

NORTH CAROLINA
DAVIDSON COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR AND DISTRICT COURT DIVISIONS


IN RE:

NOVEL CORONA VIRUS
(COVID-19)

ADMINISTRATIVE ORDER

FILED

2020 MAR 16 A 8:56

CLERK OF SUPERIOR COURT
DAVIDSON COUNTY
BY 

The undersigned Resident Superior Court Judge for and with the authority of the Senior Resident Superior Court Judge, Mark E. Klass, and Chief District Court Judge for Judicial District 22B enter this order in response to Chief Justice Cheri Beasley's emergency directive of March 13, 2020, to respond to the Novel Corona Virus (COVID-19).

IT APPEARING TO THE COURT that on March 13, 2020, Chief Justice Cheri Beasley directed local courts to postpone most cases in district and superior court for at least 30 days recognizing, "while the work of the courts must continue and courthouses remain open, the first priority of the court system must be the health and safety of the public and of the employees who serve them."

AND IT FURTHER APPEARING TO THE COURT that while Chief Justice Beasley has ordered superior and district courts to remain open, effective Monday, March 16, 2020, superior court and district court proceedings will be continued for at least 30 days and will be rescheduled for dates no sooner than 30 days from the issuance of the Chief Justice's order unless:

1. The proceeding will be conducted remotely;
2. The proceeding is necessary to preserve the right to due process of law (e.g., a first appearance or bond hearing, the appointment of counsel for an indigent defendant, a probation hearing where defendant is in custody, a probable cause hearing, etc.);
3. The proceeding is for the purpose of obtaining emergency relief (e.g., a domestic violence protection order, temporary restraining order, juvenile custody order, judicial consent to juvenile medical treatment order, civil commitment order, etc.); or
4. The senior resident superior court judge, chief business court judge, or chief district court judge determines that the proceeding can be conducted under conditions that protect the health and safety of all participants.

AND IT FURTHER APPEARING TO THE COURT that this emergency directive DOES NOT APPLY to any proceeding in which a jury has already been empaneled or to grand juries which have already been empaneled and does not prohibit a judge or other judicial officer from exercising any in chambers or *ex parte* jurisdiction conferred by law upon that judge or judicial officer, as provided by law.

AND IT FURTHER APPEARING TO THE COURT that Chief Justice Beasley's Emergency Directive No. 2 requires the clerks of superior court in both Davidson and Davie Counties to post a notice at the entrance to every court facility in their county directing that any person who has likely been exposed to COVID-19 should not enter the courthouse. A person who has likely been exposed to COVID-19 who has business before the courts shall contact the clerk of superior court's office by telephone or other remote means, inform court personnel of the nature of his or her business before the court, and receive further instruction. For purposes of this order, a person who has likely been exposed to COVID-19 is defined as any person who: 1. has traveled to China, South Korea, Japan, Italy, or Iran within the previous 14 days;

2. has been directed to quarantine, isolate, or self-monitor; 3. has been diagnosed with COVID-19; or 4. resides with or has been in close contact with any person in the abovementioned categories.

AND IT FURTHER APPEARING TO THE COURT that this order shall take effect on Monday, March 16, 2020, and may be extended in whole or in part for additional 30-day periods if necessary.

NOW, THEREFORE, IT IS ORDERED that:

1. All superior and district court proceedings shall be continued for a period of no less than 30 days from the effective date of this Order unless one of the following exceptions apply:

- a. the proceeding is conducted remotely;
- b. the proceeding is necessary to preserve the right to due process of law (e.g. first appearances in criminal court, bond or bail hearings, the appointment of counsel to indigent defendants or respondents, probation hearings where defendants are being held in custody, probable cause hearings not otherwise continued upon a showing of good cause, etc.);
- c. the proceeding is for the purpose of obtaining emergency relief (e.g., a domestic violence protection order, temporary restraining order, juvenile custody order, judicial consent to juvenile medical treatment order, civil commitment order, etc.); and/or
- d. the senior resident superior court judge, chief business court judge, or chief district court judge determines that the proceeding can be conducted under conditions that protect the health and safety of all participants.

2. All small claims actions before the Magistrate shall be continued for a period of no less than 30 days from the effective date of this Order.

3. Unless a trial is in session with the jury empaneled, no jury trials shall commence, and no jurors shall be summoned, for a period of at least 30 days from the effective date of this Order.

4. No grand jurors shall be summoned or compelled to convene for a period of at least 30 days from the effective date of this Order unless senior resident superior court judge, chief business court judge, or chief district court judge determines that the convention of the grand jury can be conducted under conditions that protect the health and safety of all participants.

5. Where criminal defendants are in custody, first appearances, pleas, preliminary hearings in probation violation matters, and/or probable cause hearings not otherwise continued for good cause shown, shall be conducted remotely with the judge and court personnel remaining in the courtroom while defendant and counsel shall remain inside the jail facility for the duration of the hearing.

6. District Court juvenile matters shall be continued for a period of not less than 30 days from the effective date of this Order, with the following exceptions which proceedings shall be conducted under such conditions as the senior resident superior court judge or the chief district court judge determine in order to protect the health and safety of all participants:

- a. emergency nonsecure custody orders and initial 5-day hearings; and
- b. juvenile secure custody hearings.

7. The senior resident superior court judge and the chief district court judge have determined that the conditions necessary to protect the health and safety of all participants to a court proceeding which falls within one of the enumerated exceptions herein shall include:
- a. where it is possible to conduct the hearing remotely, then the hearing shall be conducted remotely without requiring parties or participants to gather inside the courthouse;
 - b. where it is not possible to conduct the hearing remotely, then the hearing shall be conducted involving that minimum number of participants and spectators necessary to accomplish the ends of the hearing. Participants in, and spectators to, hearings held inside the courthouse shall be required to practice safe social distancing practices while inside the courthouse; and
 - c. attorneys, parties, witnesses, and spectators will not be allowed to attend or participate in hearings within the courthouse if exhibiting cold or flu-like symptoms, including, but not limited to, coughing, sneezing, fever, and/or respiratory distress. Where a necessary party to a court proceeding exhibits such symptoms, the proceeding shall be continued for a period of not less than 2 weeks.

8. The presiding judicial official may determine in his or her discretion whether a court proceeding falls within one of the enumerated categories of exclusion. In all criminal proceedings the presiding judicial official shall give the District Attorney, or his agents or assigns, the opportunity to be heard on issues of calendaring and hearings. When a presiding judicial official determines a court proceeding falls within one of the enumerated categories of exclusions herein, that judicial official shall take all necessary steps to ensure the proceeding is conducted in accord with the conditions determined to be necessary to protect the health and safety of all participants and spectators as set forth herein.

9. All judicial officials shall liberally grant additional accommodations to parties, witnesses, attorneys and others with business before the courts during the period, or periods, or time subject to Chief Justice Beasley's emergency directives.

10. All judicial officials are encouraged to consider unsecured bonds or written promises to appear in lieu of secured bonds for defendants arrested, or being held in custody, where such a bond determination is deemed appropriate based upon the statutes of this State and the individual circumstances of each defendant.

11. This Administrative Order shall expire with the expiration of Chief Justice Beasley's emergency Order and any extensions thereof.

ENTERED THIS 16th DAY OF MARCH, 2020.



LORI I. HAMILTON, RESIDENT SUPERIOR COURT JUDGE
FOR AND WITH THE AUTHORITY OF MARK E. KASS, SENIOR
RESIDENT SUPERIOR COURT JUDGE



WAYNE L. MICHAEL, CHIEF DISTRICT COURT JUDGE