

FILED

STATE OF NORTH CAROLINA
JUDICIAL DISTRICT 19 C
ROWAN COUNTY

2020 MAY 13 10 10 AM
IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

ROWAN CO., C.S.C.

20 R 222

BY

IN RE: THE SCHEDULING AND
HEARING OF CRIMINAL MATTERS

ADMINISTRATIVE ORDER

BY AUDIO-VIDEO CONFERENCE

THIS ADMINISTRATIVE ORDER is being entered to ensure the fair and proper administration of justice and to mitigate the disruption to the orderly operation of the Courts in the 19 C Judicial District caused by COVID-19. The undersigned Senior Resident Superior Court Judge enters this Administrative Order pursuant to N.C.G.S. §7A-39 and the inherent authority of the court.

On April 2, 2020 Chief Justice Beasley entered an updated order pursuant to G.S. 7A-39(a)(2) Coronavirus Pandemic. The order directs local court officials to schedule or reschedule all superior and district court proceedings for a date no sooner than June 1, 2020 unless the proceeding can be conducted remotely. It authorizes proceedings to be conducted remotely by audio and video transmissions.

After consultation with the Clerk of Court, and the District Attorney, it has been determined that conducting audio-video conferences for certain criminal matters normally scheduled in Rowan County Criminal Superior Court is a viable alternative to in-person hearings and should be attempted. All parties recognize that only certain cases can be addressed via remote proceedings.

WHEREFORE, IT IS HEREBY ORDERED ADJUDGED AND DECREED, effective immediately and, unless repealed, replaced, or rescinded by another applicable order, with the consent of all parties, certain criminal matters normally scheduled in Rowan County Superior Criminal Court shall be conducted by audio-video conferencing.

IT IS FURTHER ORDERED THAT THE FOLLOWING PROCEDURE BE USED TO SCHEDULE AND CONDUCT THE AUDIO-VIDEO CONFERENCES:

The audio-video conferencing platform will be Cisco Webex. A Webex account is not needed to participate. The application may be downloaded here: <https://help.webex.com/en-us/0tow9g/Download-the-Cisco-Webex-Meetings-Desktop-App>

Instructions for joining a meeting can be found here: <https://help.webex.com/en-us/n62wi3c/Get-Started-with-Cisco-Webex-Meetings-for-Attendees> and here: <https://www.youtube.com/watch?v=ru85544RveA>.

Matters shall be heard by audio-video conference only upon consent of all parties and only during terms of regularly scheduled Superior Criminal Court. Prior to scheduling a hearing, the District Attorney shall consult with counsel for the defendant and propose a date and time for the hearing,

The District Attorney

after consultation with the defense attorney and the criminal clerk will schedule the hearings,. The District Attorney shall provide the criminal clerk with the email addresses of all participants by noon on the Thursday before the scheduled hearing. Upon receipt of all email addresses ,the criminal clerk shall

issue Webex invitations to participants by 5:00pm on the Thursday of the week before the scheduled video hearing, and provide the judge with weekly calendars. The criminal clerk shall serve as web ex host. It is anticipated that the defendant will appear in defense counsel office for the hearing and that defense counsel will have adequate broadband width to participate in the hearing. Counsel for defendant shall execute a waiver of personal appearance and a consent to remote video proceeding (AOC temporary form)

The clerk will pull the files for judge's inspection, keep the minutes accept custody of any evidence admitted and file any orders issued. A court reporter shall be present in the courtroom to transcribe the proceeding in accordance with criminal procedures.

Briefs shall be submitted digitally to Rebecca.p.williams@nccourts.org no later than two business days prior to the hearing.

Hard copies of the briefs shall not be submitted.

Affidavits, exhibits and supporting authority, if used, shall be attached to the briefs.

If evidence is tendered and received the offering party shall send a digital copy to the clerk at the conclusion of the hearing.

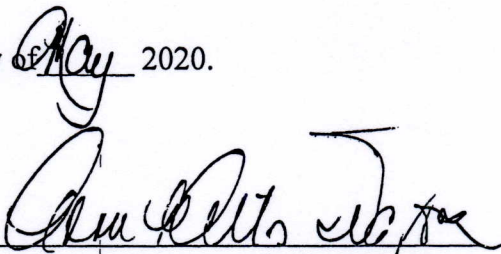
In Accordance with Section 18 of Article I of the Constitution of North Carolina, these proceedings are open to the public. Any individual interested in viewing the proceedings may do so by contacting the criminal clerk for a link to the proceedings.

No one other than the parties, attorneys of record and victims are to participate in the video conference. However, an invited participant may forward the invitation to others, including clients, associates, paralegals, administrative assistants, etc.

All hearing participants who did not receive a direct invitation from the court shall have their microphones muted unless directed otherwise by the presiding judge.

Those criminal matters currently pending in court between now and until the Chief Justice allows in person hearings, that are not scheduled and/ or resolved by remote hearing will be continued.

Entered and effective, this the 13 day of May 2020.


The Honorable Anna Mills Wagoner
Senior Resident Superior Court Judge