



IMELDA J. PATE
SENIOR RESIDENT SUPERIOR COURT JUDGE
JUDICIAL DISTRICT 8A
GREENE AND LENOIR COUNTIES
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MEMORANDUM

TO: All Interested Parties

FROM: Imelda J. Pate, Senior Resident Superior Court Judge

RE: Expansion of Lenoir County Criminal Superior Court Functions

DATE: May 21, 2020

As you are aware, Chief Justice Beasley has previously entered orders suspending most court sessions until June 1, 2020 due to the health risks associated with COVID-19 and mass gatherings. The Chief Justice recently has convened a working group of court leaders and members of the private Bar from across the State to outline best practices in reopening court. In anticipation that some courts will begin to operate again in June, I have been in discussions to develop a plan to resume some additional Criminal Superior Court and Civil Superior Court functions.

The plan, which follows, includes attempting to limit the number of individuals in our courtroom. Additionally, we (Chief District Court Judge Elizabeth Heath and I) have met with our County officials (Lenoir County Manager, Lenoir County Public Health Director, Lenoir County Emergency Management, Lenoir County Fire Marshall's Office, Lenoir County Clerk of Court and Lenoir County Sheriff's Office) to provide assistance in how we can best achieve social distancing and implement other best practices on health precautions as we begin to reopen our courts. We are asking for your participation in ensuring that these practices are followed.

I appreciate your cooperation and service during this unprecedented time for our courts and our community.

The information below is contingent upon directives of the Chief Justice and Governor and is subject to change at the discretion of the Senior Resident to protect the health of court personnel and of the public.

CRIMINAL SUPERIOR COURT

Criminal Superior Court will begin each day at 10:00 A.M.

No jury trials are to be convened in Criminal Superior Court until August 1, 2020.



The Grand Jury will meet in June and July at a date and time to be announced. In considering when, where and how the Grand Jury will meet, special considerations will be made for social distancing and other safe health practices.

I encourage everyone to continue to make use of remote hearing technology (WebEx) to the greatest extent possible to limit in-person appearances. We have successfully utilized WebEx to conduct remote jail pleas, probation violation hearings and bond motions in April and May. I would encourage defense counsel to coordinate with assistant district attorneys to utilize this technology for disposing of administrative matters / plea hearings / bond hearings/ arraignments and probation violation hearings for in-custody defendants as well as out-of-custody defendants.

Beginning June 1, 2020, the District Attorney's Office will begin to set Administrative and Probation calendars with the intent of running plea and administrative criminal court sessions set for June and July, 2020.

The maximum allowable occupancy for the Criminal Superior Courtroom has been determined to be 28 (this number excludes those of us who are inside the bar, while observing social distance seating in the audience with individuals seated in every other pew, with only two individuals seated on each pew and with the first three pews in the courtroom being vacant). Seating in the courtroom will be marked. The maximum occupancy is to be prominently posted at the entrance to the Criminal Superior Courtroom.

Attached to this memo are additional courtroom procedures that all individuals are to observe while court is in session to limit face-to-face interactions between court personnel and others in the courtroom to the greatest extent possible while court is in session.

In an effort to continue to minimize all of our exposure to COVID-19, Defendants with counsel of record will be excused from appearing at any calendar call for the months of June and July, 2020.

In an effort to make sure that court time is productively used, it is requested that assistant district attorneys make contact with defense attorneys beginning immediately to discuss cases that are ready for disposition and can be resolved during these administrative sessions. Cases set for administrative disposition are to be set by the appointment system that we have been previously utilizing.

The homicide status reviews are to be suspended until October 16, 2020. If any administrative or scheduling matters need to be addressed prior to this counsel are encouraged to schedule WebEx conference sessions with the court.

Lenoir County Superior Criminal Courtroom Appearance Rules

1. Courtrooms located at the Lenoir County Courthouse are to be locked at all times when not in use. The courtrooms are being disinfected daily following the close of business.
2. The maximum allowable occupancy for the criminal superior courtroom has been set (28) and is posted on the courtroom door. All individuals must sit or stand so as to observe social distancing of at least 6 feet in every direction as all times inside the courtroom and while inside the Lenoir County Courthouse.
3. Only those individuals involved in the case that is called for disposition will be allowed inside the bar in the courtroom.
4. Only court officials (including ADAs) will be allowed to use the entrances at the back of the courtroom. All others are to use the entrance located on the King Street side of the courthouse.
5. When a case is called and defense counsel and the defendant come inside the bar, hand sanitizer will be located at counsel table. (Hand sanitizer will also be located at the ADAs table.) It will be necessary for you to use the hand sanitizer. Each defendant (when he approaches the defense table) will also use the hand sanitizer.
6. All judicial branch personnel assigned to a courtroom for more than 30 minutes are to wear a facemask made available prior to the session of court for their use.
7. At the present time, there are no masks that have been provided by the County or State for non-judicial branch employees/individuals or the public. Non-judicial branch employees/individuals, the public and defendants are encouraged to use masks while in the courtroom.
8. Each defendant will be affirmed.
9. Do not staple the original plea transcript. All papers should be unattached to another. Defense counsel must *email* a copy of each page of the transcript to the criminal court clerk the day prior to the scheduling of the case for entry of the guilty plea. Defense counsel must also provide to the court room clerk prior to the plea a list of those cases he/she is pleading guilty, date of offense, and CRS numbers along with the plea arrangement and the cases going to be dismissed along with the CRS number.

Email address for Criminal Superior courtroom clerk:

felicia.a.pike@nccourts.org

10. All documents (plea transcript, record level worksheet, restitution worksheet, etc.) are to be signed by the parties involved (including the defendant) prior to the case being called for disposition.
11. Each defendant will use a pen provided by their attorney. The court will not provide pens to counsel or the defendant.
12. Do not approach the bench, clerk or court reporter without prior court permission.
13. Prior to a case being called, all those who are not involved in that proceeding will sit in the audience outside of the bar. Each will sit separated by at least 6 feet from the person closest to them. Every other row in the courtroom will be left vacant. The first three rows are to be left vacant.
14. All paperwork for each defendant and any matter heard by the court is to be placed in a file that will be provided by the clerk and located at the defense table. The judge will affirm each defendant prior to the taking of the guilty plea.
15. The court is open, and the public is invited to attend, but, if possible, limit the number of people who attend. Only attorneys and defendants will be allowed inside the bar.
16. If an individual must confer with opposing counsel or court personnel, maintain at least a distance of at least 6 feet. If you need to consult with each other in a more private setting, the court will be at ease so that you can confer outside of the bar.