

JESSE B. CALDWELL, III  
SENIOR RESIDENT SUPERIOR COURT JUDGE

JUDICIAL DISTRICT 27A  
GASTON COUNTY

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GASTON CO., C.S.C.

March 25, 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 I believe you all know, on Friday, March 13, 2020, Chief Justice Cheri Beasley entered an order implementing measures designed to curb the spread of COVID-19 and minimize the risk of exposure caused by crowded sessions of court. Consistent with the Chief Justice's order, effective Monday, March 16, superior court and district court proceedings of the 27A Judicial District were rescheduled for at least 30 days, with limited exceptions.

The Honorable John Greenlee, Chief District Court Judge, has already announced in a memorandum dated March 13 which district courts will remain open and which will be closed. He also issued an administrative order regarding probable cause hearings. Any questions concerning district court are properly directed to Judge Greenlee. A copy of his order and memorandum are attached hereto.

The emergency directive of the Chief Justice did not apply to proceedings in which a jury was already been empaneled. Resident Superior Court Judge David Phillips and I were both presiding over such matters, but both cases have now been resolved. The Chief Justice's order does not prohibit a judge or other judicial officer from exercising in chambers or *ex parte* jurisdiction conferred by law upon that judge or judicial officer, as provided by law. Additionally, although the March 13 emergency directive did not extend filing and other deadlines, the Chief Justice's additional order of March 19, 2020 extended all deadlines to April 17, 2020.

Court offices in the Gaston County Courthouse will remain open for business unless otherwise announced by the Courts or the Clerk of Court. However, unless you are required to appear in-person to conduct your business, attorneys and the public are strongly encouraged to use email and telephone to communicate with staff of the 27A Judicial District.

Online court services are available for handling some court business, including citation services, paying your ticket, court payments, signing up for court date notifications and reminders, eFiling court documents for certain courts and case types, and more.

Accurate and timely information may be obtained from the following resources:

- Information about the North Carolina Judicial Branch system-wide response to the COVID-19 virus is available on the [NCCourts.gov](https://nccourts.gov) website.
- Information for the State of North Carolina is available at [NC Governor Cooper's COVID-19 Response](#)

#### **SUPERIOR COURT:**

Both Judge Phillips and I expect to be in our offices during this time period. One or both of us should therefore be available should you need signatures on orders or to confer about appropriate matters until court sessions resume. We will also be available to consider search warrants, tracking orders and other matters by law enforcement.

However, to minimize our staff's potential exposure to COVID-19, Superior Court Judicial Assistant Trish Puett will be working primarily remotely. Therefore, the best possible means of contact are to:

1. Contact Ms. Puett by cell phone (the number of which has been widely circulated to both Gaston County Bar members and local law enforcement);
2. Contact Ms. Puett by email at [Patricia.L.Puett@NCCourts.org](mailto:Patricia.L.Puett@NCCourts.org); or
3. Contact Trial Court Coordinator Jennifer Wehunt in Suite 4135, by phone at 704.852.3170 or by email at [Jennifer.S.Wehunt@NCCourts.org](mailto:Jennifer.S.Wehunt@NCCourts.org).

#### **Criminal Superior Court**

- No new jury trials; no jurors are to report
- Criminal court sessions will begin on Tuesday, March 24, 2020 at 10 am in Courtroom 4C

The Chief Justice's March 13 order allowed for court proceedings necessary to preserve the right to due process. In addition, it provided that the senior resident superior court judge can determine that the proceeding can be conducted under conditions that protect the health and safety of all participants. After a meeting with Judge David Phillips, Sheriff Alan Cloninger, District Attorney Locke Bell, Public Defender Stuart Higdon and Clerk of Court Larry Brown, please be advised that pending further orders, we will conduct two weekly superior court criminal administrative sessions, both at 10 am and both in Courtroom 4C. The first session will be every Monday and will be strictly for preliminary hearings. **No probation officers are necessary for these hearings, so as to keep the number in attendance as minimal as possible.** The second session will be held every Tuesday, intended and structured as follows:

1. The only defendants addressed by the court will be those in custody.



2. Probable cause proceedings and bond hearings for probationers in custody will be conducted at this time, upon judicial review of sworn probation violation reports, treated by the Court as an affidavit.
3. The Court will take guilty pleas of defendants whose cases and circumstances are such that they can be released from Gaston County Jail, these conditions including:
  - a. Inmates who are about to have served in pretrial confinement the maximum sentence under the law for the crime with which they have been charged
  - b. Inmates who are clearly prison bound, by reason of the nature of the crime with which they have been charged and/or prior criminal record. Once judgment is imposed, they can be transported to DAC custody.
  - c. Inmates who are still in custody but who clearly cannot receive an active sentence by reason of the nature of the offense with which they have been charged and/or their prior criminal record.
4. Public Defender Stuart Higdon will identify such categories of inmates as are represented by his office, and communicate and coordinate the preparation of the weekly calendar with the district attorney, the clerk of superior court and the sheriff.

I suggest that any privately retained or court-appointed attorney with a conflict case representing an inmate whose circumstances fall within any of these descriptions contact Stuart Higdon through the public defenders office at 704.852.3220, and discuss adding that client's name to the docket. If it is added, the attorney will then need to contact the district attorney.

Clearly, the reason for these proceedings is to discharge people from the jail, and to prevent further overcrowding as new people continue to be arrested and incarcerated. Please understand that the nature and operation of these limited superior court criminal matters is subject to change. Such modifications will be communicated by the Court.

#### Civil Superior Court

- No new jury trials; no jurors are to report
- The next superior court civil session is currently scheduled for the week of April 20, 2020. This and other sessions in the weeks beyond this date may be cancelled, but if this were to happen, it would be promptly communicated to the Bar and to the public.
- Civil Superior hearings will be rescheduled beyond 30 days unless consent by parties to conduct remotely.
- Superior court judges will be available to address consent matters by telephone, to be scheduled through Trial Court Coordinator Jennifer Wehunt at 704.852.3170 or by email at [Jennifer.S.Wehunt@NCCourts.org](mailto:Jennifer.S.Wehunt@NCCourts.org).
- Per the Chief Justice's orders of March 13 and March 19, 2020, any mediation conferences scheduled to occur prior to the April 17, 2020 deadline imposed by the latter order must be held remotely, through either telephonic or videoconferencing means. If all parties do not agree to waive physical attendance, the conference shall be rescheduled, per Rule 4 of the MSC and FFS Rules. All mediation deadlines would now be extended until April 17, 2020 and

may be extended further. If you have any other mediation questions, you may contact Dispute Resolution Commission staff at [drcmediators@nccourts.org](mailto:drcmediators@nccourts.org) or (919) 890-1415.

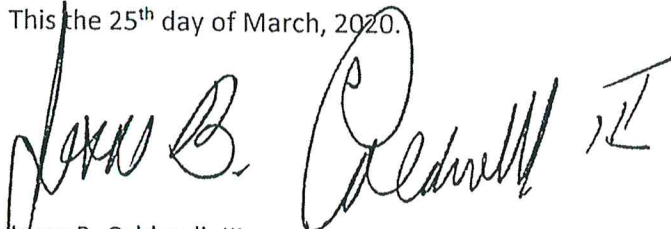
### Grand Jury

Grand Juries A and B have been suspended for thirty days, beginning March 16, 2020. The next session currently scheduled is for Grand Jury B on April 20, 2020. Should this session be cancelled, grand jury members will be contacted.

I will close by expressing my sincerest gratitude to ALL elected officials, court personnel, members of the Bar and of the public for the good will and helpful cooperation you have given, are giving and will continue to give us here at the courthouse of our community.

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

This the 25<sup>th</sup> day of March, 2020.



Jesse B. Caldwell, III  
Senior Resident Superior Court Judge

NORTH CAROLINA  
GASTON COUNTY

FILED IN THE GENERAL COURT OF JUSTICE  
DISTRICT COURT DIVISION

2020 MAR 16 A 8:21

IN RE:

CORONAVIRUS )  
(COVID-19) )

CLERK OF COURT, C.C.C.

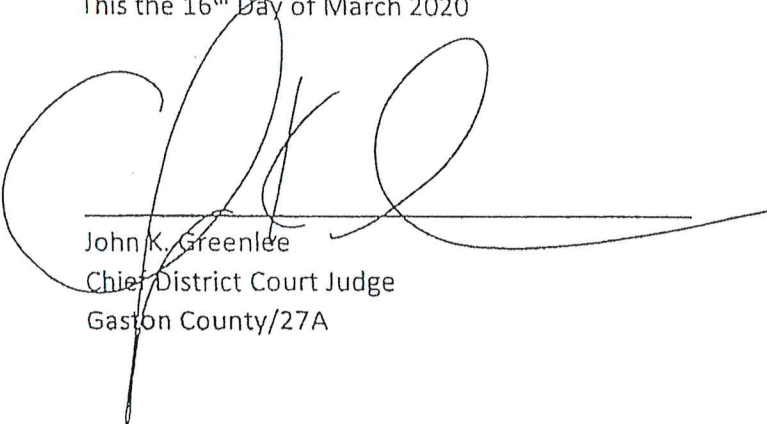
ADMINISTRATIVE ORDER

The undersigned Chief District Court Judge for Judicial District 27A-Gaston County enters this administrative order pursuant to the Emergency Directives issued by Chief Justice Cheri Beasley of the North Carolina Supreme Court in response to the coronavirus COVID-19 pandemic.

IT IS THEREFORE ORDERED that:

1. All District Courts are closed for 30 days (until 04/16/2020) with the exceptions as detailed in the attached Addendum A.\*
2. For Good and Extraordinary Cause all probable cause hearings scheduled under 15A-606 are continued until after 04-16-2020.
3. This order shall expire when the emergency directive expires (04-16-2020) or upon further order of the Court.

This the 16<sup>th</sup> Day of March 2020

  
\_\_\_\_\_  
John K. Greenlee  
Chief District Court Judge  
Gaston County/27A





JOHN K. GREENLEE  
CHIEF DISTRICT COURT JUDGE

JUDICIAL DISTRICT 27A

325 DR. MARTIN LUTHER KING JR. WAY  
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DISTRICT COURT JUDGES  
RICHARD B. ABERNETHY  
CRAIG R. COLLINS  
ANGELA G. HOYLE  
JAMES A. JACKSON  
MICHAEL K. LANDS  
PENNIE M. THROWER

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Based on the Emergency Directives issued by Chief Justice Cheri Beasley in response to the Coronavirus (COVID-19) pandemic, Gaston County District Courts will be on the following schedule:

Courtroom 3A(criminal)- CLOSED

Courtroom 3B(traffic)- CLOSED

Courtroom 3C(civil/domestic)- CLOSED

Courtroom 3D(juvenile/truancy)- CLOSED

Courtroom 4A (criminal and child support)- CLOSED

Courtroom 2E (domestic and TPR's)-OPEN to hear limited cases\*

Courtroom 2D (DVPOs and Jail 1<sup>st</sup> Apps)- OPEN on a normal schedule\*

Courtroom 2A (magistrate 1<sup>st</sup> Apps nonjail)- CLOSED

Courtroom 2B (Small Claims)- CLOSED

All cases that are continued shall be scheduled no sooner than April 16, 2020. The district attorney's office will be responsible for rescheduling the criminal/traffic and juvenile delinquency/undisciplined cases. DSS will be responsible for rescheduling child support and Abuse/Neglect/Dependency Cases. Domestic Attorneys or the parties themselves will be responsible for rescheduling domestic matters heard in 3C and 2E. The attorneys or parties can obtain an order continuing the case from a judge to avoid having to pay additional fees. The District Court Judges Office will be responsible for continuing civil cases and TPR's. The assigned magistrates will be responsible for rescheduling magistrate nonjail 1<sup>st</sup> Apps and Small Claims.

\*Courtroom 2D will operate on a normal daily schedule to handle Domestic Violence Protective Orders, No Contact Orders and Jail 1<sup>st</sup> Appearances by video. Temporarily, 1<sup>st</sup> Appearances for Defendants with felony charges who have been released from custody will be scheduled for 2PM in 2D.

\*Courtroom 2E will operate daily to handle those matters not heard in 2D. These include, but are not limited to, A/N/D nonsecure custody hearings, juvenile detention hearings, emergency custody hearings, hearings for inmates who wish to enter a plea that will process them out of our jail or are being held for child support and any other matters determined to be an emergency or necessary to preserve the right of due process. Civil commitment hearings will be conducted remotely through electronic means. Marriages will still be conducted by the assigned magistrate. District Court Judges will be available for any emergency matters or to obtain signatures on necessary legal filings and orders.

All proceedings held in District Court will be conducted under conditions that protect the health and safety of all participants. Depending on the progression of the coronavirus this schedule may be modified later if health and safety demands. This memo does not affect any functions under the jurisdiction of the Clerk of Court.

Addendum A