



March 16, 2020

To: Ninth Judicial District Courthouse Personnel  
(Franklin, Granville, Person, Vance and Warren Counties)

From: Hon. John M. Dunlow, Senior Resident Superior Court Judge  
Hon. John W. Davis, Chief District Court Judge  
Hon. Michael A. Waters, District Attorney  
Hon. Patricia Chastain, Franklin County Clerk of Superior Court  
Hon. J. Yancey Washington, Granville County Clerk of Superior Court  
Hon. Deborah Barker, Person County Clerk of Superior Court  
Hon. Henry Gupton, Vance County Clerk of Superior Court  
Hon. Lisa Blalock, Warren County Clerk of Superior Court

**UPDATE: COVID-19 (“Novel Corona virus”)  
Measures in Ninth Judicial District**

On Friday, Chief Justice Cheri Beasley entered an order implementing sweeping measures designed to curb the spread of the COVID-19 virus and to minimize risk of exposure for the public and courthouse personnel. Specifically, effective Monday, March 16, 2020, all County Courthouses *will be open*, but proceedings of district and superior court are suspended with limited exceptions. In conformity with the Chief Justice’s order, all court proceedings will be rescheduled unless:

- The proceeding will be conducted remotely;
- The proceeding is necessary to preserve the right to due process of law (e.g., first appearances, bond hearings, appointment of counsel, probation hearings, probable cause hearings, etc.);
- The proceeding is for the purpose of obtaining emergency relief (e.g., domestic violence protection orders, temporary restraining orders, juvenile custody orders, judicial consent to juvenile medical treatment order, civil commitment order, etc.); or
- The senior resident superior court judge, chief business court judge, or chief district court judge determines that the proceeding can be conducted under conditions that protect the health and safety of all participants.

- The Chief Justice's emergency directive does not apply to any proceeding in which a jury has already been empaneled.
- The Chief Justice's emergency directive does not apply to grand juries which have already been empaneled.
- The Chief Justice's emergency directive does not prohibit a judge or other judicial officer from exercising any in chambers or *ex parte* jurisdiction conferred by law upon that judge or judicial officer, as provided by law.

These measures will significantly impact the way that justice is administered in the five counties of the Ninth Judicial District. These measures will impact the way each of us perform our job. Each and every one of us should be innovative, flexible, and use our best efforts to ensure that critical court operations continue in a fair, efficient and safe manner.

We have developed a broad work plan for court operations while the Chief Justice's Order remains in effect. Each agency leader listed above will share additional details and will adjust work plans to account for unforeseen circumstances. However, the general plan is as follows:

## **Clerk of Superior Court**

- Maintain normal office hours to accept filings, until further notice
- Guardianship hearings will be conducted as needed, subject to health precautions, as determined by the Clerk of Court.
- Estate administration matters will be conducted, although in-person meetings will be subject to health precautions as determined by the Clerk of Court.
- Estate hearings are to be postponed for a period of at least thirty days.
- Special Proceeding hearings are to be postponed for a period of at least thirty days.

## **Magistrate and Small Claims**

- Magistrate's offices in each county will operate on a normal schedule. Normal operations will continue for Warrants for Arrest, Magistrate's Orders, Criminal Summons, Initial Appearances, Cash Bonds / Property Bonds, Involuntary Commitment Orders, Juvenile Petitions, and Secured and Non-Secured Custody Orders.
- All Small Claims court proceedings will be continued for a period of at least thirty days.

## **District Court**

- A District Court judge will be available at the local Courthouses daily to conduct:
  - 96 hour hearings

- 48 hour hearings
  - 50B / 50C continuance hearings
  - Consider 50B / 50C requests for ex parte relief
  - Any proceeding necessary to preserve the right to due process of law
- To the extent feasible, during the period of the Chief Justice's order, requests for ex parte relief pursuant to 50B and 50C will be considered by the District Court Judge, rather than the magistrate, in order to reduce the number of orders that need to be re-issued and the number of times a case may need to be continued prior to its permanent hearing date after the expiration of the Chief Justice's order.
- All scheduled District Court civil and criminal matters will be continued to a date at least thirty days from the date of the Chief Justice's order.
- Central Regional Hospital and Franklin County involuntary commitments will be held on the dates already assigned by the Judge designated in existing assignment orders.
- For purposes of this Memorandum, a Judge's local courthouse is as follows:
  - Judge John Davis – Franklin County
  - Judge Katherine Burnette – Granville County
  - Judge Amanda Stevenson – Granville County
  - Judge J. Stultz – Person County
  - Judge Caroline Burnette – Vance County
  - Judge Adam Keith – Vance County
  - Judge Ben Hunter – Warren County

## **Superior Court**

### **Civil Superior Court**

- All Superior Court civil matters calendared for the March 16, 2020 term in Franklin Co. will be continued to the April 27, 2020 term.
- All Superior Court civil matters calendared for the March 30, 2020 term in Granville Co. will be continued to the May 18, 2020 term.

- All Superior Court civil matters calendared for the April 6, 2020 term in Person Co. will be continued to the July 20, 2020 term.
- In the event of a scheduling conflict with the newly scheduled court date, counsel should contact the Trial Court Coordinator to arrange for a different continuance date.
- There will be no Monday morning calendar call.
- No jurors are to report.

**Criminal Superior Court:**

- The following sessions of Superior Criminal Trial Court, with a grand jury, will open at 10:00 a.m. on the Monday of the session to conduct essential court functions:
  - March 16 (Person Co.)
  - March 23 (Vance Co.)
  - March 23 (Warren Co.)
  - April 6 (Granville Co.)
  - April 13 (Franklin Co.)
- The regularly scheduled district-wide CMS session for the weeks of April 6 and April 13 will open as scheduled in each county, for the conduct of essential court functions.
- The March 20, 2020 special session of Franklin County Criminal Superior Court will proceed as planned for the hearing of one criminal matter relating to an in-custody defendant.
- For purposes of this Memorandum, “essential court functions” are defined as
  - (1) grand jury proceedings;
  - (2) first appearances and appointment of counsel for defendants in custody of a local jail;
  - (3) written, appropriately noticed, bond motions by defendants in custody of a local jail;
  - (4) pleas by defendants in custody of a local jail; and
  - (5) Any other proceeding the Senior Resident Superior Court Judge has determined can be conducted under conditions that protect the health and safety of all participants.

- No new jury trials;
- No jurors are to report;

As we move forward, the Judicial Council for the Ninth Judicial District will continue to confer on a daily basis to discuss the evolving COVID-19 situation and to plan for the implementation of additional appropriate measures as needed. Because the circumstances that confront us are unprecedented, we welcome input from you. In the upcoming days, if you encounter issues that have not been adequately addressed in our planning, and you have suggestions that will help us function in a fair, efficient and safe manner, please share your ideas. The primary point of contact for any questions or concerns that you wish to bring to our attention is Trial Court Coordinator Ella Wrenn. For questions or comments regarding our COVID-19 response and the operations of our courts under these circumstances, the most efficient way of reaching Mrs. Wrenn, and the leadership team, is via the following email address: [Ella.Wrenn@nccourts.org](mailto:Ella.Wrenn@nccourts.org). This email address is continuously monitored and timely replies will be provided.

It is likely that you will get inquiries from the public and attorneys about courthouse operations. There are several methods by which accurate and timely information can be obtained.

- Information about the North Carolina Judicial Branch system-wide response to the COVID-19 virus can be found on the [nccourts.gov](http://nccourts.gov) website.
- Information specific to the Ninth Judicial District will be posted to the [nccourts.gov](http://nccourts.gov) website as well.

We encourage you to direct members of the public to these sources of information for the latest and most accurate official statements.

Finally, we stress again that your safety, and the safety of the public, are our top priority. Follow the general medical advice provided by health authorities to minimize your risk of exposure. Let your supervisor know if you have any specific risks, are concerned about symptoms or exposure to the COVID-19 virus, or need any support or accommodations. Please note that the Chief Justice, in her order announced Friday, also ordered that “any person who has likely been exposed to COVID-19 not enter the courthouse.”

We continue to be so grateful to each of you for your ongoing commitment to the administration of justice. It is in difficult and stressful times like this that the steady, calm and deliberate operation of the courts is most critical. As public servants, your ongoing service is invaluable. Please stay healthy and safe!