

STATE OF NORTH CAROLINA  
30<sup>TH</sup> JUDICIAL DISTRICT

FILED IN THE GENERAL COURT OF JUSTICE  
DISTRICT COURT DIVISION  
2022 AUG 26 P 4: 21  
HAYWOOD CO., C.S.C.

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BY \_\_\_\_\_

ADMINISTRATIVE ORDER

DISTRICT COURT CONTINUANCE POLICY FOR CRIMINAL CASES

Pursuant to the May 1, 1996 Order of the Supreme Court of North Carolina and the authority delegated to the Chief District Court Judge as to the management of court dockets within the District Court Division, it is the policy of this Court to provide justice for citizens without unnecessary delay. For all criminal cases the Court strives to dispose of cases expeditiously and efficiently so as not create an undue burden on the resources of the court, litigants, and other case participants.

Now therefore, IT IS HEREBY ORDERED as follows:

1. Continuances in District Court Criminal Cases
  - A. Criminal cases should be disposed of at the earliest possible setting with a goal of disposing of cases within 150 days of the first court date.
  - B. Assistant District Attorneys and Defendants, by and through counsel or directly if self-represented, may continue a criminal District Court case by agreement without Court approval no more than three (3) times and to a date not later than 150 days after the initial court date.
  - C. All agreed upon continuances allowed under this section shall be documented in writing either in or on the court file in a method to be determined by the District Attorney in consultation with the Clerk of Superior Court. The writing shall identify the moving party.
  - D. If a defendant is requesting to be excused from appearing in court, this request shall require the prior written approval of the presiding judge.
  - E. All motions or requests to continue made after the third continuance or that would result in a continuance to a date later than 150 days from the initial court date, shall be made in writing and presented to and ruled upon by the presiding judge.
  - F. Except for Driving While Impaired (DWI) cases requiring a blood analysis, any criminal District Court case calendared after the third continuance or on a date later than 150 days after the initial court date, which ever occurs first, shall be considered as set for

trial, and further continuances will only be granted by the presiding judge for compelling reasons that affect the fundamental fairness of the trial process.

- G. Factors to be considered by the Court when deciding whether to grant or deny a motion to continue in a criminal case should include the following:
    - i. The opportunity to exercise the right to effective assistance of counsel
    - ii. The age of the case and seriousness of the charge
    - iii. The incarceration status of the Defendant
    - iv. The impact on witnesses for both the State and the Defendant if the case is continued and not resolved
    - v. The number of previous continuances for each party
    - vi. The period of delay caused by the continuance requested
    - vii. Whether the basis of the motion is the existence of a legitimate conflict with another court setting
    - viii. The consideration of the financial consequences to the public; the parties, or witnesses if the case is continued
    - ix. Any other factor that promotes the fair administration of justice
  - H. Whenever possible the Court shall hold the rescheduled Court event not later than 60 days after the date from which it was continued.
  - I. Information about which party moved for each continuance in a case shall be noted in or on the Court's file.
  - J. All parties along with the Court shall strive to dispose of criminal cases at the earliest possible setting and without delay.
  - K. Not inconsistent with section 1(B) and (C) above, the presiding District Court Judge shall always retain the ultimate authority to deny or grant a motion to continue.
  - L. At least quarterly, the Chief District Court Judge shall generate and review a report of pending cases and any data the Administrative Office of the Courts (AOC) can make available regarding the number of court dates and/or continuances for each case. To promote the consistent application of this continuance policy, these reports should be reviewed and discussed with all other District Court Judges in the district, the District Attorney's Office, members of the bar, and other court-related agencies to ensure that all cases are disposed of in a timely fashion and without unnecessary delay.
2. To the extent that this order conflicts with any statutory provision applicable to a particular continuance motion or request, the statutory provision shall control.
3. Court Conflicts
- A. All parties and all Court officials should work together to try and move cases in an expeditious manner.
  - B. Attorneys shall notify the Court of any other Court conflict(s) as they become known and shall keep the Court advised of the resolution of that conflict. All judges shall

communicate with other judges to resolve such conflicts. In resolving Court conflicts all parties, attorneys and the Court shall follow Rule 3.1 of the North Carolina General Rules of Practice entitled "Guidelines for Resolving Scheduling Conflicts."

4. This order is hereby adopted and shall be incorporated into the Local Rules For the 30<sup>th</sup> Judicial District – District Court Division. This order shall be published on the Administrative Office of the Courts' Local Rules website.
5. This Order shall replace the Order entered on October 15<sup>th</sup>, 1998. This order shall be effective and shall apply to all criminal cases pending in District Court in the 30<sup>th</sup> Judicial District effective October 1, 2022.

Entered this the 26<sup>th</sup> day of August, 2022.



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Roy T. Wijewickrama  
Chief District Court Judge  
30<sup>th</sup> Judicial District