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STATE OF NORTH CAROLINA
COUNTIES OF RUTHERFORD
AND MCDOWELL

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
JUDICIAL DISTRICT 29A FILED

2020 APR 15 A 11:56

SUPPLEMENTAL
ADMINISTRATIVE ORDER FOR SUPERIOR COURT IN RUTHERFORD COUNTY, C.S.C.
RUTHERFORD AND MCDOWELL COUNTIES BY *m*

IN ORDER TO IMPLEMENT THE ORDERS OF THE CHIEF JUSTICE OF THE NORTH CAROLINA SUPREME COURT, AND PURSUANT TO CLARIFICATION FROM THE CHIEF JUSTICE, THE FOLLOWING PROCEDURES WILL BE IMPLEMENTED FOR CRIMINAL AND CIVIL SUPERIOR COURT THROUGH MAY 31, 2020. SEPARATE ORDERS HAVE BEEN ISSUED BY THE CHIEF DISTRICT COURT JUDGE FOR CRIMINAL AND CIVIL DISTRICT COURT.

1. No Juries will be available for criminal or civil trials for any term of Superior Court until after May 31, 2020.
2. All Superior Court matters other than the following listed matters are hereby continued to after May 31, 2020:
 - a. Proceedings to be conducted remotely;
 - b. First appearances or bond hearings, the appointment of counsel for indigent defendants, probation hearings, and probable cause hearings;
 - c. Proceedings for the purpose of obtaining emergency relief (e.g., a domestic violence protection order, temporary restraining order, civil commitment order, and similar order);
 - d. Proceedings the Senior Resident Superior Court Judge determines can be conducted under conditions that protect the health and safety of all participants, including final dispositive matters for incarcerated individuals upon taking proper precautions; and
 - e. Remote proceedings allowed pursuant to the Chief Justice's Directive Three, in her order of April 2, 2020.

All parties and victims to any case other than those listed in paragraphs 2(c) and 2(d) above will be automatically entitled to a continuance from any criminal or civil Superior Court session, and no individual will be called and failed or cases dismissed as a result of civil parties,

criminal defendants, or victims failing to attend Superior Court through May 31, 2020. Criminal defendants and others should contact the Clerk of Court for the County in which the case is pending for new Court dates, or other directions to obtain their new Court dates. New civil trial dates for McDowell and Rutherford Counties may be obtained by contacting the Superior Court Judicial Assistant in Rutherford County.

3. Each scheduled session of civil and criminal Superior Court through May 31, 2020 shall be opened on the first day of each term for the disposition of criminal and civil matters as scheduled on the State Master Calendar and shall continue from day to day as needed in the discretion of the presiding Superior Court Judge for the disposition of only the following matters for incarcerated individuals and when all necessary parties and counsel are present:

- a. Proceedings to be conducted remotely;
- b. First appearances or bond hearings, the appointment of counsel for indigent defendants, probation hearings, and probable cause hearings;
- c. Proceedings for the purpose of obtaining emergency relief (e.g., a domestic violence protection order, temporary restraining order, civil commitment order, and similar order);
- d. Proceedings the Senior Resident Superior Court Judge determines can be conducted under conditions that protect the health and safety of all participants, including final dispositive matters for incarcerated individuals upon taking proper precautions; and
- e. Remote proceedings allowed pursuant to the Chief Justice's Directive Three, in her order of April 2, 2020.

4. The Senior Resident Superior Court Judge or any other presiding Superior Court Judge may in his or her discretion alter or amend the terms of this administrative order for any particular case or matter as justice may require, or to protect and balance any Constitutional rights provided the Senior Resident Superior Court Judge determines the amendment or alteration can be conducted under conditions that protect the health and safety of all participants. The order of the Chief Justice of the North Carolina Supreme Court shall apply to the extent it is in conflict with the foregoing order.

This order shall be effective until and terminate at 5 pm, May 31, 2020.

Signed this the 15 day of April, 2020.



Senior Resident Superior Court Judge