21R795

STATE OF NORTH CAROLINA JUDICIAL DISTRICT 26	IN THE GENERAL COURT OF JUSTICE DISTRICT COURT DIVISION
MECKLENBURG COUNTY	
IN RE:	
TEMPORARY SUSPENSION OF ORDERS FOR ARREST FOR CERTAIN MISDEMEANANTS AND OF ALL PERIODS OF NONCONTINUOUS CONFINEMENT	ADMINISTRATIVE ORDER

FILED
2021 MAY -5 A 9:25
MECKLENBURG CO., C.S.C.
BY

THIS ADMINISTRATIVE ORDER has been entered to ensure the fair and proper administration of justice and to mitigate the public health threat posed by COVID-19 within the adult detention facilities in Mecklenburg County by temporarily suspending orders for arrest for non-domestic violence misdemeanor cases, orders for arrest in child custody contempt actions and non-continuous periods of confinement. The undersigned Chief District Court Judge enters this Administrative Order pursuant to the inherent authority of the court and pursuant to its administrative supervision and authority over the operation of the District Court pursuant to N.C. Gen. Stat. §§ 7A-41.1, 7A-146, and 15A-535(a), and the inherent authority of the undersigned in the administration of criminal procedure for this Judicial District. This Order is intended to address the unprecedented public health threat posed by COVID-19 to people who are detained within and work in the Mecklenburg County Detention Centers.

Whereas, COVID-19 is a respiratory disease that can result in serious illness or death by the SARS-CoV-2 virus, which is a new, highly-contagious strain of coronavirus that can be spread from person to person; and

Whereas, Governor Roy Cooper declared a State of Emergency in North Carolina on March 10, 2020, in response to the emerging public health threat posed by COVID-19 by entry of Executive Order No. 116, *Declaration of a State of Emergency to Coordinate Response and Protective Actions to Prevent the Spread of COVID-19*; and

Whereas, the World Health Organization declared COVID-19 a global pandemic on March 11, 2020; and

Whereas, the Centers for Disease Control and Prevention ("CDC") has warned of the extreme public threat posed by COVID-19 globally and in the United States and strongly recommended the practice of social distancing to deter the spread of the virus; and

Whereas, Governor Roy Cooper issued Executive Order No. 117, *Prohibiting Mass Gatherings and Directing the Statewide Closure of K-12 Public Schools to limit the spread of COVID-19*, on March 14, 2020, and has continued restrictions on gatherings as a means to protect the health and safety of the residents of North Carolina, slow the spread of the COVID-19 outbreak, reduce the number of people infected, and avoid strain on our health care system; and

Whereas, the Chief Justice of the Supreme Court of North Carolina on March 13, 2020, declaring that catastrophic conditions exist in all North Carolina counties, issued directives pursuant to N.C. Gen. Stat. § 7A-39(b)(2) to suspend all but essential court hearings for a period of no less than 30 days to assist in reducing the spread of infection; and

Whereas, it is in keeping with the Governor's Executive Order and the Order of the Chief Justice for the court to take appropriate measures to reduce the population within the Mecklenburg County Detention Centers to protect the health and safety of that population and reduce the potential exposure to the virus to inmate populations, detention staff and court personnel by, with limited exceptions, staying all orders for arrest for defendants whose highest charge is a Misdemeanor in Classes A1, 1, 2, or 3 and not a domestic violence offense, staying all orders for arrest for contempt in child support actions and suspending all periods of noncontinuous confinement.

WHEREFORE, IT IS HEREBY ORDERED ADJUDGED AND DECREED that effective immediately and until June 5, 2021:

1. All outstanding orders for arrest issued pursuant to N.C. Gen. Stat. § 15A-305 for a defendant whose highest charge is a Non-Domestic or Child Violence Misdemeanor in Classes A1, 1, 2, or 3 including but not limited to orders for arrest for failure to appear, are stayed and shall not be enforced, unless the order for arrest is for a charge involving domestic violence or violence involving a child; and
2. All noncontinuous periods of confinement ordered by the court as a special condition of probation pursuant to N.C.G.S. 15A-1351, including those resulting from restrictions of Driving While Impaired, periods of confinement in response to a probation violation pursuant to N.C.G.S. 15A-1343(a1)(3), and periods of confinement imposed by a probation officer via delegated authority pursuant to N.C.G.S. 15A-1343.2(e) and N.C.G.S. 15A-1343.2(f), that are scheduled to be served in the Mecklenburg County Detention Centers from the date of entry of this order shall be suspended and rescheduled to be served at a time after June 5, 2021 by the supervising probation officer consistent with the intent of the original sentence.

3. All Orders for Arrest for contempt in an action brought by Child Support Enforcement are stayed and shall not be enforced until June 5, 2021.

Entered and effective, this the 5th day of May, 2021.

The Honorable Elizabeth Trosch
Chief District Court Judge