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GASTON CO., C.S.C.

BY _____
April 9, 2020

To: The Honorable David A. Phillips, Resident Superior Court Judge
 The Honorable John K. Greenlee, Chief District Court Judge
 The Honorable Richard B. Abernethy, District Court Judge
 The Honorable Angela G. Hoyle, District Court Judge
 The Honorable James A. Jackson, District Court Judge
 The Honorable Michael K. Lands, District Court Judge
 The Honorable Pennie M. Thrower, District Court Judge
 The Honorable Craig R. Collins, District Court Judge
 The Honorable R. Locke Bell, District Attorney
 The Honorable Alan Cloninger, Gaston County Sheriff
 The Honorable Lawrence N. Brown, Jr., Gaston County Clerk of Superior Court
 The Honorable Susan Lockridge, Gaston County Register of Deeds
 Members of the 27A Judicial District Bar

From: Hon. Jesse B. Caldwell, III, Senior Resident Superior Court Judge

Re: 27A Judicial District Response to COVID-19 (Coronavirus)

As most if not all of you know, on Friday, April 2, 2020, Chief Justice Cheri Beasley issued an order postponing court proceedings until no sooner than June 1, 2020. This effectively continues in place the moratorium on our proceedings which was entered last month for a thirty-day period.

Accordingly, I am extending the provisions in my March 25, 2020 order as it relates to superior court operations. Please know I have been and expect to be in my office every weekday and am happy to discuss any aspect of this with you. I can be reached through the methods described in my March 25 order. I can also be reached by my state email address at Jesse.B.Caldwell@NCCourts.org.

Here are some additional directives in the Chief Justice's most recent order:

1. The Chief Justice's April 2, 2020 order clarifies that the North Carolina courts are exempt from the Governor's Executive Order 121 of March 27, 2020, since we are a critical government function. Nevertheless, she directed us to continue social distancing and to limit our courthouse contact.
2. The Chief Justice extended trial and appellate deadlines and suspended reporting of failures to pay the DMV. She also extended the time to pay fines and costs in criminal and traffic matters for 90 days. Chief District Court Judge John Greenlee and I have each entered orders for superior and district court identifying the date they will be due is September 1, 2020.

3. The Chief Justice's latest order also:

- Authorizes certain court proceedings to be conducted by remote audio and video transmissions if all parties consent to proceed in this manner
- Allows the use of a sworn statement under penalty of perjury rather than notarization for court filings and oaths
- Allows service of court documents by email

In addition, allow me to extend and continue in effect the following, which were addressed in my March 25 order:

1. We will continue to conduct probation violation and probable cause hearings on Mondays and guilty pleas and related hearings for inmate defendants on Tuesdays, both at 10 am in Courtroom 4C.

We will calendar and conduct these in these proceedings under the protocol in my March 25 order.

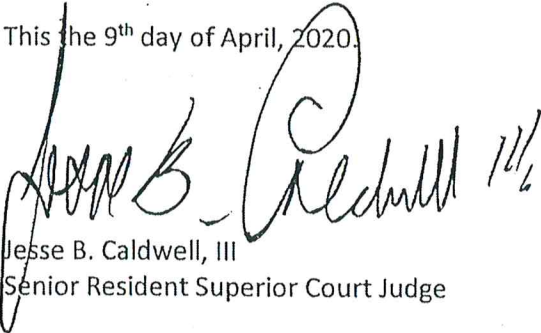
2. Judge Phillips and I are considering some additional sanitary safeguards, such as having defendants affirmed rather than swear on a courtroom Bible and having each attorney use their own pen to sign plea transcripts and other documents, with separate pens being provided for each defendant as well.
3. We are exploring the possibility of hearing other motions not involving the taking of testimony, admissions of exhibits or creating a record via the NCAOC Temporary Audio Video Policy. Hearing matters through this technology would require consent of all parties. It may be that a number of issues preclude us from ever being able to offer this option for hearing civil motions, but we are exploring it.
4. I am extending my order of March 13, 2020 suspending Gaston County Grand Juries A and B from convening until June 1, 2020 at the earliest. In the event Grand Jury A does convene on that date, appropriate procedural guidelines will be established, determined in consultation with the district attorney, the clerk of court and the sheriff.
5. Judge Phillips and I will entertain interim attorney fee applications for indigent defense work performed on cases that are now at a standstill through no fault of the attorney. Chief Justice Beasley and AOC Director McKinley Wooten stated in a Memorandum dated April 3, 2020 "that IDS will accept and process these applications, in an effort to protect the financial well-being of private attorneys who accept conflict case appointments from the public defender's office." I applaud this directive and feel certain the district court judges will receive and sign applications in district court as well.

Finally, let me express my sincerest gratitude to all judges, attorneys, court personnel and others who work in our legal system. I am extremely impressed with your cooperation and good will.

When I see people in the courthouse, everyone seems to have a positive attitude about getting through this time of great challenge. Even strangers are speaking greetings of encouragement and everyone seems to realize that "we are all in this boat together."

This memo shall be treated as an **Order of the Court**, and is effective immediately.

This the 9th day of April, 2020.

A handwritten signature in black ink, appearing to read "Jesse B. Caldwell III". The signature is written in a cursive style with a large, prominent initial "J". To the right of the signature, there is a small handwritten mark that looks like "11/6".

Jesse B. Caldwell, III
Senior Resident Superior Court Judge