

STATE OF NORTH CAROLINA
3B JUDICIAL DISTRICT

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

ADMINISTRATIVE ORDER
CASE BACKLOG REDUCTION PLAN
CONTINUANCE POLICY

Now comes the undersigned Senior Resident Superior Court Judge and enters this Administrative Order to encourage prompt disposition of criminal cases and backlog reduction.

GENERAL POLICIES

1. It is the intent of this court that plea discussions between the District Attorney, defense counsel and defendant occur prior to administrative term so that court time is used efficiently. Defense counsel shall communicate with their clients regarding plea offers prior to the scheduled administrative court date and the assistant district attorneys shall communicate with their victims or witnesses prior to the scheduled administrative court date. Plea transcripts and related documents shall be completed and signed prior to the scheduled administrative court date.
2. Superior Court Judges presiding in this district shall remain available throughout the entire week of assignment and shall consistently enforce the orders contained herein in order to encourage the prompt disposition of criminal cases.
3. Nothing in this administrative order shall supersede the authority, duties and responsibilities of the District Attorney pursuant to the North Carolina Constitution, Article I, Section 37, Rights of Victims of Crimes; N.C.G.S. Chapter 15A, Article 46, Crime Victims' Rights Act; and N.C.G.S. 7A-49.4, Superior Court Criminal Case Docketing.

CRAVEN COUNTY PLAN

1. **UTILIZATION OF CIVIL TERMS.** Civil terms in the district have been historically underutilized. Civil motions are customarily heard on Mondays with the trials beginning Monday afternoons or Tuesdays. It is not unusual for all civil cases appearing on the trial calendar to be resolved prior to trial, leaving only the motions to be heard.

Whenever a civil term is scheduled for the week immediately following a criminal trial term the civil term shall be utilized for the trial of criminal cases in the event that there are no civil cases to be tried. The Court Manager shall immediately notify the District Attorney when she learns that there will be no civil cases for trial. When there are only civil motions they will be heard on Monday and the criminal calendar will continue on Tuesday.

The trial list published by the District Attorney shall contain a notice to the defense counsel that any cases not reached for trial during the criminal term are subject to be called for trial the following week.

The jurors summoned for the civil term shall not be released without the knowledge and consent of the Senior Resident Superior Court Judge or the presiding judge.

2. **APPEARANCE OF DEFENDANTS ON TRIAL CALENDARS.** Unless excused by the District Attorney all defendants appearing on the trial calendar, regardless of whether they appear on the trial list, and their attorneys are required to attend calendar call at 10 a.m. on the first day of the criminal trial term. After calendar call the court will take guilty pleas and hear motions. Pleas and motions not reached on the first day shall be scheduled for later in the term, if time permits. Trials will begin on the second day of the term unless otherwise announced by the District Attorney with the consent of the presiding judge.
3. **JAIL CASE REVIEW CALENDAR.** The Court shall call a jail case review calendar at 2:00 p.m. on Thursday of each criminal administrative term. Each Friday the Sheriff or his designee shall email the Clerk, District Attorney and Public Defender a list of all defendants who have been held in the Craven County Jail for ten months or more. The Clerk shall prepare and publish the jail case review calendar at the same time she publishes the administrative calendar. All Assistant District Attorneys prosecuting persons on the jail review calendar are required to be present. Defense counsel for all defendants appearing on the jail case review calendar are required to be present. Presence of the defendants is not required.

During this calendar the court shall make inquiry of counsel sufficient to determine whether discovery has been completed, whether the parties are awaiting law enforcement or State Crime Lab reports, whether the parties are awaiting reports from experts, why the case has not been previously resolved and to assure that defense counsel has had recent contact with his/her client. The Court shall assist the parties in determining a trial date or whether it is necessary to seek approval from the Administrative Office of the Court for a special term.

CARTERET COUNTY PLAN

1. **UTILIZATION OF CIVIL TERMS.** Civil terms in the district have been historically underutilized. Civil motions are customarily heard on Mondays with the trials beginning Monday afternoons or Tuesdays. It is not unusual for all civil cases appearing on the trial calendar to be resolved prior to trial, leaving only the motions to be heard.

Whenever a civil term is scheduled for the week immediately following a criminal trial term the civil term will be utilized for the trial of criminal cases in the event there are no civil cases to be tried. The Court Manager shall immediately notify the District Attorney when she learns that there will be no civil cases for trial. When there are only civil motions they will be heard on Monday and the criminal calendar will continue on Tuesday.

The trial list published by the District Attorney shall contain a notice to the defense counsel that any cases not reached for trial during the criminal term are subject to be called for trial the following week.

The jurors summoned for the civil term shall not be released without the knowledge and consent of the Senior Resident Superior Court Judge or the presiding judge.

2. **APPEARANCE OF DEFENDANTS ON TRIAL CALENDARS.** Unless excused by the District Attorney, all defendants appearing on the trial calendar, regardless of whether they appear on the trial list, and their attorneys are required to attend calendar call at 10 a.m. on the first day of the criminal trial term. After calendar call the Court will take guilty pleas and hear motions. Pleas and motions not reached on Monday shall be scheduled later in the term, if time permits.

Trials will begin on the first day of the term unless otherwise announced by the District Attorney with the consent of the presiding judge.

3. **JAIL CASE REVIEW CALENDAR.** The Court shall call a jail case review calendar at 2:00 p.m. on Wednesday of each criminal administrative term. Each Friday the Sheriff or his designee shall email the Clerk, District Attorney and Public Defender each Friday a list of all defendants who have been held in the Carteret County Jail for ten months or more. The Clerk shall prepare and publish the jail case review calendar at the

same time she publishes the administrative calendar. All Assistant District Attorneys prosecuting persons on the jail review calendar are required to be present. Defense counsel for all defendants appearing on the jail case review calendar are required to be present. Presence of the defendants is not required.

During this calendar the court shall make inquiry of counsel sufficient to determine whether discovery has been completed, whether the parties are awaiting reports from law enforcement agencies or the State Crime Lab, whether the parties are awaiting reports from experts, why the case has not been previously resolved and to assure that defense counsel has had recent contact with his/her client. The Court shall assist the parties in determining a trial date or whether it is necessary to seek approval from the Administrative Office of the Court for a special term.

PAMLICO COUNTY PLAN

UTILIZATION OF CIVIL TERMS. There are only four criminal and four civil terms scheduled for Pamlico County each year. As in the rest of the district civil terms are often underutilized. Civil motions are customarily heard on the Monday of the civil term with trials to follow; however at most civil terms all cases scheduled for trial will be resolved prior to the term.

From and after the date of this Order there will be a criminal calendar set for each civil term of court in the event there are not civil trials. The District Attorney shall schedule probation matters, administrative matters and trials, if any, for all civil terms. The Grand Jury may also be scheduled for the civil terms as necessary.

The Court Manager shall immediately notify the District Attorney upon learning that civil trials have been resolved.

Jurors summoned for civil and criminal terms shall not be released without the prior knowledge and consent of the Senior Resident Superior Court Judge or the presiding judge.

JAIL CASE REVIEW CALENDAR. The Court shall call a jail case review calendar at 2:00 p.m. on Wednesday of each regular criminal term. Each Friday the Sheriff or his designee shall email to the Clerk, District Attorney, and Public Defender a list of all defendants who have been held in the Pamlico County Jail for ten months or more. The Clerk shall prepare and publish the jail case review calendar at the same time

she publishes the administrative calendar. All Assistant District attorneys prosecuting persons on the jail review calendar are required to be present. Defense counsel for all defendants appearing on the jail review calendar are required to be present. Presence of defendants is not required.

During this calendar the Court shall make inquiry of counsels sufficient to determine whether discovery has been completed, whether the parties are awaiting reports from law enforcement agencies or the State Crime Lab, whether the parties are awaiting reports from experts, why the case has not been previously resolved, and to assure that defense counsel has had recent contact with his/her client. The Court shall assist the parties in determining a trial date or whether it is necessary to seek approval from the Administrative Office of the Courts for a special term.

CONTINUANCE POLICY

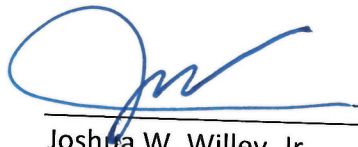
It is the policy of this Court to provide justice for citizens without unnecessary delay and without undue waste of time and other resources of the Court, the litigants and other case participants. For all case types and dockets and in all courtrooms, the Court looks with strong disfavor on motions or requests to continue court events without just cause. In order to protect the credibility of scheduled trial dates, trial-date continuances are especially disfavored.

Now therefore, IT IS HEREBY ORDERED that:

1. Except in unusual circumstances, any motion to continue a trial date or motion of counsel to withdraw from a case on the trial list shall be in writing and filed not later than 5 days before the court event for which rescheduling is requested. Whenever possible, continuance motions or requests shall be made using the appropriate forms issued by the North Carolina Administrative Office of the Courts which include:
 - a. AOC-CV-221 for motions to continue civil superior cases; and
 - b. AOC-CR-410 for motions to continue criminal superior cases.
2. Any attorney or party requesting a continuance shall state the reasons for the request. Failure of a client to fully retain his lawyer shall not be a valid reason to withdraw from a case on the trial list or to continue the trial when a general appearance has been filed. Other than for extraordinary cause and with the consent of the court, all appearances by counsel for matters on the trial list shall be a general appearance.
3. Continuances on agreement of counsel or the parties shall not be automatically granted.

4. The Court shall grant a continuance only for good cause shown unless otherwise provided by law.
5. Continuances of cases on the criminal administrative calendar that have been previously continued more than 5 times are specifically disfavored and shall be granted only in unusual circumstances.
6. Any grant of a continuance motion or request by the Court shall be made on the record with an indication of who requested it and the reasons for granting it.
7. Whenever possible, the Court shall hold the rescheduled court event no later than 60 days after the date from which it was continued.
8. Information about the source of each continuance motion and the reason for any continuance granted by the Court shall be noted in the Court's file. The document attached as Exhibit A shall be used to document the moving party and reason for continuance. This document shall be retained in the court file.
9. To the extent that this order conflicts with any statutory provision applicable to a particular continuance motion or request, the statutory provision will control.
10. At least semiannually, the Senior Resident Superior Court Judge shall generate and review a report of pending cases and any data that the Administrative Office of the Courts can make available regarding the number of court dates each case had. To promote the consistent application of this continuance policy, these reports should be reviewed and discussed with all other judges in the district, bar representatives and other court-related agencies to seek resolution of any organizational or systemic problems that cause unnecessary delay in the timely resolution of all cases.
11. This order shall be published on the Administrative Office of the Court's Local Rules website.

This order shall be effective as of the 1st day of October, 2022.



Joshua W. Willey, Jr.
Senior Resident Superior Court Judge
3B Judicial District



STATE OF NORTH CAROLINA
COUNTY OF _____

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE # _____

STATE OF NORTH CAROLINA

Vs.

CONTINUANCE ORDER

_____ Number of prior continuances _____

THE ABOVE REFERENCED CASE IS HEREBY CONTINUED TO _____, FOR THE (STATE) (DEFENDANT) (COURT) OVER OBJECTION OF (STATE) (DEFENDANT) IN SUPPORT, THE COURT FINDS AS FACT(S):

- ___ 1. THAT THERE IS AN ABSENCE OR UNAVAILABILITY OF THE (OFFICER) (WITNESS). _____
- ___ 2. THAT THE DEFENDANT IS IN (_____ COUNTY JAIL) (DAC) AND NEED TO BE WRITTED BACK.
- ___ 3. DISCOVERY NOY COMPLETE.
- ___ 4. DEFENDANT RECEIVED DISCOVERY FROM STATE ON _____ AND NEEDS TIME TO PREPARE.
- ___ 5. DEFENDANT'S RIGHT TO BE REPRESENTED BY AN ATTORNEY.
 - ___ PUBLIC DEFENDER APPOINTED
 - ___ DEFENDANT TO HIRE OWN ATTORNEY AND WAIVES THE RIGHT TO APPOINTMENT
 - ___ COURT APPOINTED COUNSEL DENIED
- ___ 6. DEFENDANT NEEDS TIME TO
 - ___ RAISE MONEY FOR: _____
 - ___ TO PREPARE FOR COURT
 - ___ OTHER _____
- ___ 7. DEFENDANT'S ATTORNEY IS IN (DISTRICT)(SUPERIOR) COURT IN _____ COUNTY IN (TRIAL) (PLEA) (OTHER COURT PROCEEDING) OR UNAVAILABLE DUE TO _____.
- ___ 8. LAB REPORT IS NOT BACK.
- ___ 9. DUE TO HEAVY CASELOAD, CASE IS UNABLE TO BE REACHED.
- ___ 10. LAST CONTINUANCE FOR THE (DEFENDANT) (STATE).
- ___ 11. ATTORNEY'S APPEARANCE IS LIMITED TO THIS MOTION TO CONTINUE ONLY.
- ___ 12. OTHER REASON FOR CONTINUANCE _____.

THIS THE _____ DAY OF _____, 20____.

DEFENSE ATTORNEY

DISTRICT ATTORNEY

JUDGE