

STATE OF NORTH CAROLINA
COUNTIES OF McDOWELL &
RUTHERFORD


IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
JUDICIAL DISTRICT 29A

FILED

20 R 152

IN RE:

Coronavirus (COVID-19) ORDER
Dated March 16, 2020

2020 MAR 16 P 1:15
McDOWELL CO., C.S.C.
BY 
**AMENDED
ADMINISTRATIVE ORDER**

THIS MATTER came on before the undersigned Judge pursuant to an Announcement and Order of Supreme Court Chief Justice Beasley, effective March 16, 2020 and remaining in effect through April 17, 2020.

WHEREAS the following emergency directives will be put into place to reduce the spread of infection.

1. All District Court cases are to be continued and/or rescheduled for at least thirty (30) days, unless the proceeding is one of the exceptions listed hereinbelow. No individual will be called and failed or cases dismissed as a result of civil parties, criminal defendants, or victims failing to attend District Court through April 17, 2020.

2. The following cases are exceptions in criminal court, shall not be continued and/or rescheduled without prior approval or agreement of the parties, and shall remain on the court dockets as regularly scheduled:

- a. First appearances;
- b. Bond hearings;
- c. 48 hour holds on domestic violence cases;
- d. Appointment of counsel for indigent defendants;
- e. Preliminary hearings on probation violations;
- f. Probable cause hearings;
- g. *Habeas Corpus* jail cases, and final dispositive matters for incarcerated individuals upon taking proper precautions;
- h. Proceedings that can be conducted remotely.

3. All domestic violence (50B) cases shall be scheduled and dealt with as per normal operating procedures. There will be no changes to the domestic violence case schedule.

4. The following cases are exceptions in juvenile court, shall not be continued and/or rescheduled without prior approval or agreement of the parties, and shall remain on the court dockets as regularly scheduled:

- a. First appearances;
- b. Secure custody hearings in juvenile court;
- c. Non-secure custody hearings in DSS court;

d. Appointment of counsel for indigent Respondents, and appointment of counsel for juveniles.

e. Probable cause hearings in juvenile court.

5. The following cases are exceptions in civil/domestic court, shall not be continued and/or rescheduled without prior approval or agreement of the parties, and shall remain on the court dockets as regularly scheduled:

a. Emergency orders;

b. Other injunctive relief cases.

6. Civil commitment cases (hospital cases) shall not be continued.

7. All domestic terms of district court are cancelled

8. All Administrative Traffic court is cancelled.

9. All Child Support court is cancelled.

10. Magistrates shall conduct initial appearances and, subject to health precautions, should continue to perform weddings. All small claims proceedings, including summary ejectments and monies owed, shall be continued and/or rescheduled for at least thirty (30) days.

11. Each scheduled session of criminal, juvenile, DSS and civil court through April 17, 2020 shall continue from day to day as needed and in the discretion of the presiding District Court Judge for the disposition of the aforementioned cases.

12. The Chief District Court Judge or any other presiding District Court Judge may in his or her discretion alter or amend the terms of this administrative order for any particular case or matter as justice may require, to protect and balance any Constitutional rights, provided the Chief District Court Judge determines the amendments or alterations can be conducted under conditions that protect the health and safety of all participants. The order of the Chief Justice of the North Carolina Supreme Court shall apply to the extent it is in conflict with the foregoing order.

13. The new court schedule previously published shall also apply to this Amended Administrative Order.

14. This order is in full substitution of the previous administrative order dated March 13, 2020. This Order shall be effective until and terminate at 5 PM on April 17, 2020.

This the 16th day of March, 2020.



Robert K. Martelle
Chief District Court Judge