

STATE OF NORTH CAROLINA
LINCOLN COUNTY

IN THE GENERAL COURT OF JUSTICE
OFFICES OF THE SENIOR RESIDENT
SUPERIOR COURT JUDGE AND
CHIEF DISTRICT COURT JUDGE
FILE NUMBER 18 R 102

IN RE:)
)
CELL PHONES AND OTHER)
PERSONAL ELECTRONIC)
COMMUNICATION DEVICES)
IN THE LINCOLN COUNTY)
COURTHOUSE.)
_____)

ADMINISTRATIVE ORDER

WHEREAS, it has come to the attention of the undersigned that current administrative orders restricting the use of cell phones and other personal electronic communication devices having the capability to take photographs and to record have been insufficient to prevent the unauthorized taking of photographs of persons involved in proceedings in Court, such as witnesses, jurors, and attorneys, and recording of proceedings, in violation of such orders and Rule 15, General Rules of Practice for the Superior and District Courts, issued by the North Carolina Supreme Court pursuant to N.C. Gen. Stat. 7A-34; that certain devices or devices similar in appearance have the capability to injure or incapacitate; and that it is in the interests of justice, safety and order, that further action be taken to reduce the risk that such devices are used in a manner as to endanger others and disrupt Court proceedings;

IT IS ORDERED that cell phone and other personal electronic communication devices are prohibited in the Lincoln County Courthouse in Lincolnton, North Carolina. The Lincoln County Sheriff and his Office are hereby authorized to deny courthouse access to any person who fails to comply with this Order. The following are EXCEPTED from this prohibition:

1. An individual who displays a current identification card issued by Lincoln County authorizing entry to the Courthouse without passing through entrance security;
2. An attorney who displays a current North Carolina State Bar identification card;
3. An individual (such as a pro se litigant having evidence stored on such a device or a person having a particularized need for such a device) who will need to present his/her evidence that is on such device to the presiding Superior Court Judge or District Court Judge. If the presiding Judge decides to allow the cell phone evidence then the Courtroom Clerk will give the pro se litigant a pass to give to Security in order to retrieve the device.
4. An individual who is going to the Civil Magistrate for a case or to get married will need to get a pass from the Magistrate and take it to Security.

5. A Federal, State or Local (N.C.) Law Enforcement or Probation and Parole Officer who displays his or her credentials as such.
6. An individual who displays a current Jury Summons and who is entering in response to such Summons.
7. A Judge, Commissioner, Deputy Commissioner, or other officer of a governmental agency entering the Courthouse for the purpose of conducting Court or an official hearing, and who displays his or her credentials as such; or Department of Social Services employee or a member of the Guardian Ad Litem Staff or Guardian Ad Litem Volunteer attending court as part of their normal duties.

FURTHER, any person permitted to have a cell phone, computer, other personal electronic communication device, or camera, must turn it off (or silence it) before entry to any Courtroom. While such person is in the Courtroom, each device must also be kept in a pocket, purse, briefcase, or other bag or satchel. Such person must exit the courtroom before activating the device. No one is permitted to photograph, video graph, record, or otherwise capture the image or audio of any person or proceeding in the Courtroom, whether from inside or outside the Courtroom, without the prior approval of the Presiding Judge. Failure to comply with these provisions will result in confiscation of the device until the Presiding Judge directs that it may be returned, and may subject the violator to punishment for contempt of court. Subject to the approval of the Presiding Judge, an attorney or party appearing pro se may activate a computer in the Courtroom in connection with the business the attorney or pro se party has before the Court. These rules do not restrict the authority of the Presiding Judge to control the Courtroom. Attorneys and others may request relief from the rules from the Presiding Judge.

All other Administrative Orders pertaining to such devices remain in full force and effect. Nothing herein is to be construed to limit the authority of a Judge to control the Courtroom in which such Judge is presiding.

SO ORDERED this the 28th day of December, 2018, and **effective beginning January 2, 2019.**

/s/ Forrest D. Bridges
Senior Resident Superior Court Judge

/s/ Larry J. Wilson
Chief District Court Judge