

STATE OF NORTH CAROLINA
COUNTY OF CALDWELL

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
MARCH 30, 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 an order 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. Pursuant to the Chief Justice's order, all superior court proceedings shall be scheduled or rescheduled for a date no sooner than 30 days from the issuance of her order or until on or after April 13, 2020.
3. The Chief Justice's order permitted proceedings to be held when "the proceeding will be conducted remotely." Emergency Directive 1, Exception 1.
4. The Chief Justice's order permitted proceedings when "the proceeding is necessary to preserve the right of due process of law." Emergency Directive 1, Exception 2.
5. The Chief Justice's order permitted proceedings when "the proceeding is for the purpose of obtaining emergency relief." Emergency Directive 1, Exception 3.
6. Finally, the Chief Justice's order permitted 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 4.
7. 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.
8. The undersigned Superior Court Judge has reviewed the calendar for the March 30, 2020 Session of Criminal Superior Court in Caldwell County and conferred with representatives of the District Attorney's office.
9. In light of Chief Justice Beasley's order, jury trials should not be conducted.
10. There are 89 docket numbers on the trial calendar involving 62 defendants. All most all of these defendants are currently represented by attorneys.

11. Andrew Jennings of the District Attorney's office has contacted the attorneys for the defendants in these cases and has determined that certain matters can be heard.
12. There is a separate Motions and Violations calendar that has 63 docket numbers involving 49 defendants.
13. Mr. Jennings has prepared a schedule that contemplates hearing one case every 15 minutes over the course of portions of three days. This case permits adequate social distancing of the participants in these proceedings.

Pursuant to the provisions of the order entered by Chief Justice Cheri Beasley, it is hereby ordered for the purposes of the March 30, 2020 Criminal Calendar in Caldwell County that:

1. All trials will be continued to a future date to be determined by counsel for the parties.
2. No calendar call will be held for this session of court.
3. Cases will be heard on the schedule which is attached as Exhibit A to this order.
4. In cases where the defendant is incarcerated in the Caldwell County jail, counsel determination and matters on the Motions and Violations calendar will be addressed utilizing the available video equipment.
5. Any defendant or attorney who believes that they have been exposed to COVID-19 shall contact the District Attorney's office or their attorney or probation officer for further instructions prior to appearing in court.

This the ___ day of March 2020.

Robert C. Ervin
Senior Resident Superior Court Judge