

**POLICY AND PROCEDURE  
FOR  
AVERY COUNTY AND MADISON COUNTY  
ADMINISTRATIVE COURT**

Objective: To more efficiently dispose of our ever increasing District Court case load.

**LAW ENFORCEMENT PROCEDURE**

1. When a citation is written, or a magistrate's order is issued, the officer shall assign an administrative court date. **THE OFFICER WILL NOT BE PRESENT IN COURT.**

**Time to appear:** The time at which the defendant is to appear in administrative court shall be at 9:30 am but if they wish to talk to the Assistant District Attorney prior to that time, they may come between 8:30 – 9:30 am to discuss their ticket.

**Date to appear:** the officer's supervisor shall provide the administrative court date on which an officer is to assign his/her cases. This listing of dates shall be provided to the supervisor by the District Attorney's office.

The following shall be noted as exceptions as to being allowed to plead guilty during the administrative court date:

\*Resist/Obstruct/Delay

\*Assault on an officer

\* Hit and Run

Defendants charged with the offenses listed above, will be given the opportunity to have an attorney appointed, or sign a waiver during administrative court, and will then immediately be assigned a court date during which the officer will be present

2. Cases that are assigned to administrative court will be disposed of on that date if possible. If the defendant wishes to plead guilty, he/she will do so on that date. If the defendant desires an attorney, one will be appointed, or he/she will sign a waiver on the administrative date.
3. If a case is continued from administrative court, the date will be for a regular term of court when the officer is to be present. This date will be assigned by the supervisor, and provided by the supervisor to the District Attorney's Office and the Clerk of Superior Court.

**ATTORNEY PROCEDURE**

1. Attorneys may contact the Clerk of Superior Court's office and request that a defendant's administrative court date be continued if a viable reason exists and the Motion must be

received by the clerk 24 hours prior to the scheduled date or they will not be accepted. (Please see attached form). If the defendant's case is continued, it will be rescheduled on the next administrative court date unless the case is for trial. The attorney may request a trial date, in which instance the defendant's case will be automatically placed on the arresting officer's actual court date

2. If an attorney was retained prior to the defendant's administrative court date, the attorney may appear in administrative court to deal with **uncontested cases only**. If the case(s) is a type noted under Officer Procedure above, the attorney appearance will be noted and the case will be scheduled for the arresting officer's actual court date

### **DISTRICT ATTORNEY PROCEDURE**

1. The prosecutor shall inquire of all defendants' intentions through general announcements in the courtroom. Once inquiry is made, those defendants seeking the same resolution to their case should remain seated in the same general area within the courtroom. Announcements shall be for: those who want a court appointed attorney or sign a waiver, those who want to plead guilty, those who want a continuance, those who are not entitled to a court appointed attorney who intend to plead not guilty.
2. The prosecutor shall keep an accurate listing of all cases being continued so as not to schedule too many cases on the officer's actual court date. The main objective is to constantly monitor the officer's next court date so as to insure a manageable trial calendar. Depending upon the volume of citations the officer has written, it may be necessary to utilize several different court dates for that officer.