STATE OF NORTH CAROLINA
JUDICIAL DISTRICT 9A, LENOIR and GREENE COUNTIES
OFFICIAL POLICIES ON PRETRIAL RELEASE
EFFECTIVE JANUARY 5, 2026

I. NAME

This policy shall be known as the Bail and Pretrial Release Policy for Judicial District 9A (Lenoir and Greene Counties).

II. AUTHORITY

The Senior Resident Superior Court Judge, in consultation with the Chief District Court Judge, is required by N.C. Gen. Stat. § 15A-535 to devise and issue recommended policies to be followed in determining whether and upon what conditions a defendant may be released prior to trial and may include a requirement that each judicial official who imposes conditions in subsections (4) or (5) of N.C.G.S. § 15A-534(a) record the reasons for doing so in writing.

III. PURPOSE OF THIS POLICY

The purpose of this policy is to provide uniform guidance for the implementation of Chapter 15A, Article 26 of the North Carolina General Statutes, as well as any related statutes governing pretrial release of individuals charged with a criminal offense and/or infraction.

IV. SCOPE

This policy is applicable to all pretrial release determinations in criminal and infraction cases for which trial venue originates in or is transferred to the Superior Court and/or District Court of Lenoir and Greene Counties; to probation violation proceedings heard in the Superior Court and/or District Court of Lenoir and Greene Counties; and to extradition proceedings heard in the Superior Court and/or District Court of Lenoir and Greene Counties.

This policy shall also apply in circumstances where a judicial official must determine the eligibility or conditions of pretrial release for a defendant charged with a criminal offense or infraction for which trial venue lies in a county outside of this District, and the local bail policy of that County/District cannot be obtained within the time frame in which a pretrial release

determination must be made. The preference is to use the applicable county policy, if and when possible.

V. PURPOSE OF BAIL/PRETRIAL RELEASE

The traditional purpose of bail is to assure the defendant's appearance in court.

The purpose of the law on bail as enacted in Chapter 15A, Article 26 is to impose the least restrictive non-monetary form of pretrial release that will reasonably assure the defendant's appearance in court; to end or minimize stereotyped *ex parte* bail-fixing policies calling for secured bonds in predetermined amounts in all cases charging certain offenses; and to vest the decision making process as to the form of release and amount of bond in the judicial official who can most readily learn the most about the defendant.

Apart from capital offenses and certain drug trafficking offenses defined in N.C.G.S § 15A-533(d), the law unequivocally provides that a defendant charged with a non-capital offense must be accorded their right of pretrial release.

Pretrial release may create a risk the defendant will flee, commit another criminal offense, or interfere with the criminal proceeding. The only way to eliminate these risks would be to incarcerate all persons pretrial, which is unconstitutional. These risks are codified in the legislature's statutory presumption in favor of release other than secured bond. *See* N.C.G.S. § 15A-534(b), wherein "a judicial official **must** impose custody release, or unsecured bond unless the judicial official determines that such a release will not reasonably assure the appearance of defendant as required; will pose a danger of injury to any person; or is likely to result in destruction of evidence, subornation of perjury, or intimidation of potential witnesses." (emphasis added)

VI. PERSONS AUTHORIZED TO DETERMINE CONDITIONS OF RELEASE

Judicial officials are authorized by N.C.G.S. § 15A-532 to determine conditions of release. N.C.G.S. § 15A-101(5) defines a "judicial official" as a magistrate, clerk, judge, or justice of the General Court of Justice. The use of a specific judicial official's title in this policy, e.g. "Magistrate," is intended to refer to that official only.

VII. DEFINITIONS

Certain terms used in pretrial release have acquired statutory definitions under N.C.G.S. § 15A-531, and those definitions are incorporated herein and apply unless the context clearly requires otherwise.

VIII. AUDIO-VIDEO APPEARANCE

Determination of bail and other conditions of pretrial release should be made by a judicial official with a clear opportunity to witness the defendant in person and gather information about the defendant.

Conditions of pretrial release may be made, modified, or revoked in a non-capital case by a judicial official by means of an audio-video conference between the judicial official and the defendant in which the parties can clearly see and hear each other.

The judicial official shall safeguard the constitutional rights of those parties involved in the proceeding and preserve the integrity of the judicial process. If the defendant is represented by counsel, the defendant shall have the right and ability to communicate fully with counsel before and after the proceeding, and all counsel shall have the opportunity to be heard.

IX. TYPES OF RELEASE

N.C.G.S. § 15A-534(a) specifies four types of release:

1. Unsecured bond,
2. Custody release to a person or organization agreeing to supervise the defendant,
3. Secured bond, and
4. Secured bond and house arrest with electronic monitoring

If custody release is imposed, a defendant may elect to have a secured bond imposed instead, as permitted by N.C.G.S. § 15A-534(a).

In instances of certain offenses defined in other sections of this Bond Policy which qualify for the condition of a secured bond and house arrest with electronic monitoring, the implementation of such condition is by agreement with a private third-party provider and is not in any way affiliated with or

under the direction of the Lenoir County Sheriff's Department or the Greene County Sheriff's Department. Under the terms of this release condition, a defendant is monitored by this private third-party provider, and the defendant shall be required to remain at their residence unless the Court authorizes the defendant to leave the residence for the purpose of employment, counseling, a course of study, or vocational training. The defendant shall be required to wear a device which permits the supervising agency to electronically monitor the defendant's compliance with the terms and conditions set forth by the Court. The defendant shall be responsible for any costs associated with participation in this program. If house arrest with electronic monitoring is imposed, the defendant must execute a secured appearance bond.

Restrictions may also be imposed on travel, conduct, associations, or abode regardless of what type of release is set. These restrictions should be reasonable and related to the purposes of pretrial release. These restrictions should not be used as punishment, unless statutorily set (such as specific conditions that may be imposed on a defendant charged with certain sex offenses or crimes of violence against children under N.C.G.S. § 15A-534.4). Any restrictions should relate to the reasons listed under N.C.G.S. § 15A-534(b).

X. DETERMINATION OF PRETRIAL RELEASE UNDER N.C.G.S. § 15A-534

Law enforcement is encouraged to issue citations in those misdemeanor cases where a defendant is most likely to appear in court as scheduled. Clerks and Magistrates are encouraged to issue a criminal summons instead of warrants in appropriate misdemeanor cases.

Further, the judicial official shall direct the arresting law enforcement officer, a pretrial services program, or a district attorney to provide a criminal history report for the defendant and shall consider the criminal history when setting conditions of pretrial release.

Ordinarily, a defendant residing outside the State of North Carolina should only be released on a secured bond.

1. Unsecured Bond

An unsecured bond in a specific amount is the recommended form of pretrial release, and may be selected by the Magistrate as the form of pretrial release upon the Magistrate's finding that this type of release will reasonably assure the defendant's court appearance, after considering the release criteria set forth in N.C. Gen. Stat. § 15A-534(c), namely:

a. The nature and circumstance of offense charged.
b. The weight of the evidence against the defendant.
c. The defendant's family ties.
d. The defendant's employment.
e. The defendant's financial resources.
f. The defendant's character.
g. The defendant's housing situation.
h. The defendant's mental condition.
i. The defendant's degree of intoxication, if any.
j. The defendant's length of residence in the community.
k. The defendant's history of flight to avoid prosecution, and
l. Any other evidence related to the issue of pretrial release.

2. Custody release to a person or organization agreeing to supervise the defendant

This type of release may be selected in cases where the Magistrate finds: (1) that by reason of the defendant's age or mental condition a custodial release is most likely to assure the defendant's court appearance; and (2) such custodian and defendant are both before the Magistrate, and both agree in writing to the terms of the release.

3. Secured Bond

Judicial officials may impose this pretrial condition of release (or Secured Bond and House Arrest with Electronic Monitoring, if available, under Paragraph 4 below) for any defendant that has been convicted within the previous ten (10) years of three (3) or more offenses which are Class 1 misdemeanors or higher.

If a defendant is charged with any violent offense as defined in N.C. Gen. Stat. § 15A-531(9), there shall be a rebuttable presumption that no condition of release will reasonably assure the appearance of the person

as required and the safety of the community. However, if the judicial official determines that pretrial release is appropriate for a defendant, the judicial official may then impose this form of pretrial release, or a secured bond and house arrest with electronic monitoring, if available.

This form of release may not be selected by the Magistrate until it has been determined that the other options listed above will not reasonably assure the appearance of the defendant in court, will pose a danger of injury to any person, or is likely to result in the destruction of evidence, subornation of perjury, or intimidation of potential witnesses. Upon making such a determination, the Magistrate must impose this form of pretrial release.

When imposing a secured bond, the judicial official shall specify the means of satisfying the bond only in exceptional circumstances (i.e. "cash only" or "United States currency only"), and the judicial official shall make written findings of the exceptional circumstances requiring a bond secured by such specificity.

3a. Property Bonds

With respect to mortgages in lieu of bond, mortgages on real estate, the real estate must have a value greater than any outstanding balance owed on any deed of trust, at an amount greater than the amount of the bond, in accordance with the policies set forth in the office of the Clerk of Superior Court. In addition, the obligor must provide the Clerk of Superior Court with satisfactory proof of the value of the real estate, the outstanding balance of any prior deeds of trust and the title to the real estate, as well as a promissory note and deed of trust to the Clerk of Superior Court, with such deed of trust containing a power of sale provision authorizing sale of the property upon the defendant's failure to appear.

Defendants should be advised by the judicial official conducting the first appearance to seek a non-binding preliminary approval from the Clerk of Superior Court before investing in a title search.

The Clerk of Superior Court has no liability for any expenses incurred for a property bond, even if the Clerk has given a preliminary approval as to a certain property. All documentation requested shall be provided to the Magistrate for delivery to the Clerk of Superior Court.

If a judicial official has determined that a secured property bond is necessary, and holidays or weekends may delay the completion of the requisite documents to post the bond, such delay(s) should not be used as a reason to withhold the requirement of the secured property bond.

Property bonds of $5,000 or more must be approved by the Clerk of Superior Court. All accommodation bondspersons must be advised by the Magistrate "If the defendant fails to appear in court as required, you could lose your property as provided in N.C. Gen. Stat. § 15A-544.1 through N.C. Gen. Stat. § 15A-544.8 and as stated on AOC-CR-201 Appearance Bond for Pretrial Release."

Property bonds of $10,000 or greater will require the following:

a. A recorded Deed of Trust prepared by an attorney licensed in North Carolina using a standard bar form deed of trust.
b. That the grantor(s) will be all record owners of an interest in the property/properties, and their spouses. "Record owners" include life tenants, remaindermen, etc.
c. That the trustee of the deed of trust will be the Clerk of Superior Court.
d. That the beneficiary will be the State of North Carolina f/b/o the county school board.
e. That the description will be adequate to describe the property conveyed, but a metes and bounds description will not be required. Reference to a recorded survey shall be sufficient.

Property bonds of $20,000 or greater will carry the same requirements as a bond of $10,000 or more outlined above, with the addition of the following:

a. A title certificate or title opinion prepared by an attorney licensed in North Carolina, stating that the proposed sureties are the record owners of all interests in the property, and that there are no recorded liens encumbering the property or identifying any existing liens and stating that the value of the property net of said liens is sufficient to meet the bond-value ratio requirement as defined below.
b. An affidavit as to the fair market value of the subject property, prepared by a person who is not interested in the matter, action, or proceeding, who has knowledge of the property's value, and who may be (but is not required to be) a real estate broker or appraiser.
c. Documentation from the county tax office showing the tax value of the property.
d. An affidavit of the owner of the property as to all liens and encumbrances against the property, showing the lienholder(s) and the amount of the payoff(s). Preferably the payoff information should come from the lienholder.
e. A completed AOC-CR-201, which serves as a promissory note.

The Bond-Value Ratio provides that the fair market value of the proposed property or properties owned by the proposed surety must be sufficiently more than the bond amount to cover costs in the action, fines, costs of sale, and existing liens. The general rule is that the value of the property, net of liens, must be twice the amount of the bond. However, each bond will be reviewed on a case-by-case basis to ensure that the property value is sufficient to satisfy the amount of the bond plus any costs of collection. Exemptions under N.C. Gen. Stat. § 1C-1601 should not be considered as they are not applicable to claims for appearance bonds.

All property owners must be identified as individuals. Bonds will not be allowed on property titled to "heirs," corporations, or other entities.

A promissory note in favor of the State of North Carolina in the amount of the bond is not required, however all sureties must execute the AOC-CR-201 Appearance Bond for Pretrial Release, which acts as the promissory note. The parcel numbers of the property or properties used to secure the bond must be placed on the AOC-CR-201.

If a property bond is not approved by the Clerk of Superior Court following the recording of a Deed of Trust, the Clerk will cause the unaccepted Deed of Trust to be cancelled of record.

Following approval by the Clerk of Superior Court, all documents must be presented to the Magistrate. Magistrates will confirm approval by the Clerk before authorizing release pursuant to a property bond and provide documentation to the Clerk's office upon release of the defendant.

4. Secured Bond and House Arrest with Electronic Monitoring (if available)
Judicial officials MUST impose this pretrial condition of release for any defendant charged with a second "violent offense" as defined by N.C. Gen. Stat. § 15A-531(9), after either having been (1) convicted of a prior violent offense or (2) being released on pretrial release conditions for a prior violent offense.

Judicial officials may impose this pretrial condition of release (or Secured Bond under Paragraph 3 above) for any defendant that has been convicted within the previous ten (10) years of three (3) or more offenses which are Class 1 misdemeanors or higher, or for any defendant charged with a first "violent offense" as defined by N.C. Gen. Stat. § 15A-531(9).

XI. BOND AMOUNTS

The bond amounts as set forth below are applicable to both unsecured and secured bonds. These amounts are the recommended range, and the actual bond may be more or less than the amounts recommended should

circumstances exist that necessitate an amount outside those ranges, as a rigid bond schedule is incompatible with an individualized decision such as pretrial release conditions.

The circumstances of each individual case will govern decisions regarding bond. A judicial official shall select a bond amount that is appropriate and indicated by the release criteria set for the N.C. Gen. Stat § 15A-534(c). The same factors contemplated in determining the type of pretrial release shall also be used in consideration of a bond amount.

It is recommended for crimes of a violent nature, crimes involving multiple victims, crimes involving the use of firearms or other dangerous or deadly weapons, or crimes involving the felonious entry into homes or private residences, that bond be set at the high end of the policy range or above depending on any additional factors considered as written in the 9th Judicial District Bond Worksheet provided by the Magistrate.

As general guidelines only, and not to be blindly followed, the recommended bond policy schedule is set forth below:

MISDEMEANORS

Class	Minimum Punishment	Maximum Punishment	Recommended Bond Amount
A1	60 days	150 days	$500 - $5,000
1	45 days	120 days	$250 - $2,500
2	30 days	60 days	$200 - $500
3	Fine only/10 days	20 days	$0 - $250
DWI	60 days	36 months	$0 - $5,000

For offenses of Driving While Impaired, judicial officials should refer to N.C. Gen. Stat. § 15A-511(e), except as modified by the specific requirements of N.C. Gen. Stat. § 15A-534.2 ("Detention of Impaired Drivers") and Section XVI below regarding the detention of impaired drivers.

For probation violations in which the underlying conviction is a misdemeanor offense, the bond should be set in accordance with the class of misdemeanor for the underlying conviction, with consideration for the nature of the

violation(s) being alleged. In the event of absconding, bond is recommended to be set at $25,000. In the event any alleged violation of probation is the commission of a violent offense as defined in N.C. Gen. Stat. § 15A-531(9), there shall be a rebuttable presumption that no condition of release will reasonably assure the appearance of the person as required and the safety of the community. However, if the judicial official determines that pretrial release is appropriate, bond is recommended to be set in accordance with the class of the violent offense with which the defendant has been charged, and the judicial official must make written findings of fact explaining the reasons why the judicial official determined the conditions of release to be appropriate.

FELONIES

Class	Minimum Punishment	Maximum Punishment	Recommended Bond Amount
A	Life without parole	Death	No bond
B1	144 months	Life without parole	$250,000 - $1,000,000
B2	94 months	484 months	$200,000 - $500,000
C	44 months	231 months	$75,000 - $275,000
D	38 months	204 months	$50,000 - $175,000
E	15 months	88 months	$40,000 - $125,000
F	10 months	59 months	$35,000 - $100,000
G	8 months	47 months	$25,000 - $75,000
H	4 months	39 months	$10,000 - $50,000
I	3 months	24 months	$2,500 - $15,000

Please note that all felonies Class B1 through D carry a mandatory minimum active sentence, with the exception of Felony Death by Motor Vehicle, which under N.C. Gen. Stat. §20-141.4(b) authorizes intermediate punishment for a defendant who is a Prior Record Level I offender.

In addition to the above, please find below recommended bonds for the following felony charges:

Offense	Minimum punishment	Maximum punishment	Recommended Bond Amount
Breaking and/or Entering a Dwelling House	4 months	39 months	$15,000 - $55,000

Common Law Robbery	8 months	47 months	$30,000 - $100,000
Habitual DWI	10 months	57 months	$40,000 - $75,000
Second Degree Burglary	8 months	47 months	$30,000 - $75,000

For probation violations in which the underlying conviction is a felony offense, the bond should be set in accordance with the class of felony for the underlying conviction, with consideration for the nature of the violation(s) being alleged. In the event of absconding, bond is recommended to be set between $35,000 and $50,000. In the event any alleged violation of probation is the commission of a violent offense as defined in N.C. Gen. Stat. § 15A-531(9), there shall be a rebuttable presumption that no condition of release will reasonably assure the appearance of the person as required and the safety of the community. However, if the judicial official determines that pretrial release is appropriate, bond is recommended to be set in accordance with the class of the violent offense with which the defendant has been charged, and the judicial official must make written findings of fact explaining the reasons why the judicial official determined the conditions of release to be appropriate.

In recent years there has been an epidemic of overdose deaths due to the use of controlled substances. It has been the experience of many involved in the criminal justice system that many of those defendants who traffic in controlled substances are arrested, released on bond, and return to the community to continue their criminal enterprise. The likelihood of defendants to commit the same types of controlled substance offenses upon pretrial release demands that certain additional protections be implemented for the safety of the community while criminal charges are pending against such defendants. As such, the recommended bonds for the trafficking of controlled substances (**with the exception of opiates, heroin, and carfentanil**) shall be as follows:

Class C Trafficking	$250,000 - $750,000
Class D trafficking	$200,000 - $500,000
Class E trafficking	$100,000 - $200,000
Class F trafficking	$50,000 - $150,000
Class G trafficking	$50,000 - $100,000
Class H trafficking	$50,000 - $75,000

Recommended bonds for the **trafficking of opiates, heroin, fentanyl, and carfentanil** shall be as follows:

28 grams or more	$1,000,000
More than 14g but less than 28g	$750,000
More than 4g, but less than 14g	$500,000

In addition, possession of less than 4 grams of fentanyl or carfentanil is considered "Simple Possession" (a non-trafficking offense), which is a Class H felony, with a recommended bond amount of $75,000

Also note the minimum/maximum sentences, quantities, and mandatory fine amounts for the trafficking of controlled substances can be found on the chart marked "Attachment A" located at the end of this Bond Policy.

Take note that no bond shall be issued for the following:

1. Fugitive Warrant
2. Governor's Warrant
3. Interstate Compact
4. Parole Warrant

In matters concerning Fugitive Warrants, the District Court Judge has the discretion, at the first appearance hearing, to reconsider the option of bond being set. The bond, if any, shall be in consideration of the underlying offense in the Fugitive Warrant, and any violations or new charges that arose out of the apprehension of the fugitive. Should the fugitive agree to waive extradition to the demanding state, there shall be no bond set, and the fugitive is to be held pending transport to the demanding state.

XII. FELONIES DESIGNATED AS CAPITAL OFFENSES

A Magistrate does not have the authority to grant pretrial release to any defendant charged with a capital offense. Any Superior or District court judge, in exercise of judicial discretion after consideration of the factors set forth by N.C. Gen. Stat. § 15A-534, may set a bond in capital cases.

XIII. PRETRIAL RELEASE FOR CRIMES OF DOMESTIC VIOLENCE

Whenever a defendant is charged with:

1. An assault on, stalking, communicating a threat to, or committing a felony against (as provided in Chapter 14, Articles 7B (Rape and Other

Sex Offenses), 8 (Assaults), 10 (Kidnapping & Abduction), or 15 (Arson and Other Burnings)), a current or former spouse, a person with whom the defendant lives or has lived as if married, or a person with whom the defendant has been in a dating relationship as defined by N.C. Gen. Stat. § 50B-1(b)(6);
2. Domestic Criminal Trespass.
3. A violation of a 50B Order.
4. Communicating a Threat of Mass Violence on Educational Property, or
5. Communicating a Threat of Mass Violence at a Place of Religious Worship,

Only a Judge can set conditions of release within 48 hours of arrest, as set forth in N.C. Gen. Stat. § 15A-534-1(a) (for offenses 1-3 above) or N.C. Gen. Stat. § 15A-534.7(a) (for offenses 4-5 above). When a defendant is brought before a Magistrate or Clerk, such official shall order the defendant produced at the first available session of District Court to have conditions of release determined by a judge. Alternatively, if a session of District Court is in progress, the defendant shall be produced at that session.

In addition to the conditions outlined in Section IX above, the Judge (or Magistrate, if 48 hours have passed without action by a Judge) may also impose the following special conditions of release on any defendant charged under the Domestic Violence statutes:

1. That the defendant shall stay away from the home, school, business, or place of employment of the alleged victim.
2. That the defendant shall refrain from assaulting, beating molesting, or wounding the alleged victim.
3. That the defendant shall refrain from removing, damaging, or injuring specifically identified property.
4. That the defendant may visit his or her child or children at times and places provided by any existing Order entered.
5. That the defendant shall have no contact with the alleged victim.
6. That the defendant shall comply with any valid domestic violence protective order in effect, and
7. That the defendant shall not possess any firearms.

If a Judge does not act within 48 hours, the Magistrate must determine conditions of release.

XIV. PRETRIAL RELEASE FOR CRIMES OF THREAT AGAINST PUBLIC OFFICERS

Whenever a defendant is charged with:

1. Assault on legislative, executive, or court officer (N.C. Gen. Stat. §14-16.6).
2. Threats against legislative, executive, or court officers (N.C. Gen. Stat. §14-16.7), or
3. Threats, menaces, intimidation, or attempt to intimidate any chief judge, judge of election, or other election officer in the discharge of duties in the registration of voters or in conducting any primary or election (N.C. Gen. Stat. §163-275),

Only a Judge can set conditions of release within 48 hours of arrest. The Judge must consider the defendant's criminal history but not unreasonably delay determining pretrial release conditions for the purpose of reviewing said criminal history. In addition to the conditions outlined in Section IX above, the Judge (or Magistrate, if 48 hours have passed without action by a Judge) may also impose the following special conditions of release on any defendant charged under these statutes:

1. That the defendant shall stay away from the home, school, business, or place of employment of the alleged victim.
2. That the defendant shall refrain from assaulting or threatening the alleged victim.
3. That the defendant stays away from specific locations or property where the offense occurred.
4. That the defendant stays away from other specified locations or property.

If it is determined that the immediate release of the defendant will pose a danger of injury to others and that the execution of an appearance bond will not reasonably assure that the injury will not occur, the defendant may be retained in custody for a reasonable period of time while determining conditions of pretrial release.

In the event the defendant is mentally ill or a substance abuser and dangerous to themselves or others, the provisions of Article 5 of Chapter 122C apply.

XV. PRETRIAL RELEASE FOR VIOLENT FELONIES

If a defendant is charged with any violent offense as defined in N.C. Gen. Stat. § 15A-531(9), there shall be a rebuttable presumption that no condition of release will reasonably assure the appearance of the person as required and the safety of the community. However, if the judicial official determines that pretrial release is appropriate for a defendant, the judicial official must then impose either a secured bond, or a secured bond and house arrest with electronic monitoring (if available).

Defendants charged with a violent offense under this statute are expressly excluded from the special bond provisions of N.C. Gen. Stat. § 15A-534(d1) (defendant who has failed to appear on one or more prior occasions) and N.C. Gen. Stat. § 15A-534(d2) (defendant charged with felony offense while on probation for prior offense). However, the bond doubling provision of N.C. Gen. Stat. § 15A-534(d3) (defendant charged with violent offense while on pretrial release for prior offense) still applies to defendants charged with a violent offense, so long as pretrial release is authorized.

XVI. DETENTION OF IMPAIRED DRIVERS

In regard to defendants charged with Driving While Impaired, a judicial official may presume any defendant who has registered at least a 0.08 on the intoximeter poses a danger of injury to other persons if not placed under a secured bond and the judicial official may set a secured bond **without** giving any written reason therefore, pursuant to N.C. Gen. Stat. §15A-534(b) (emphasis added).

In the event of an allegation of a defendant willfully refusing to submit to an intoximeter, a judicial official who has observed the defendant and finds probable cause that the defendant is impaired at that time may presume such defendant to pose a danger of injury to other persons if not placed under a secured bond and the judicial official may set a secured bond **without** giving any written reason therefore, pursuant to N.C. Gen. Stat. §15A-534(b) (emphasis added).

A defendant subject to detention under the provisions of N.C. Gen. Stat. §15A-534.2 may be denied pretrial release for a period of no longer than 24 hours, at which point a judicial official must immediately determine the appropriate

conditions of pretrial release. However, at any time during the 24-hour period following arrest for Driving While Impaired, the defendant has the right to pretrial release when a judicial official determines the following:

1. The defendant's physical and mental faculties are no longer impaired to the extent that they present a danger of physical injury to themselves or others, or damage to property, if they are released; or
2. A sober, responsible adult is willing and able to assume responsibility for the defendant until the defendant's physical and mental faculties are no longer impaired. If the defendant is released to the custody of another, the judicial official may impose any other condition of pretrial release authorized under N.C. Gen. Stat. §15A-534, including that the defendant execute a secured bond.

In making the determination as to whether a defendant remains impaired, the judicial official may request that the defendant submit to periodic chemical analyses or tests to determine the defendant's alcohol concentration. Unless there is evidence the defendant is still impaired from a combination of alcohol and some other impairing substance, a judicial official must determine that a defendant with an alcohol concentration less than 0.04 is no longer impaired.

XVII. CHILD SUPPORT CONTEMPT

In addition to the other factors referenced in Section IX above; in determining conditions of pretrial release in child support contempt proceedings, the judicial official may consider the amount of the arrearage of such child support and the payment record of the person charged with contempt.

Cash bonds set in child support contempt proceedings shall not be satisfied in any manner other than the deposit of United States Currency.

XVIII. PRISON INMATES

The setting of conditions of pretrial release for a defendant who is presently serving an active sentence upon a commitment issued by the District or Superior Court **is not authorized.** A Release Order should be issued by the judicial official specifying the defendant is presently in lawful custody pursuant to an order of the Court and denying pretrial release for that reason. The Release Order shall require the defendant to be brought before a judicial official upon completion of their active sentence for the purpose of setting pretrial release conditions.

XIX. IMMIGRATION DETAINERS

Any defendant charged with:

1. A felony,
2. A Class A1 misdemeanor under Article 6A, Article 7B, or Article 8 of Chapter 14 of the North Carolina General Statutes, any violation of N.C. Gen. Stat. §50B-4.1, or
3. Any offense involving impaired driving as defined in N.C. Gen. Stat. §20-4.01,

The judicial official must attempt to determine if the defendant is a legal resident or citizen of the United States by inquiry of the defendant, by examination of any relevant documents, or both. If the judicial official is unable to determine if the defendant is a legal resident or citizen of the United States, the judicial official must set the appropriate conditions of pretrial release and commit the defendant to an appropriate detention facility to be fingerprinted for a query of Immigration and Customs Enforcement, and to be held for a period of two (2) hours from the query.

If by the end of the two (2) hour period prescribed above, no detainer or administrative warrant has been issued by Immigration and Customs Enforcement, the defendant must be released pursuant to the terms of the release order. If before the end of the two (2) hour period a detainer or administrative warrant has been issued by Immigration and Customs Enforcement and received by the facility holding the defendant, the defendant must then be processed pursuant to N.C. Gen. Stat. §162-62(b1).

XX. GUIDELINES

Except under extraordinary circumstances, a Magistrate should not grant pretrial release by unsecured bond, or custodial release to any person under the following:

1. The defendant is not a resident of North Carolina.
2. The defendant is charged with a felony (absent specific written findings by the Magistrate).
3. The defendant has failed to appear on one or more prior occasions, and is in custody upon service of a warrant resulting from said failure to appear, or other Order for Arrest in the case, or
4. The defendant is intoxicated, or in a highly emotional or agitated condition.

There shall be a rebuttable presumption that no condition of release will reasonably assure the appearance of the defendant in court under the following:

1. There is a reasonable cause to believe the defendant committed an offense involving the trafficking of controlled substances, while on pretrial release for another offense, and the defendant has a previous conviction for an offense involving the trafficking of controlled substances within the past five (5) years.
2. There is reasonable cause to believe the defendant committed an offense for the benefit of, at the direction of, or in association with, a criminal street gang as defined by N.C. Gen. Stat. § 14-50.16, while on pretrial release for another offense, and the defendant has a previous conviction for an offense described in N.C. Gen. Stat. § 14-50.16 through N.C. Gen. Stat. § 14-50.20 within the past five (5) years, or
3. There is a reasonable cause to believe the defendant committed a felony or a Class A1 misdemeanor offense involving the illegal use, possession, or discharge of a firearm while on pretrial release for another offense, and the defendant has a previous conviction for a felony or a Class A1 misdemeanor offense involving the illegal use, possession, or discharge of a firearm within the past five (5) years.
4. The defendant is charged with a violent offense as defined in N.C. Gen. Stat. § 15A-531(9), including:
    a. Any Class A through G felony that includes, assault, the use of physical force against a person, or the threat of physical force against a person, as an essential element of the offense.
    b. Any felony offense requiring registration pursuant to Article 27A of Chapter 14 of the North Carolina General Statutes, whether or not the person is currently required to register.
    c. Any offense under N.C. Gen. Stat. § 14-17 or 15A-533(b).
    d. Any offense under N.C. Gen. Stat. § 14-18.4, N.C. Gen. Stat. § 14-34.1, N.C. Gen. Stat. § 14-51, N.C. Gen. Stat. § 14-54(a1), N.C. Gen. Stat. § 14-202.1, N.C. Gen. Stat. § 14-277.3A, N.C. Gen. Stat. § 14-415.1, or N.C. Gen. Stat. § 90-95(h)(4c) that involves fentanyl.
    e. Any offense that is an attempt to commit any offense described in subparagraphs (a) through (d) above.

Note: This paragraph will become effective December 1, 2026, unless further delayed by legislative action. If a defendant is charged with a violent offense as defined in N.C. Gen. Stat. § 15A-531(9) and after a search of the court records for the defendant the judicial official determines that the defendant has previously been subject to an order of involuntary commitment pursuant to Article 5 of Chapter 122C of the General Statutes within the prior three years, or if a defendant is charged with any offense and the judicial official has reasonable grounds to believe the defendant is a danger to themselves or others, the judicial official shall comply with N.C. Gen. Stat. § 15A-533(b1).

For any defendant charged with a violent offense as described in N.C. Gen. Stat. § 15A-531(9), or any defendant convicted within the previous ten (10) years of three (3) or more offenses which are Class 1 misdemeanors or higher (convictions counted from separate sessions of court), judicial officials are required to make written findings based on N.C. Gen. Stat. § 15A-534(c) factors, explaining why the conditions of release were determined to be appropriate. Failure to make these findings could subject a Magistrate to suspension or removal under N.C. Gen. Stat. § 7A-173.

XXI. STACKING OR SPLITTING BONDS PROHIBITED

"Stacking" or "Splitting" of any form of a bond is prohibited unless pursuant to prior approval by the Senior Resident Superior Court Judge. Any surety, including accommodation bondsmen, is/are liable for the full amount of the bond. If multiple sureties sign, each is jointly and severally liable for the entire amount of the bond.

XXII. UNAUTHORIZED ABSENCE FROM INVOLUNTARY COMMITMENT

A defendant charged with any crime, capital or non-capital, who is alleged to have committed the crime while residing in or subsequent to an escape or other unauthorized absence from involuntary commitment in a mental health facility so designated by the Department of Human Resources, and whose commitment is deemed to be still valid by the judicial official authorized to determine pretrial release, has no right to pretrial release.

In lieu of pretrial release, the defendant is to be returned to the treatment facility in which they were residing at the time of the alleged crime or from which they escaped or were otherwise absent from for continuation of

treatment pending additional proceedings on the criminal offense, and no other conditions of pretrial release are to be imposed.

XXIII. FINDINGS IN ACCORDANCE WITH N.C. GEN. STAT. §15A-534

The judicial official authorizing pretrial release must issue an appropriate order containing a statement of the conditions imposed, if any, and the reasons for requiring any secured appearance bond. The judicial official must also inform the defendant in writing of the penalties applicable to his or her violations of the conditions of release and advise the defendant that an order of arrest may be issued upon any such violation. These duties may be satisfied by including such notification and advice in the pretrial release order form, which is made part of the file in Enterprise Justice and a copy given to the defendant.

In each and every order authorizing pretrial release for a defendant who is charged with a violent offense as defined in N.C. Gen. Stat. § 15A-531(9), or a defendant who has been convicted of three or more offenses in separate sessions of court, each of which is a Class 1 misdemeanor or higher offense, within the previous 10 years, the judicial official must make written findings of fact explaining the reasons why the judicial official determined the conditions of release to be appropriate by applying the criteria provided in Section X, Paragraph 1, Subsections a through l of this Bail Policy.

In all felony cases, or Class A1 misdemeanor cases where the defendant is subject to an active sentence under the terms of the sentencing grids, it may be presumed that release by means other than secured bond will not reasonably assure the defendant's appearance in court, and a judicial official may set a secured bond **without** giving any specific reason in writing pursuant to N.C. Gen. Stat. §15A-534(b).

In all Class I felonies, or Class 1, 2, or 3 misdemeanors, judicial officials should consider conditions of release other than a secured bond, unless the official records in writing the reasons for setting a secured bond in accordance with N.C. Gen. Stat. §15A-534(a)(4). If the bond is being set pursuant to a failure to appear/order for arrest, no written findings need to be made, and it may be presumed that release by means other than secured bond will not reasonably assure the defendant's appearance in court.

XXIV. MODIFICATIONS TO CONDITIONS OF RELEASE

Absent the consent of the opposing party, motions for modifications of conditions of release made by counsel for the State or counsel for the defendant must be reduced to writing, properly filed with the office of the Clerk of Superior Court, and served on the opposing party no less than five (5) days prior to the next court session on which the hearing of bond modifications may be scheduled.

In addition, modifications of conditions of release may be done *sua sponte* by any judicial official in the following circumstances:

1. **Magistrates and Clerks**
   N.C. Gen. Stat. §15A-534(e) provides that Magistrates and Clerks may modify their own pretrial release order at any time prior to a first appearance in District Court, however they may not modify a release order set by another Magistrate or Clerk. Once a case is in District Court, a Magistrate or Clerk may not modify conditions of release unless they have been authorized to do so by a Judge, or the defendant has been re-arrested and brought in for an initial appearance after said arrest.
2. **District Court Judges**
   At or after a first appearance, except when the conditions of release have been reviewed by the Superior Court pursuant to N.C. Gen. Stat. §15A-539, a District Court Judge may modify a pretrial release order of a Magistrate or Clerk or any pretrial release order entered by the Judge at any time before the binding over of the defendant to Superior Court after the holding or waiving of a probable cause hearing.
3. **Superior Court Judges**
   After a case is before the Superior Court, a Superior Court Judge may modify the pretrial release order of any Magistrate, Clerk, District Court Judge, or the Superior Court Judge at any time before the defendant's case is resolved in Superior Court.

N.C. Gen. Stat. § 15A-538(a) provides that a defendant who is detained or objects to conditions of release imposed or allowed to stand by an order of a District Court Judge may apply in writing to a Superior Court Judge for modification of the pretrial release conditions.

The State may at any time apply to an appropriate District Court Judge or Superior Court Judge for modification or revocation of conditions of release.

The power to modify conditions of release includes the power to substitute sureties upon any bond pursuant to N.C. Gen. Stat. § 15A-538(b). Substitution or addition of acceptable sureties may be made at the request of any obligor on a bond or, in the interests of justice, at the request of a prosecutor under N.C. Gen. Stat. § 15A-539.

XXV. REVOCATION OF A PRETRIAL RELEASE ORDER

For good cause shown a Judge may, at any time, revoke an order of pretrial release pursuant to N.C. Gen. Stat. § 15A-534(f). Upon application of any defendant whose order of pretrial release has been revoked, the Judge shall set new conditions of release in accordance with this policy including any requirements regarding written findings.

In the event a defendant has already been released from custody at the time a Judge revokes an order of pretrial release, and the defendant is not before the Court at the time of entry of the revocation, the Judge may issue an Order for the arrest of the defendant under N.C. Gen. Stat. § 15A-305(b)(5).

If a secured or unsecured bond has been posted for the defendant's release and has not been ordered forfeited due to a failure to appear, the Judge shall order termination of that bond pursuant to N.C. Gen. Stat. § 15A-534(h)(1) to release the obligors from their obligation.

XXVI. TERMINATION OF OBLIGATION ON BOND

A bail bond posted is effective and binding upon the obligor throughout all stages of the proceeding in the trial division of the General Court of Justice until the entry of a judgment in the District Court for which no appeal is taken, or the entry of a judgment in the Superior Court.

However, the obligation of an obligor will be terminated at an earlier time under the following circumstances:

1. A Judge authorizes the release of an obligor from the bond, or
2. The principal is surrendered by a surety in accordance with N.C. Gen. Stat. § 15A-540, or

3. The proceeding is terminated by voluntary dismissal by the State before the forfeiture is ordered under N.C. Gen. Stat. § 15A-544(b), or
4. The Court has placed the defendant on probation pursuant to a deferred prosecution or conditional discharge, or
5. The Court has reviewed a juvenile's secure or nonsecure custody status pursuant to remand under N.C. Gen. Stat. § 7B-2603 or the removal under N.C. Gen. Stat. § 15A-960 for disposition as a juvenile case, or
6. Prayer for judgment has been continued indefinitely in the District Court.

XXVII. RELEASE AFTER CONVICTION IN SUPERIOR COURT

There is no constitutional right to release at this stage. A defendant whose guilt has been established and who is awaiting sentence or has filed an appeal may be released at the Judge's discretion pursuant to *State v. Sparks,* 297 N.C. 314 (1979).

In addition to usual conditions, Superior Court Judges may impose supervisory custody or restrictions on travel, associations, conduct, and/or place of abode pursuant to *State v. Cooley,* 50 N.C. App. 544 (1981).

XXVIII. ENFORCEMENT

This Policy constitutes orders of the Court and are duly adopted pursuant to applicable law. They are binding upon and must be observed and enforced by all judicial officials in the exercise of their duties in this judicial district. These rules may be enforced through the contempt powers of the Court pursuant to N.C. Gen. Stat. § 15A-546.

XXIX. APPROVED FORMS

The forms entitled "Order Recalling Arrest/Order Striking Forfeiture" and "9-A Judicial District Bond Worksheet" previously enacted by order of The Honorable Paul L. Jones on March 31, 2011, shall remain approved for use in this judicial district. The approved forms, or an equivalent, must be used by all persons handling matters covered by these rules. Every Magistrate shall complete the Bond Worksheet, which will support the bond decision and shall be available for review at the defendant's first appearance.

XXX. EFFECTIVE DATE

This Policy shall be effective January 5, 2026.

/s/ Imelda J. Pate

THE HONORABLE IMELDA J. PATE
Senior Resident Superior Court Judge
Judicial District 9A

Entered in consultation with the Chief District Court Judge.

/s/ W. Curtis Stackhouse

THE HONORABLE W. CURTIS STACKHOUSE
Chief District Court Judge
Judicial District 9A

ATTACHMENT A

SENTENCES FOR DRUG TRAFFICKING CRIMES BY OFFENSE CLASS

Offenses committed before 12/01/2012			Offenses committed after 12/01/2012		
Class	**Minimum**	**Maximum**	**Class**	**Minimum**	**Maximum**
Class C	225 months	279 months	Class C	225 months	282 months
Class D	175 months	219 months	Class D	175 months	222 months
Class E	90 months	117 months	Class E	90 months	120 months
Class F	70 months	84 months	Class F	70 months	93 months
Class G	35 months	42 months	Class G	35 months	51 months
Class H	25 months	30 months	Class H	25 months	39 months

DRUG	AMOUNT	CLASS	FINE (not less than)
Amphetamine	28-199 grams	Class H	$5,000
	200-399 grams	Class G	$25,000
	400 grams or more	Class E	$100,000
Cathinone	28-199 grams	Class F	$50,000
	200-399 grams	Class E	$100,000
	400 grams or more	Class C	$250,000
Cocaine	28-199 grams	Class G	$50,000
	200-399 grams	Class F	$100,000
	400 grams or more	Class D	$250,000
Fentanyl/Carfentanil	4-13 grams	Class E	$500,000
***Committed after**	14-27 grams	Class D	$750,000
12/01/2025	28 grams or more	Class C	$1,000,000
LSD	100-499 units	Class G	$55,000
	500-999 units	Class F	$50,000
	1,000 units or more	Class D	$200,000
MDA/MDMA	100-499 units/28-199 grams	Class H	$25,000
	500-999 units/200-399 grams	Class G	$50,000
	1,000 units or more/ 400 grams or more	Class E	$250,000

Marijuana	10-49 pounds	Class H	$5,000
	50-1,999 pounds	Class G	$25,000
	2,000-9,999 pounds	Class F	$50,000
	10,000 pounds or more	Class D	$200,000
MDPV	28-199 grams	Class F	$50,000
***Committed after**	200-399 grams	Class E	$100,000
06/01/2011	400 grams or more	Class C	$250,000
Mephedrone	28-199 grams	Class F	$50,000
***Committed after**	200-399 grams	Class E	$100,000
06/01/2011	400 grams or more	Class C	$250,000
Methamphetamine	28-199 grams	Class F	$50,000
	200-399 grams	Class E	$100,000
	400 grams or more	Class C	$250,000
Methaqualone	1,000-4,999 units	Class G	$25,000
	5,000-9,999 units	Class F	$50,000
	10,000 units or more	Class D	$200,000
Opium or Heroin	4-13 grams	Class F	$500,000
	14-27 grams	Class E	$750,000
	28 grams or more	Class C	$1,000,000
Synthetic	50-249 units	Class H	$5,000
Cannabinoids	25-1,249 units	Class G	$25,000
***Committed after**	1,250-3,749 units	Class F	$50,000
06/01/2011	3,750 units or more	Class D	$200,00