

NORTH CAROLINA
CUMBERLAND COUNTY

FILED

IN THE GENERAL COURT OF JUSTICE
SUPERIOR AND DISTRICT
COURT DIVISIONS
20 R 130

2020 MAY 15 A 8:35

IN RE:

CUMBERLAND CO., C.S.C.

ADMINISTRATIVE ORDER

CORONAVIRUS)
(COVID-19) BY)
_____)
)

20-6

The undersigned Senior Resident Superior Court Judge and Chief District Court Judge for Judicial District 12 enter this administrative order in response to Governor Roy Cooper declaring a state of emergency to respond to coronavirus COVID-19 and the Orders Chief Justice Cheri Beasley has entered from Friday, March 13, 2020 to the present implementing measures designed to curb the spread of COVID-19 and minimize the risk of exposure caused by crowded sessions of court. The Governor has issued Executive Orders from March 14, 2020 to the present, which were issued with the health and safety of all citizens in mind.

IT APPEARING TO THE COURT that after consultation with County Officials, Health Care Providers and Judicial Officials there is a need to increase protection for the health and safety of all who work or who enter the Judge E. Maurice Braswell Courthouse and anyone who attends court proceedings at the Cumberland County Detention Center from coronavirus COVID-19. This order is a supplement to the previous administrative orders entered March 18, 2020, and May 4, 2020, and entered in light of the confirmed existence of a contagion affecting at least one person comprising the inmate population and at least four detention officers in the detention facility, and there is an increased and compelling need to avoid contact with persons in the judicial system and the public and to limit contact of such persons within the detention facility.

AND IT FURTHER APPEARING TO THE COURT that for the health and safety of all who work or have business in the courthouse and those who might otherwise be in the court facilities in the detention center, the Sheriff's Office should not be required to transport any defendant who has symptoms or may appear to have signs or symptoms associated with COVID-19, including anyone experiencing fever, cough, or shortness of breath or who has been directed to quarantine, isolate or self-monitor or to have a known exposure to COVID-19, or who may have been diagnosed with COVID-19, or who may have been tested and either tested positive or the tests results have not be received by the Sheriff's Office, to the Judge E. Maurice Braswell Courthouse or to the courtroom located in the Cumberland County Detention Center for any purpose until further notice.


AND IT FURTHER APPEARING TO THE COURT that Article I, Section 18 of the North Carolina Constitution provides: "Court shall be open. All courts shall be open; every person for an injury done him in his lands, goods, person, or reputation shall have remedy by due course of law; and right and justice shall be administered without favor, denial, or delay," and this order is consistent with these Constitutional provision in that a compelling interest exists for the entry of this temporary order restricting the access of a person who is otherwise subject to what is


effectively a quarantine and pursuant to the quarantine directives of the Public Health director and the Governor under and as the Supreme Court of North Carolina has recognized even the right to open courts is and may be "limited by overriding rights or interests." *Virmani v. Presbyterian Health Servs. Corp.*, 350 N.C. 449, 480, 515 S.E.2d 675, 695 (1999). See also, *Press-Enter. Co. v. Superior Court of California for Riverside Cty.*, 478 U.S.1, 9, 106 S.Ct., 2735, 2740-41, 92 L.Ed.2d 10,14(1986)(even "the public's qualified right of access under the First Amendment may be limited by overriding rights or interests").

NOW, THEREFORE, IT IS ORDERED that:

1. The Sheriff's Office shall not transport any defendant in a non-capital case who has sign or symptoms of COVID-19 or associated with COVID 19 including anyone experiencing fever, cough, or shortness of breath or who may have been directed to quarantine, isolate or self-monitor or who have a known or confirmed exposure to COVID-19, who have been diagnosed with COVID-19 or may have been tested and either tested positive or the tests results have not be received by the Sheriff's Office to the Judge E. Maurice Braswell Courthouse and the courtroom located in the Cumberland County Detention Center for any purpose until further notice or modification of this order or the order is vacated.
2. In circumstances resulting in such a defendant not appearing in court pursuant to the provisions of this order, the Clerk shall note the reason for the defendant's absence and that the case could not be heard, and shall enter the date to which the proceeding is to be continued and shall notify the defendant or defendant's counsel and the Cumberland County Detention Center of the date to which the proceeding has been continued.
3. This administrative order shall expire when the declared state of emergency expires or upon further order of the Court.

This the 14th day of May 2020.


James Floyd Ammons, Jr.
Senior Resident Superior Court Judge


Toni S. King
Acting Chief District Court Judge