

STATE OF NORTH CAROLINA
COUNTIES OF McDOWELL &
RUTHERFORD

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

20 R 240

IN RE:

Coronavirus (COVID-19) ORDER
Dated May 19, 2020

2020 MAY 19 A 11:22

)
MCDOWELL **THIRD COVID-19**
) **ADMINISTRATIVE ORDER**
)

THIS MATTER came on before the undersigned Judge pursuant to an Order of Chief Justice of the North Carolina Supreme Court, effective June 1, 2020 and remaining in effect through July 3, 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 heard as regularly scheduled. To comply with the Center for Disease Control (hereinafter sometimes CDC) social distancing requirements, the number of defendants allowed in court each session will be limited as follows:

a. **Criminal District Court** will be limited to 50* defendants on the main docket. First appearances and domestic violence cases will be handled from 9:00 AM until 9:45 AM. They will not be counted as part of the 50 defendants. Jail cases will not be counted as part of the 50 defendants. The main docket will be handled at 10:00 AM after the courtroom has been sanitized. Defendants will be seated in the courtroom or the jury assembly room in the marked seats in compliance with the CDC social distancing rules.

**On June 11 and June 24, Criminal District Court in Rutherford County will be limited to 30 defendants. Child support will be using the jury assembly room on those dates.*

Class H and Class I Felony pleas will no longer be handled in District Court. They will need to be sent to Superior Court for final resolution.

b. **DSS Court** will be limited to 10 cases at 9:00 AM and 10 cases at 1:30 PM each session. The DSS attorney will do his best to limit the total number of respondents and witnesses in the courtroom to no more than 30 each session.

c. **Child Support Court** will be limited to 50 people (Plaintiffs and Defendants) at 9:00 AM and 50 people (Plaintiffs and Defendants) at 1:30 PM. Jail cases will not be counted as part of the 50. The people will be seated in the courtroom or the waiting area/jury assembly room in the marked seats in compliance with the CDC social distancing rules.

d. **Juvenile Court** will be limited to 10 cases each day. Juvenile services and the clerk will do their best to limit the total number of people in the audience of the courtroom to no more than 30 each session.

e. **Domestic Court** will be limited to 10 cases each term. The domestic clerk and the judge will do their best to limit the total number of people in the audience of the courtroom to no more than 30 each session.

2. The following cases shall retain their priority status in determining which cases shall be included each day for District Criminal Court:

- 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 shall retain their priority status in determining which cases shall be included each day for Juvenile Court:

- 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. Administrative Traffic court will resume and abide by all CDC social distancing and virus prevention requirements.

8. Each scheduled session of criminal, juvenile, DSS and civil court through July 3, 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.

9. 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.

10. A new court schedule published contemporaneously with this Third Administrative Order supersedes all previously published court schedules.

11. This order is entered after review with the Rutherford and McDowell County Health Department.

12. This Order shall be effective until and terminate at 5 PM on July 3, 2020.

This the 19th day of May, 2020.

A handwritten signature in black ink, appearing to read "Robert K. Martelle", written over a horizontal line.

Robert K. Martelle
Chief District Court Judge

JUDICIAL DISTRICT 29-A MASTER CALENDAR, ROBERT K. MARTELLE, CHIEF DISTRICT COURT JUDGE

		Rutherford			MCDOWELL	
Jun-20	Date	Court Rm 1	Court Rm 2	Court Rm 3	Court Rm 1	Court Rm 2
Mon.	6/1/2020	CR-	CRS	CVD/DOM CC-	CR-	
Tue	6/2/2020	CR-	CRS	DSS ADMIN	CVD	ADMIN TRAFFIC/JUV 1:00-
Wed	6/3/2020	CR-	CRS		CR-	
Thu	6/4/2020	CR-	CRS		CVD/DOM CC-	DSS ADMIN
Fri	6/5/2020	CR-	CRS		CR-	SUPP ADMIN
Mon	6/8/2020	CR-	JUV 1:30-	DSS-Shelley	CRS/CVS ADMIN	CR-
Tue	6/9/2020	CR-		DSS-Shelley	CRS ADMIN	SUPP-
Wed	6/10/2020	CR-	CRS ADMIN	SUPP ADMIN	CR-	
Thu	6/11/2020	CR-	CRS/CVS ADMIN	SUPP-		DSS-Martelle
Fri	6/12/2020	CR-	CRS ADMIN		CR-	DSS-Martelle
Mon	6/15/2020	JUDGES CONFERENCE	JUDGES CONFERENCE	JUDGES CONFERENCE	JUDGES CONFERENCE	JUDGES CONFERENCE
Tue	6/16/2020		DOMESTIC		ADMIN TRAFFIC	DOMESTIC
Wed	6/17/2020		DOMESTIC			DOMESTIC
Thu	6/18/2020		DOMESTIC			DOMESTIC
Fri	6/19/2020	NO COURT	NO COURT	NO COURT	NO COURT	NO COURT
Mon	6/22/2020	CR-	JUV 1:30-		CR-	JUV 9AM
Tue	6/23/2020	CR-	DSS-Shelley		ADMIN TRAFFIC	SUPP-
Wed	6/24/2020	CR-	SUPP-		CR-	
Thu	6/25/2020	CR-	DOMESTIC		DSS-Martelle	
Fri	6/26/2020	CR-	DOMESTIC		CR-	
Mon	6/29/2020	CR-			CRS	CR-
Tue	6/30/2020	CR-	DSS-Shelley		CRS	DOMESTIC

** DOMESTIC CALENDAR CALL ON 6/1 (RUTHERFORDTON) AND 6/4 (MCDOWELL) ATTORNEYS NEED TO BE PRESENT, NO CLIENTS**
 *** RUTHERFORD COUNTY TRAFFIC COURT IS ALWAYS SCHEDULED EACH MONDAY @ 1 PM IN COURT ROOM ONE***

JUDICIAL DISTRICT 29-A MASTER CALENDAR, ROBERT K. MARTELLE, CHIEF DISTRICT COURT JUDGE

		Rutherford			MCDOWELL	
Date	Court Rm 1	Court Rm 2	Court Rm 3	Court Rm 1	Court Rm 2	
Jul-20						
Mon.						
Tue						
Wed	CR-		DOMESTIC	CRS	CR-	
Thu	CR-		DOMESTIC	CRS	DSS ADMIN	
Fri	HOLIDAY	HOLIDAY	HOLIDAY	HOLIDAY	HOLIDAY	
Mon						
Tue						
Wed						
Thu						
Fri						
Mon						
Tue						
Wed						
Thu						
Fri						
Mon						
Tue						
Wed						
Thu						
Fri						
Mon						
Tue						
Wed						
Thu						
Fri						
7/31/2020						

RUTHERFORD COUNTY TRAFFIC COURT IS ALWAYS SCHEDULED EACH MONDAY @ 1 PM IN COURT ROOM ONE