

21 R 354

STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE

JUDICIAL DISTRICT 19C

FILED

SUPERIOR COURT DIVISION

ROWAN COUNTY

2021 JUL -2 P 2:31

**ADMINISTRATIVE ORDER**

JUDICIAL DISTRICT 19C

ROWAN CO. C.S.C

RESUMPTION AND OPERATION

PLAN



**THIS ADMINISTRATIVE ORDER** is being entered to ensure the fair and proper administration of justice and facilitate the orderly operation of the courts in Judicial District 19C. The undersigned enters this Administrative Order pursuant to the inherent authority of the Court and pursuant to the undersigned's administrative supervision and authority over the operations of the Superior Court District under N.C.G.S. 7A-41.1 as Senior Resident Superior Court Judge for the 19C Judicial District of North Carolina.

**WHEREAS** the North Carolina Constitution Article I, Section 18 ensures that "all courts shall be open; every person for injury done him in his lands, goods, person, or regulation shall have remedy by due course of law; and right and justice shall be administered without favor, denial, or delay."; and

**WHEREAS**, diagnoses, percentage of positive tests, and associated hospitalizations due to COVID-19 in North Carolina have decreased; and

**WHEREAS**, COVID-19 vaccines are widely available at no cost to eligible North Carolinians; and

**WHEREAS**, according to the North Carolina Department of Health and Human Services (NCDHHS), as of this date, 43 percent of the population of North Carolina, 53 percent of persons 18 years of age or older, and 79 percent of persons 65 years of age or older are fully vaccinated; and

**WHEREAS**, according to the NCDHHS, 45,260 citizens of Rowan County have received at least one dose of the vaccine; and

**WHEREAS**, the United States Centers for Disease Control and Prevention (CDC) recommendations advise that vaccines currently authorized in the United States are highly effective at protecting vaccinated people against symptomatic and severe COVID-19, and that evidence suggests that fully vaccinated people are less likely to transmit COVID-19 to others; and

**WHEREAS**, the CDC recommendations advise that "indoor and outdoor activities pose minimal risk to fully vaccinated people," and that in most settings, "fully vaccinated people can resume activities without wearing face coverings or physically distancing;" and

**WHEREAS**, the Honorable Paul Newby, Chief Justice of the North Carolina Supreme Court, has rescinded all previously imposed COVID-19 restrictions on court facilities; and

**WHEREAS**, the Governor of North Carolina has rescinded most COVID-19 restrictions, including the mandatory wearing of face coverings and social distancing in most settings.

**NOW, THEREFORE**, by the authority vested in the undersigned as Senior Resident Superior Court Judge pursuant to the inherent authority of the Court, N.C.G.S. 7A-41, and the Constitution and laws of the State of North Carolina, **IT IS ORDERED**:

### **Face Coverings**

It is hereby **ORDERED** that face coverings shall not be required of persons in the Rowan County Courthouse. However, the wearing of face coverings for the purpose of preventing the spread of, or personal protection against, COVID-19, or other infectious disease, is authorized. A person wearing such a face covering shall remove it upon request of the court if, in the judgment of the court, the temporary removal of the face covering is necessary to enable the court, attorneys, jurors, or court reporters to properly hear the person, evaluate the person's credibility, or to make a necessary identification of the wearer. The wearing of face coverings is strongly recommended for individuals who are not fully vaccinated.

It is further **ORDERED** that bailiffs and courthouse security officers are authorized to require a person entering into, or within, the Rowan County Courthouse to remove a face covering, if, in their discretion, the face covering poses a security concern or impedes the necessary identification of the person.

### **Social Distancing**

It is hereby **ORDERED** that social distancing shall no longer be required in the Rowan County Courthouse. Social distancing is strongly recommended where space is available.

It is further **ORDERED** that, in any courtroom setting, a presiding judge or official may, in their discretion, require social distancing if space is available.

### **Superior Courtroom Arrangement**

It is hereby **ORDERED** that the Superior Courtroom shall be arranged as follows:

- (1) Attorneys' tables will be placed in the middle of courtroom, facing the judge's bench.
  - (2) Jurors shall be seated in the designated jury box.
  - (3) The plexiglass barrier enclosing the judge's bench, including the area for the clerk and testifying witness, shall be removed.
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### **Jurors**

It is hereby **ORDERED** that all potential jurors shall complete the "Daily Juror Covid-19 Screening Document." The Clerk of Superior Court, or his designee, shall review the screening documents and take appropriate action.

It is further **ORDERED** that if any potential or seated juror begins experiencing COVID-19 symptoms while serving in the Rowan County Courthouse, the presiding judge shall be notified and take appropriate action.

### **Public Access to the Courthouse**

It is hereby **ORDERED** that the Main Street entrance to the Rowan County Courthouse shall be reopened for public access beginning Monday, July 12<sup>th</sup>, 2021.

### **Temperature Checks and Symptomatic Individuals**

It is hereby **ORDERED** that any person who enters the courthouse by public access shall be screened by passing through a temperature detection tunnel or by digital handheld temperature detection instrument. An individual with an elevated temperature shall not be allowed entry into the court facility and will be given direction on how to proceed. If the individual with an elevated temperature is required to be present in any court setting, the presiding judge or official shall be notified.

It is further **ORDERED** that any person who is currently diagnosed with COVID-19, any person who has been in recent close contact with an individual who is currently diagnosed with COVID-19, or any person showing symptoms of COVID-19, shall not be allowed entry into the courthouse. Such individual shall be given direction on how to proceed. If any such person is required to be present in any court setting, the presiding judge or official shall be notified. The presiding judge or official may, in their discretion, require such a person to produce documentation from a medical professional excusing the person from attendance and specifying when it will be safe for the person to appear.

It is further **ORDERED** that any person who begins experiencing COVID-19 symptoms while in the courthouse shall exit the courthouse immediately. If the individual who began experiencing COVID-19 symptoms is required to be present in any court setting, the presiding judge or official shall be notified.

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### **Attorneys and Court Personnel**

It is hereby **ORDERED** that any attorney or court personnel who is currently diagnosed with COVID-19, has been in recent close contact with an individual who is currently diagnosed with COVID-19, or is showing symptoms of COVID-19, shall not enter the courthouse. If such attorney or courthouse personnel is required to be present in any proceeding, such person shall give notice of their absence to the Clerk of Superior Court by telephonic communication, email, or third party. The Clerk of Superior Court shall notify the appropriate presiding judge or official.

It is hereby **ORDERED** that any attorney or court personnel who begins experiencing COVID-19 symptoms while in the courthouse shall leave the courthouse immediately and notify the Clerk of Superior Court by telephonic communication, email, or third party if their presence was required in the courthouse.

### **Signage**

It is hereby **ORDERED** that signs shall be clearly posted at all entrances to the Rowan County Courthouse stating the following:

- (1) Any person currently diagnosed with COVID-19 shall not enter the courthouse.
- (2) Any person who has recently been in close contact with an individual currently diagnosed with COVID-19 shall not enter the courthouse.
- (3) Any person who is exhibiting symptoms of COVID-19 shall not enter the courthouse.
- (4) The wearing of face coverings is optionable.
- (5) It is strongly recommended that individuals who have not been fully vaccinated wear a face covering while in the Rowan County Courthouse.
- (6) It is strongly recommended that individuals maintain social distancing where space is available.

### **Previous Administrative Orders**

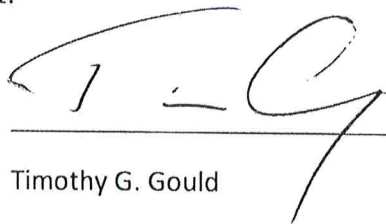
It is hereby **ORDERED** that the following Administrative Orders signed prior to this date are rescinded and revoked:

- (1) CORONAVIRUS (COVID-19) filed March 13, 2020, 20 R 128
  - (2) GRAND JURY SESSIONS filed May 5, 2020, 20 R 207
  - (3) IN RE: THE SCHEDULING AND HEARING OF CRIMINAL MATTERS BY AUDIO-VIDEO CONFERENCE filed May 13, 2020, 20 R 222
  - (4) IN RE: THE SCHEDULING AND HOLDING OF CIVIL MOTIONS, NORMALLY SCHEDULED FOR HEARING IN SUPERIOR COURTROOM BY AUDIO-VIDEO CONFERENCE filed May 5, 2020, 20 R 206
  - (5) ADMINISTRATIVE ORDER REGARDING FACE MASKS filed July 20, 2020, 20 R 344
  - (6) ADMINISTRATIVE ORDER REGARDING FACE MASKS filed July 21, 2020, 20 R 345
  - (7) IN RE: REESUMPTION OF JURY TRIALS IN JUDICIAL DISTRICT 19C filed October 14, 2020, 20 R 520
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- (8) IN RE: CORONA VIRUS (COVID 19) COURT PROCEEDINGS filed January 7, 2021, 21 R 8
- (9) IN RE: CORONA VIRUS (COVID 19) COURT PROCEEDINGS AMENDED ADMINISTRATIVE ORDER filed January 11, 2021, 21 CR 8
- (10) IN RE: CORONA VIRUS (COVID 19) COURT PROCEEDINGS AND JURY TRIALS FOR JAIL INMATES filed March 17, 2021, 21 R 159
- (11) IN RE: CORONA VIRUS COURT PROCEEDINGS filed April 12, 2021, 21 R 226

This Order is subject to amendment or supplementation by the Senior Resident Superior Court Judge for Judicial District 19C should circumstances so require.

So **ORDERED**, this the 2nd day of July, 2021.

A handwritten signature in black ink, appearing to read "T. G. Gould", is written over a horizontal line.

Timothy G. Gould

Senior Resident Superior Court Judge