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NORTH CAROLINA IN THE GENERAL COURT OF JUSTICE  
CATAWBA COUNTY DISTRICT COURT – 25<sup>th</sup> JUDICIAL DISTRICT  
SUPERIOR COURT – 25B JUDICIAL DISTRICT

FILED  
2022 NOV 17 A 10: 59  
CATAWBA CO. 113  
BY                     

ADMINISTRATIVE ORDER REGARDING CONTINUANCE POLICY

It is the policy of the Court to provide justice for citizens without unnecessary delay and without undue waste of the time and other resources of the Court, the litigants, and other case participants. For all case types and dockets, and in all courtrooms, the Court looks with strong disfavor on motions or requests to continue court events. In order to protect the credibility of scheduled trial dates, trial-date continuances are especially disfavored. Pursuant to the Chief Justice’s directive of establishing a continuance policy, the following time frames are set forth for resolution of cases pending in Catawba County.

Now therefore, IT IS HEREBY ORDERED that:

1. The Court will not grant a continuance past the timeframes set forth in this order but for good cause shown or unless provided for by law.<sup>1</sup>
2. To the extent that this order conflicts with any statutory provision applicable to a particular continuance motion or request, the statutory provision will control.
3. Whenever possible, the Court shall hold the rescheduled court event not later than 30 days after the date from which it was continued.
4. Continuances on agreement of counsel or the parties shall not automatically be granted.
5. At least quarterly, the Chief District Court Judge and the Senior Resident Superior Court Judge shall generate and review a report of the pending cases and any data the Administrative Office of the Courts can make available regarding the number of court dates each case had. To promote the consistent application of this continuance policy, these reports should be reviewed and discussed with all other judges in the district, bar representatives, and other court-related agencies to seek resolution of any

<sup>1</sup> State law specifies the factors that judges must consider when ruling on pretrial continuance requests in criminal cases. G.S. 15A-952(g). In any district court trial for offenses involving the forfeiture of a motor vehicle pursuant to G.S. 20-28.2, the judge may not continue the case unless the judge finds a “compelling reason” for doing so. G.S. 20-28.3(m). State law entitles defendants in criminal cases to continuances in certain situations without any showing of good cause. *E.g.*, G.S. 15A-1023(b) (defendant must be granted continuance upon judge’s rejection of plea arrangement); 15A-1024 (defendant is entitled to continuance upon withdrawal of plea following judge’s determination to impose sentence other than as provided for in plea arrangement). There is at least one circumstance in which state law entitles the state to a continuance. G.S. 15A-1415(g) (court must grant state’s request for 30-day continuance made in response to defendant’s amendment to motion for appropriate relief).

organizational or systematic problems that cause unnecessary delay in the timely resolution of all cases.

### DISTRICT COURT POLICY

6. Information about the source of each continuance motion or request in a case and the reason for any continuance granted by the Court shall be noted in the Court's file.

7. Continuance orders shall be made using the attached form attached hereto as Exhibit "A" and shall be included in each court file. Furthermore, continuance motions or requests shall be made using the appropriate forms issued by the North Carolina Administrative Office of the Courts, which include AOC-CR-337 for motions to continue in certain impaired driving cases.

8. Continuances of cases in District Court shall not exceed the timeframes set out hereinbelow to enable criminal cases to be resolved expeditiously and the backlog reduced promptly.

(a) Matters scheduled for probable cause will be pled or indicted within six months from date of service of criminal action.

(b) Misdemeanor cases will be disposed of within six months from date of service of criminal action.

(c) DWI cases will be disposed of within twelve months from date of service of criminal action.

(d) Infractions will be disposed of within 120 days from date of service of criminal action.

### SUPERIOR COURT POLICY

9. It is anticipated that cases which are placed on criminal administrative calendars will be given a total of three separate court dates for the purposes of, among other things, (a) addressing defendant's right to counsel, (b) ensuring discovery has been provided by the State, (c) determining if a plea offer has or will be made by the State, and/or (d) arraigning defendant. Thus, no motion to continue or order thereon shall be required for the first three court dates in superior criminal administrative court. For the fourth and subsequent court dates in criminal administrative superior court, any continuance motion shall be made in writing by use of AOC form AOC-CR-410 and the order thereon shall be placed in the court file.

10. For criminal superior trial calendars, any continuance request shall be made in writing on AOC-CR-410 and heard in open court by the presiding judge. Continuance of cases which have been placed on the trial priority list as published by the District

Attorney are specifically disfavored and shall be granted only in extraordinary circumstances.

11. For civil superior trial calendars, any continuance request shall be made in writing on AOC-CV-221. These motions shall be filed as soon as possible prior to the scheduled trial date and heard by the Senior Resident Superior Court Judge, except that a continuance request made on the trial date shall be heard by the presiding judge at trial. Continuance of cases which have been set for trial peremptorily are specifically disfavored and shall be granted only in extraordinary circumstances.

12. Continuances of cases in Superior Court shall not exceed the timeframes set out hereinbelow to enable criminal and civil cases to be resolved expeditiously and the backlog reduced promptly.

(a) Misdemeanors appealed from district court shall be disposed of by dismissal, guilty plea or trial within 6 six months from the date the appeal was taken from district court.

(b) Class G through class I felonies shall be disposed of by dismissal, guilty plea or trial within 12 months from the date of indictment.

(c) Class C through class F felonies shall be disposed of by dismissal, guilty plea or trial within 18 months from the date of indictment.

(d) Class A through class B2 felonies shall be disposed of by dismissal, guilty plea or trial within 30 months from the date of indictment.

(e) Civil Superior Court cases shall be disposed of by dismissal or trial within 12 months of the filing of the complaint.

13. This order shall be adopted as a Local Rule and published on the Administrative Office of the Court's Local rules website.

Entered and effective as of this 15<sup>TH</sup> day of NOVEMBER, 2022.



SHERRI WILSON ELLIOTT  
CHIEF DISTRICT COURT JUDGE  
25<sup>TH</sup> JUDICIAL DISTRICT



NATHANIEL J. POOVEY  
SENIOR RESIDENT SUPERIOR COURT JUDGE  
25B JUDICIAL DISTRICT

