. Sanctions. Violation of any provision of this order may be punished by sanctions, which may include contempt to the extent permitted by law.
6. Purpose and Background. The ability to present evidence – including audio and video evidence – is fundamental to our system of justice. Nothing in this order shall prohibit a party from presenting evidence. Prohibiting the intimidation of witnesses and jurors is also essential to the proper administration of justice.

The purpose of this order is to prevent the recording and dissemination—especially on social media—of jurors, witnesses, undercover officers, child victims, and others. Such conduct threatens the integrity of the judicial process, endangers lives, and intimidates witnesses and jurors. This is not a mere hypothetical concern, as issues of this nature prompted this Court's original administrative order restricting electronic devices in 2018. This updated administrative order is based on practical application of the prior order and our transition into the new courthouse. Restrictions on the use of electronic devices in courthouses are now commonplace in state and federal courthouses, including the Supreme Court of the United States. This order seeks to balance these security concerns with the recognition of the important needs of individuals to have access to their electronic devices.

7. Effective Date. This order is effective upon filing and replaces any prior orders related to the use of electronic devices in the courthouse.

Martin B. McGee
Senior Resident Superior Court Judge

Christy E. Wilhelm
Chief District Court Judge

Exhibit A

NORTH CAROLINA
CABARRUS COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR AND DISTRICT COURT DIVISIONS

APPLICATION FOR ONE-TIME ELECTRONIC DEVICE ENTRY PERMIT

(Pursuant to Administrative Order (Electronic Devices) 71-125)

Applicant's Contact Information:

Full Name: _____

Physical Address: _____

Telephone No.: _____

Case Name: _____ Case No.: _____

Courtroom #: _____

Description of Device: (Check all that apply)

____ Cell phone ____ iPad ____ Computer ____ Tablet

____ Other – Please describe: _____

Purpose to be used in Courthouse:

Date/Time to be used in Courthouse: _____

Applicant's Signature: _____ Date: _____

Printed Name: _____

____ GRANTED ____ GRANTED WITH FARADAY ____ DENIED

Superior/District Court Judge/ Clerk/
District Attorney/Sheriff