

STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE

COUNTY OF LINCOLN

Lincoln County Record No. 20-R-29

IN RE: CORONAVIRUS (COVID-19))
)
 Closure of Courthouse Facilities)
 _____)

ADMINISTRATIVE ORDER
CORONAVIRUS (COVID-19)

This Order is entered by the undersigned judges, being the Senior Resident Superior Court Judge, Resident Superior Court Judge and the Chief District Court Judge of Judicial District 27B, through the inherent authority of those offices and pursuant to Executive Orders of the Honorable Roy Cooper, Governor of North Carolina and the Emergency Directives of the Honorable Cheri Beasley, Chief Justice of the North Carolina Supreme Court, to protect the public as well as state and local employees working in the Lincoln County Courthouse. Further, this Order is entered to implement and coordinate with certain actions taken by the Lincoln County Board of Commissioners as described below.

The undersigned received communication from the Lincoln County Manager on April 8, 2020 advising that the Lincoln County Board of Commissioners, in response to recommendations from the Public Health Director, had adopted a resolution directing that all county buildings be closed for a period of two (2) weeks, beginning on April 13, 2020 and extending to April 27, 2020. It further appears that this action was deemed necessary to protect the public from the anticipated increases of COVID-19 related cases during the upcoming weeks.

Based upon a review of information readily available, the following facts are found:

- a) COVID-19 is highly contagious and can be deadly.
- b) Based upon information currently available, the best and only method of avoiding the spread of the COVID-19 virus is to minimize personal contact, particularly through public gatherings and in public buildings.
- c) As has been the case throughout this COVID-19 Pandemic crisis, this court is faced with making unprecedented decisions concerning the closure of courthouse facilities, which is generally required by law to be open to the public. Such decisions necessarily include a balancing of the imperative and absolute necessity of protecting the public from the possibility of infection, while at the same time protecting the constitutional rights of those who have pending civil and criminal proceedings that need to be addressed in a timely manner.
- d) The Lincoln County Board of Commissioners, in recognition of the dangers of continuing personal contact within county buildings, has made a decision to close all county buildings for a period of two (2) weeks. The resolution does note, however, the necessity of continued operations within the Courthouse facility with respect to matters that involve constitutional protections and matters of extreme emergency.

- e) The undersigned judges consider the above described action of the Lincoln County Board of Commissioners to be entirely appropriate, motivated by protection of the public.
- f) The entry of this Order is being made, seeking to implement the Resolution of the Lincoln County Board of Commissioners and to specify the manner in which courts will operate during the said two (2) week period of closure of county buildings.

Therefore, based upon the foregoing, it is HEREBY ORDERED:

1. The Lincoln County Courthouse shall be closed to general access for a period of two weeks, beginning Monday, April 13, 2020, and extending through April 27, 2020, beginning at 8:30AM. The closure may be extended as circumstances require.
2. All Courts previously scheduled for April 13, 2020 through April 24, 2020, are hereby cancelled and shall be re-scheduled for a later time.
3. No jury trials nor grand jury sessions shall be conducted during the period of April 13, 2020 through April 24, 2020.
4. Court operations shall consist only of hearings to be conducted in matters determined by the Chief District Court Judge or the Senior Resident Superior Court Judge, or his designee that:
 - a) The approved hearing and/or proceeding can be conducted under conditions that protect the health and safety of all participants;
 - b) The approved hearing and/or proceeding will be conducted remotely;
 - c) The approved hearing and/or proceeding are necessary to preserve the right to due process of law; and/or
 - d) The approved hearing and/or proceeding are for the purpose of obtaining emergency relief.
5. Public access to the Lincoln Courthouse during the period from April 13, 2020 through April 24, 2020, shall not be granted, except to the extent that a person is directly involved in a case described in paragraphs 4(a) – 4(d) as ordered above.
6. The Sheriff of Lincoln County is hereby directed to control and limit access to the Lincoln County Courthouse during the period described above to court officials, court employees and persons directly involved in cases described in paragraphs 4(a) – 4(d) as ordered above.
7. It is further directed that the Sheriff of Lincoln County has authority to screen any and all persons entering the Lincoln County Courthouse, including court officials, court employees and persons directly involved in cases described in paragraphs 4(a) – 4(d) as ordered above with the use of a “no touch” thermometer, together with visual observation of potential symptoms.

8. No person shall be allowed in the Courthouse who refuses to be tested or whose temperature is above normal of 100.4F. The Sheriff of Lincoln County shall have authority to deny access by any person to the Courthouse if that person:
 - a) Shows symptoms of a fever, cough, shortness of breath, loss of sense of taste or smell, or has had such symptoms within the past 14 days;
 - b) Has been advised to self-quarantine by any doctor, hospital or health agency within the last 14 days;
 - c) Has been diagnosed with COVID-19 within the past 14 days;
 - d) Has had contact in the past 14 days with anyone who has been diagnosed with COVID-19, unless that person was diagnosed more than 14 days ago and the person has been symptom-free for the past 72 hours.
9. The Office of the Lincoln County Clerk of Superior Court shall be open on a limited basis, for purposes of addressing only that matters as described in paragraphs 4(a) – 4(d) as ordered above. For other matters that do not fall within such category, the Clerk shall post a notice on the Courthouse door as to the method by which persons may file time sensitive paperwork or address other concerns that otherwise would have been filed with the Clerk’s Office during regular business hours.
10. Upon the decision to re-open the facility, an announcement will be posted providing the details of the re-opening on the following media:
 - a) nccourts.gov
 - b) Facebook: “Lincoln County Courthouse – 27B Judicial District”
 - c) TV News Station(s): WBTV, WSOC-TV and Spectrum News

This the 9th day of April, 2020.

COPY

/s/ Larry J. Wilson
Chief District Court Judge
Judicial District 27B

COPY

/s/ Forrest D. Bridges
Senior Resident Superior Court Judge
Judicial District 27B

COPY

/s/ W. Todd Pomeroy
Resident Superior Court Judge
Judicial District 27B