

NORTH CAROLINA
SECOND DISTRICT

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
20-R-

**ADMINISTRATIVE ORDER
COVID-19 EMERGENCY HEALTH CRISIS
COURT OPERATIONS**

NOW COMES the undersigned Senior Resident Superior Court Judge and enters this Administrative Order concerning Court operations.

IT APPEARING TO THE COURT that the Chief Justice has declared that catastrophic conditions exist in all North Carolina counties. Although the Superior Court will remain open for business, the normal operation of the court will change to contain Emergency Directives to reduce the spread of infection.

WHEREAS, on May 21, 2020, the Chief Justice of the North Carolina Supreme Court issued updated Emergency Directives;

WHEREAS, Emergency Directive 10 states NO jury trials shall be convened in the district and superior courts of this State for the next thirty days. Although this emergency directive will expire in 30 days pursuant to N.C.G.S. 7A- 39(b)(2), it is my intention to extend this directive through at least the end of July and judicial officials are directed to plan accordingly.

WHEREAS, Emergency Directive 11 appoints each Senior Resident Superior Court Judge as the designated COVID-19 Coordinator.

WHEREAS, Emergency Directive 12 requires that each senior resident superior court judge shall for each facility in his or her district, ensure that:

1. intervals of at least six feet in every direction are marked with tape or other visible markers in all areas where the public is expected to congregate or wait in line;

2. the maximum allowable occupancy of each courtroom or meeting space is established such that all persons who must sit or stand in such space may observe social distancing of at least six feet in every direction;
3. the established maximum occupancy is prominently posted at the entrances to each courtroom or meeting space;
4. hand sanitizer is, at a minimum, available at the entry and exit of the facility and, preferably, at all high touch areas of the facility including doorways, service counters, stairwells and elevators; and
5. all areas accessed by the public are cleaned daily with high touch areas cleaned periodically throughout the day (high touch areas include, but are not limited to doorknobs, water fountains, handrails, elevator walls and buttons, bathroom faucets and dispensers, and reception desks or counters).

WHEREAS, it is necessary to ensure that the Court establish additional policies to address matters in Superior Court given the restrictions limiting the numbers and types of hearings that are and will be in place;

WHEREAS, public health officials in the district have been consulted and made recommendations for the safety and welfare of the public;

WHEREAS, it has become evident, as the Courts move to expand operations in the Second Judicial District, there will be necessary limitations and spacing of individuals in courtrooms, and an expanded need to use calendaring authority and other administrative procedures to effectuate the safe and efficient administration of justice;

WHEREAS, this Order shall continue until rescinded or modified by the undersigned. Nothing in this Order shall supersede any subsequent Order of the Chief Justice regarding court operations. The undersigned hereby enters the following for Superior Court in the Second Judicial District:

This Administrative Order is in addition to all previous Orders.

NEW PROCEDURES

In order to expand the use of Court time, and to handle non-custody matters, the two following procedures are adopted. They reflect an expansion of the number of people allowed in the Courtroom, and a return to a more normal Administrative term of Court.

1. Hearing of in custody, non-custody, and defendant pleas, motions and probation violations.

- (a) The District Attorney shall calendar any cases that are ready for administrative setting. Plea offers shall be made prior to the date of court in writing.
- (b) Plea transcripts should be prepared and signed by the parties if possible prior to the court date. If no plea is agreed upon, the case will be called and the plea offer rejected on the record, and a trial date set.
- (c) No defendant shall be allowed to accept the plea offer after it is rejected, unless extraordinary circumstances exist and approved by the court.
- (d) The District Attorney shall prepare a calendar which allocates designated time periods for each defense attorney, with 2 attorneys and no more than 20 defendants scheduled at the same time period.
- (e) Essential victim rights witnesses and defense witnesses who are to address the Court shall be allowed to appear. All persons present shall at all time sit at least 6 feet apart.
- (f) The previous 10 person limit in the courtroom is hereby lifted.
- (g) All persons present in the courtroom shall sanitize their hands and shall wear a mask or face covering.

June 15, 2020 - No Superior Court is scheduled.

June 22, 2020 District Admin – Judge Sermons

9:30 am

Monday and Tuesday-Martin County in custody and scheduled non-custody pleas, motions and probation violations.

Wednesday- Washington County in custody and scheduled non-custody pleas, motions and probation violations.

Thursday- 9:30 am Hyde County in custody and scheduled non-custody pleas, motions and probation violations if needed.

2:00 pm Tyrrell County in custody and scheduled non-custody pleas, motions and probation violations if needed.

June 29, 2020 - No Superior Court is scheduled.

July 6, 2020 - Judge Sermons

10:00 am Beaufort County criminal court for in custody and scheduled non custody pleas, motions and probation violations.

The Beaufort County Grand Jury will meet in the downstairs civil courtroom.

July 6, 2020 – Judge Hinton

10:00 am Martin County civil court for non-jury trials and motions.

July 13, 2020 – Judge Foster

10:00 am Beaufort County civil court for non-jury trial and motions.

July 13, 2020 – Judge Sermons

10:00 am Martin County criminal court for in custody and scheduled non custody pleas, motions and probation violations.

The Martin County Grand Jury will meet.

July 20, 2020 - Judge Sermons

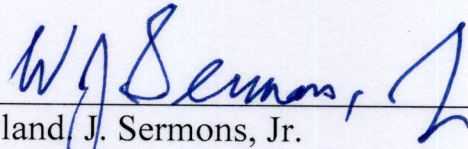
9:30 am Beaufort County Admin for in custody and scheduled non custody pleas, motions and probation violations.

July 27, 2020 - Judge Sermons

10:00 am Washington County criminal court for in custody and scheduled non custody pleas, motions and probation violations.

The Washington County Grand Jury will meet.

This the 9th day of June, 2020.



Wayland J. Sermons, Jr.
Senior Resident Superior Court Judge
Second Judicial District