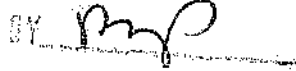


22 R107

STATE OF NORTH CAROLINA THE GENERAL COURT OF JUSTICE
16A JUDICIAL DISTRICT **FILED** DISTRICT COURT DIVISION

2022 JUL 29 P 2: 28

RICHMOND CO., C.S.C.

BY 

**ADMINISTRATIVE ORDER IMPLEMENTING DISTRICT CRIMINAL
PRACTICES FOR JUDICIAL DISTRICT 16A**

Pursuant to N.C.G.S. 7A-146 which gives the authority to the Chief District Court Judge to set schedules of the district court and the inherent constitutional authority to manage court, this Administrative Order Implementing District Criminal Practices for Judicial District 16A is hereby entered. This order is designed to assure fair treatment of all parties by preventing undue delays, preserving court, and protecting resources and the integrity of the court. N.C.G.S. 7A-61 preserves the authority of the District Attorney to prepare the trial dockets. Nothing contained in this plan limits or restricts such authority and recognizes the authority of the District Attorney to prepare court dockets.

Judicial District 16A recognizes responsibility for managing 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 best practices in District Criminal Court.

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.

First Appearances

The first appearance for in-custody defendants charged with criminal 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 charges against them
- Advise the defendant of his/her right to counsel and 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;
- Comply with the law which of now provides that a district court judge presiding over a first appearance must determine the sufficiency of charges not only for

criminal offenses within the original jurisdiction of the superior court but also for charged misdemeanor offenses within the original jurisdiction of the district court G.S. 15A-604 (2022).

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

The judicial official shall:

- Advise the defendant of the charge 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.

Probable Cause Hearings. A district court judge conducting a first appearance must schedule a probable cause hearing unless the defendant waives in writing his or her right to such hearing. G.S. 15A-606(a)

Continuances. It is the policy to provide justice for citizens without unnecessary delay and without undue waste of time and other resources of the Court, the litigants, and other case participants. For all case type and dockets, and in all courtrooms, the Court looks with strong disfavor on motions or requests to continue court events. To protect the credibility of scheduled trial dates, trial-date continuances are especially disfavored. (Language in this section is from model continuance order provided by the NC Administrative Offices of the Court.)

It is hereby ordered the following:

1. Whenever possible, continuance motions or requests shall be made using the appropriate form issued by the North Carolina Administrative Office of the Courts, which include:
 - AOC-CV-222 for motions to continue in civil district cases; and
 - AOC-CR-337 for motions to continue in certain impaired driving case.
2. Any attorney or party requesting a continuance shall state the reasons for the request.
3. Continuances on agreement of counsel or the parties shall not be automatically granted.
4. The Court shall grant a continuance only for good cause shown unless otherwise provided by law.
5. Continuances of cases more than 9 months old or that have been previously continued and are specifically disfavored and shall be granted in extraordinary circumstances.
6. Whenever possible, the Court shall hold the rescheduled event not later than 30 days after the date from which it was continued.

7. Information about the source of each continuance motion or request in a case and the reason for any continuance granted by the Court shall be noted in the Court's file.

8. At least quarterly, the Chief District Court Judge shall generate and review a report of pending cases and any data the Administrative Offices of the Courts can make available regarding the number of court dates each case had. To promote consistent application of this continuance policy, these reports should be reviewed and discussed with all other judges in the district, bar representatives, and other court-related agencies to seek resolution of any organizational or systemic problems that cause unnecessary delay in the timely resolution of all cases.

9. This order shall be adopted as Criminal District Court LOCAL RULE 1 and referred to as **ADMINISTRATIVE ORDER IMPLEMENTING CRIMINAL DISTRICT PRACTICES FOR JUDICIAL DISTRICT 16A**

Entered this the 29 day of July, 2022.

Effective as of this the 29 day of July, 2022.



AMANDA L. WILSON
CHIEF DISTRICT COURT
16A JUDICIAL DISTRICT

STATE OF NORTH CAROLINA

File No.

_____ County

In The General Court Of Justice
District Court Division

STATE VERSUS

Name Of Defendant _____

Offense

DWI, G.S. 20-138.1 Commercial DWI, G.S. 20-138.2

**MOTION FOR CONTINUANCE
AND ORDER - IMPAIRED DRIVING
(DWI OR COMMERCIAL DWI
INVOLVING MOTOR VEHICLE FORFEITURE)**

G.S. 20-28.3(m)

Original Trial Date _____

No. Of Previous Continuances _____

Scheduled Trial Date _____

Proposed Rescheduled Trial Date _____

Court Rescheduled Trial Date (If Different) _____

MOTION

The offense listed above is an impaired driving offense involving the forfeiture of a motor vehicle pursuant to G.S. 20-28.2, and is currently scheduled to be heard on the scheduled trial date shown above. The trial of this action was originally scheduled for the original trial date shown above and

has not previously been continued. has previously been continued the number of times shown above.

The State defendant moves that the trial of the above criminal action be continued from the scheduled trial date shown above to the proposed rescheduled date shown above for the following compelling reason: *(state facts constituting compelling reason)*

I certify that I gave notice of this Motion to the opposing party prior to this Motion being heard.

Date _____

Signature _____

Name (Type Or Print) _____

Dist. Attorney Asst. Dist. Attorney Defense Attorney Defendant

ORDER

After a hearing on the above Motion For Continuance of the trial of the above impaired driving offense involving the forfeiture of a motor vehicle pursuant to G.S. 20-28.2, the Court finds does not find that the facts set forth in the motion constitute a "compelling reason" for the continuance requested. It is ORDERED that

1. The motion is allowed and the trial of the above action is continued to and shall be held on the:
 a. proposed rescheduled trial date shown above.
 b. court rescheduled trial date shown above.

2. The motion is denied and the trial of the above action shall be held on the scheduled trial date shown above, without further continuance.

Date _____

Name Of District Court Judge (Type Or Print) _____

Signature Of District Court Judge _____

NOTE: G.S. 20-28.3(m) provides, "District court trials of offenses involving forfeitures of motor vehicles pursuant to G.S. 20-28.2 shall be scheduled on the arresting officer's next court date or within 30 days of the offense, whichever comes first. Once scheduled, the case shall not be continued unless all of the following conditions are met: (1) A written motion for continuance is filed with notice given to the opposing party prior to the motion being heard. (2) The judge makes a finding of a 'compelling reason' for the continuance. (3) The motion and finding are attached to the court case record."