

AMENDED ADMINISTRATIVE ORDER IMPLEMENTING A DISTRICT CRIMINAL CASE MANAGEMENT PLAN FOR THE 26TH JUDICIAL DISTRICT

This District Criminal Case Management (DCCM) Plan is established pursuant to N.C.G.S. 7A-146 which authorizes the Chief District Judge to set schedules of the district court and the inherent constitutional authority of the court to establish rules for the management of litigation to prevent undue delays, preserve court resources, and assure fair treatment of all parties. This plan further preserves the authority of the District Attorney to prepare the trial dockets pursuant to N.C.G.S. 7A-61. This plan further recognizes the constitutional and statutory authority of the District Attorney. Nothing contained in this plan limits, restricts or cedes such authority.

1 Statement of Purpose

The purpose of the DCCM Plan is to provide a structured system for the timely and efficient management of criminal cases in the district court of the 26th Judicial District. The DCCM does not apply to district criminal cases that have been classified by the District Attorney as intimate partner violence matters. Intimate partner violence cases are scheduled and managed according to a separate plan and state and local rules.

The 26th Judicial District recognizes responsibility for managing case progress, the defendant's right to a speedy trial, and the public's, including victims and witnesses, interest in a timely, fair and just resolution of criminal cases by application of uniform and consistent time standards for the conduct of criminal cases in the district court.

The objectives of the DCCM Plan include:

1. Early Court Intervention: The start of each case triggers the effort to resolve the case as early in the process as reasonable and to reduce the time and costs for the parties and the court without sacrificing rights or interests.
2. Continuous Court Control: For each case, realistic pretrial schedules are established so that progress to each scheduled event is appropriate and can be monitored to minimize unnecessary delay.
3. Controlling Continuances: While courts must allow adequate time to accomplish necessary tasks, events should also be scheduled sufficiently soon to maintain awareness that the court wants reasonable case progress and will not allow continuances simply because participants are not prepared.
4. Meaningful Pretrial Court Events: The court communicates to all participants in the legal process the purpose, deadlines and possible outcomes of all proceedings to ensure all events occur as scheduled and contribute substantially to the reasonable resolution of the case.
5. Firm and Credible Trial Dates: Trials regularly commence on the first date scheduled after the court determines no other case resolution options are possible.

A strong judicial commitment is essential to improving predictability, efficiency and timely disposition in criminal cases. Collaboration between the Court, the District Attorney, the Public Defender and the private defense bar is necessary to achieve just and efficient disposition of criminal cases. The Court is ultimately responsible for ensuring compliance with the North Carolina Criminal Procedure Act, through early and continuous judicial management to promote procedural justice.

Further, the DCCM Plan implements modified time standards modeled from the recommendations set out in the National Center for State Court’s Effective Criminal Case Management Study.¹ This is a departure from published North Carolina and Judicial Council time standards and reflects achievable standards for time to case disposition as outlined below:

- 75% of district court misdemeanor and infraction matters disposed within 120 days; and
- 98% of district court misdemeanor and infraction matters disposed within 180 days.

In order to achieve these goals, the DCCM Plan provides for the resolution of different categories of cases within a regular and predictable time frame warranted by the needs of the case.

Table 1-Misdemeanor Cases Time Standard

98% Within 180 Days

Case Time Start	Case Time Suspension Begins	Case Time Suspension Ends	Case Time Stop
Filing of Citation with the Clerk of Superior Court; Service of Summons or Warrant on Defendant.	Referral to Specialty Court	Denial of acceptance into a Specialty Court	Final Disposition: <ul style="list-style-type: none"> • Acquittal Verdict • Sentence or Judgement Order • PJC • Dismissal
	Referral for Deferred Prosecution	Date of entry of contract, conditional discharge judgment	
	Bench warrant issue date	Appearance of defendant in court after a bench warrant	
	Court order for Forensic Evaluation	Date of court determination of ability to stand trial or declaration of incapacity	

¹ Model Time Standards for State Trial Courts. Available at: https://www.ncsc.org/__data/assets/pdf_file/0032/18977/model-time-standards-for-state-trial-courts.pdf

2 Case Management

The policies and procedures outlined in the DCCM Plan shall be implemented by the Chief District Judge in collaboration from the offices of the District Attorney, the Clerk of Court, and the Trial Court Administrator. The Chief District Judge shall monitor implementation and effectiveness of the DCCM with the assistance of the Trial Court Administrator (TCA). Implementation issues and performance outcomes will be addressed at regularly scheduled case management meetings chaired by the Chief District Judge.

All judges and court staff are responsible for compliance with the DCCM Plan and the effective management of the cases assigned to them, adherence to time standards and compliance with local rules for Criminal District Court.

Roles and Responsibilities

Chief District Judge

The Chief District Judge shall prepare and publish a schedule of Criminal District Court sessions for the calendaring of court events consistent with the DCCM Plan. The Chief District Judge shall assign district judges to the criminal division who are engaged and committed to the administration of the DCCM Plan and shall provide orientation, resources and training on the DCCM Plan to all district judges assigned to the criminal division of district court.

Trial Court Administrator

The TCA will assign matters to case tracks in accordance with the DCCM Plan and assist the District Attorney's Office in scheduling court events that are required to occur after the initial appearance.

The TCA will ensure Pretrial Readiness and Case Management calendars are updated and made available on eCourts Portal: <https://portal-nc.tylertech.cloud/Portal/>.

The TCA will assist assigned trial judges with the management of cases assigned to them after initial appearance.

Under the supervision of the Chief District Judge, the TCA will prepare regular reports which measure case processing performance and the use of court resources.

District Attorney

Pursuant to N.C.G.S. 7A-61, "The district attorney shall prepare the trial dockets, prosecute in a timely manner in the name of the State all criminal actions and infractions requiring prosecution in the...district court."

It is the policy of the District Attorney that his office will work in collaboration with the Chief District Judge, TCA and Clerk of Superior Court in the scheduling of court events.

The District Attorney is responsible for issuing subpoenas to state's witnesses.

Clerk of Superior Court—Criminal Division

Under the supervision of the Clerk of Superior Court (CSC), the CSC-Criminal Division maintains all case information, creates the dockets of the court and serves as the official custodian of the record for court proceedings. The CSC-Criminal Division issues all notices, and orders in the name of the court for all case hearings and trials.

The contributions of the CSC-Criminal Division are critical to the success of the DCCM Plan.

Assignment and Docketing

District Judges are individually assigned cases from the first appearance. The District Attorney assigns cases to trial and pretrial readiness conference calendars for individual district judges.

1. Each judge manages cases with the assistance of a court coordinator, who is assigned by the TCA. Probation violations, conditional discharge reviews and other post-adjudicative matters are assigned back to the original trial judge, whenever possible. In addition, a judge with an active case or a defendant that is still serving his/her/their sentence will be assigned a new case with the same defendant, whenever possible. Method of Assignment

All criminal complaints are individually assigned to a district court judge, according to a plan developed by the District Attorney and the Chief District Court Judge. Officer-assigned court dates are used to schedule trial settings for which a law enforcement officer has been identified by the state as a necessary witness. Cases which do not have law enforcement officer witnesses are randomly assigned to individual district judges in a manner that balances the workload among the judges.

The judge to whom any district criminal action is assigned shall retain the matter, except as provided in the DCCM Plan, and no person may change any assignment except by order of the judge assigned with the consent of the judge receiving the reassignment or by order of the Chief District Judge.

2. Companion and Related Actions

When practical, all actions involving substantially the same parties, or substantially the same subject matter, or substantially the same factual issues, whether pending simultaneously or not, shall be assigned to the same judge.

3. Calendars

The Chief District Court Judge shall publish an annual calendar of sessions for the district criminal court at least 90 days prior to the start of each year. . The sessions will be configured in Odyssey Case Manager by the Chief District Court Judge or her designee(s). A weekly calendar of sessions for the district criminal court will be published each Thursday for the following week.

The District Attorney has calendaring authority and matters will be scheduled according to the DCCM plan.

Dockets will be created by the Clerk of Superior Court and published according to the Rules of Record Keeping on eCourts Portal: <https://portal-nc.tylertech.cloud/Portal/>.

Administrative schedules will be maintained by the TCA and published to eCourts Portal: <https://portal-nc.tylertech.cloud/Portal/>.

Each judge, in consultation with the Assistant District Attorney assigned to a case and the assistance of a court coordinator assigned by the TCA, is responsible for the resetting of cases on a calendar for sessions to which the judge is assigned, and on a timely basis in the integrated case management system. The Trial Court Administrator and the District Attorney are responsible for resetting matters that must be rescheduled due to the cancellation of a court session by the Chief District Judge. The Clerk of Superior Court will enter the reset dates into the integrated case management system and re-docket the cases.

Consistent with Rule 3 of the General Rules of Practice for the Superior and District Courts, requests for a continuance or to reschedule a matter that has been scheduled for hearing, must be made by motion to the presiding judge of the court in which the case is calendared or to the Chief District Judge if the presiding judge is unknown or unavailable. Final rulings on continuance motions and requests to reschedule a matter shall be the within the sole discretion of the assigned judge.

4. Consolidated Cases

Original and reopened cases that are open during the same period of time for the same defendant shall be consolidated by the court coordinator and assigned, whenever possible, to the same judge that was assigned to the original case against the defendant. Consolidation of cases will remove the consolidated case from the presumptive assignment process.

Reasons for assignment to a different judge shall include, but are not limited to, the following: recusal due to conflict of interest, retirement or other permanent absence of the original judge.

5. Reopened Cases

Any post-adjudication motions and actions, including probation violations, shall be considered reopened cases. Reopened cases shall be assigned, whenever possible, to the judge assigned to the case for trial, who issued the verdict in the case.

Reports

Under the direction of the Chief District Judge and the Trial Court Administrator and/or designees will provide regular case management reports detailed below. All reports will be presented by selected time period as required. Reports shall be shared with the DA Misdemeanor Unit Chief, PD Misdemeanor Unit Chief, Defense Bar Representative, Presiding Judges, and Chief District Judge.

Cases

1.1 Court Filings by Case Type/Track

1.2 Pending Inventory of Active Cases by Judge—Active Pending Cases, New/Assigned Cases, Dispositions, and Clearance Rate

1.3 Age of Active Pending Cases in 30-day Increments

1.4 Court Case Clearance Rate by Case Type/Track

1.5 Time to Disposition by Judge

1.6 List of Backlog Cases Older than Time Standards

Events

2.1 Summary of Continuances

2.2 Number of Continuances by Reason

3 Case Type Tracks

All motor vehicle and non-motor vehicle cases follow distinct tracks to resolution, defined by complexity and aligned with expected case processing steps and events that are needed to reduce continuances and reach a just resolution. Court events are closely tied to the severity of the crime(s) charged, and the expected complexity of evidence in the case. The following tracks are grouped by expected events and expected duration for most of the cases to reach a resolution. These expectations are guidelines, not time standards. Cases may take more or less time due to unique case factors.

Table 2-District Court Criminal Case Type Tracks

Track	Description	Expected Duration
Original Cases		
Track 1	Misdemeanors Infractions Misdemeanor Offenses Not Listed as Complex	120 days (proposed) 98%
Track 2	Misdemeanors Impaired Driving Offenses Death by Vehicle Assault with a Deadly Weapon Assault Inflicting Serious Injury Assault on a Female Domestic Violence Protection Order Violation Stalking (Cyber) Contributing to Delinquency of Minor Assault on Child Under 12 Pre-Arranged Speed Competitions	180 days 98%
Non-Original Cases		
Track 3	Post-Adjudication Cases Conditional Discharge Reviews Probation Violations Deferred Prosecution Revocations Post-Judgement Modifications Remands on Appeal Motions for Appropriate Relief	2 months without new cases aligned with original case for probation revocations and violations.
Track 4	Specialty Courts Wellness Driving While Impaired District Recovery Families in Recovery Stay Together Youth Recovery	Custom-managed

4 Court Case Events

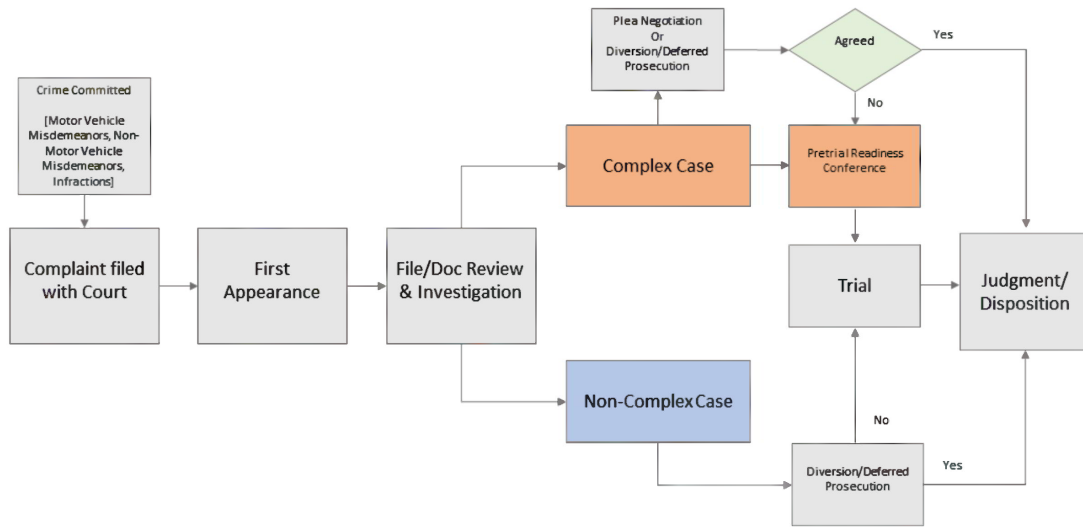
Table 3-District Criminal Court Case Events

Track	Event	Expectations
Track 1	First Appearance (FA)	72 hours after arrest or within 30 days of service of summons or citation
	Case Management Conference (CMCR)	30 days from FA
	Trial	60 days from FA
Track 2	First Appearance (FA)	72 hours after arrest or within 30 days of service of summons or citation
	Case Management Conference (CMCR)	30 days from FA
	Pretrial Readiness Conference (PTRC)	60 days from FA
	Trial	60 days from PTRC

Expected case events for Track 1, original cases and the initiating steps for Track 4 cases that may be transferred from an original case, are illustrated in Figure 1 below. Expected case events for Track 2 are illustrated in Figure 1 below. Each judge, along with the assigned Assistant District Attorney, the CSC-Criminal Division, and court coordinators will make every effort to ensure compliance with the expectations and timing for the scheduling of each court event. Good cause continuances, unavailability of docket space, case investigation issues, and other factors may impact case processing for each case. The trials and all procedures for cases in the 26th Judicial District are governed by the North Carolina General Statutes concerning Criminal Law and Procedure and Local Rules of District Criminal Court.

Figure 1

District Court Criminal Case Management (DCCM) Plan



Filing and Assignment

Cases are initiated in the District Court by the filing of a citation by law enforcement or by the issuance of criminal process by a magistrate upon the complaint of law enforcement or civilian. A first appearance is scheduled for defendants who are still in custody pursuant to NCGS 15A-601 or within 72 in the next scheduled session of district court hours whichever is sooner. First appearances for defendants who are not in custody should be scheduled within 30 days of service of the criminal process.

Probation Violation Filings. Probation Violation hearings for defendants who are in custody shall be scheduled before the first appearance judge for advisement on right to counsel and calendaring. These cases shall be treated as re-opened and calendared for hearing before the previously assigned judge.

First Appearance (FA)

In-Custody First Appearance. The first appearance for in-custody defendants charged with misdemeanor offenses shall be scheduled in accordance with Subchapter VI of Chapter 15A of the North Carolina General Statutes.

The presiding judge shall:

- Advise the defendant of the nature of the charges against them;

- Determine the defendant's eligibility for court appointed counsel;
- Determine that the defendant or counsel has been furnished a copy of the process or order;
- Determine or review the defendant's eligibility for release under state law and the local bail policy.

Cases will be assigned to one of the district court trial courtrooms in accordance with the officer court date scheduling plan prepared by the District Attorney.

Track 1 cases shall be scheduled for trial before the assigned judge within 60 days unless a Case Management Conference (CMCR) is warranted. Track 2 cases shall be scheduled for a Pretrial Readiness Conference before the assigned judge within 60 days unless a CMCR is warranted. Track 1 and Track 2 cases for which a CMCR is warranted shall be scheduled for a CMCR before the judge assigned the earlier filed case(s). The CMCR shall be scheduled within 30 days or on the next scheduled date for the earlier filed cases, whichever is first.

Out-of-Custody First Appearance. The first appearance for out-of-custody defendants charged with a misdemeanor offense shall be scheduled within 30 days of the issuance of the criminal process.

The judicial official shall:

- Advise the defendant of the nature of the charges against them;
- Determine the defendant's eligibility for court appointed counsel;
- Determine that the defendant or counsel has been furnished a copy of the process or order;

Represented defendants, by counsel, and unrepresented defendants who have executed a knowing and voluntary waiver of the assistance of counsel may accept an offer of diversion or plea agreement to be entered before the available district judge.

Cases that are not disposed at FA will be assigned to one of the three district criminal judges in accordance with the officer court date scheduling plan prepared by the District Attorney.

Track 1 cases shall be scheduled for trial before the assigned judge within 60 days unless a Case Management Conference (CMCR) is warranted. Track 2 cases shall be scheduled for a Pretrial Readiness Conference (PTRC) before the assigned judge within 60 days unless a CMCR is warranted. Track 1 and Track 2 cases for which a CMCR is warranted shall be scheduled for a CMCR before the judge assigned the earlier filed case(s). The CMCR shall be scheduled within 30 days or on the next scheduled date for the earlier filed cases, whichever is first.

Forensic Evaluations. Upon the filing of an order for Forensic Evaluation, the matter shall be scheduled for a Case Management Conference (CMCR) in a PTRC Session on the calendar for the courtroom in which the matter is scheduled. The status of the Forensic Evaluation shall be reviewed and any orders necessary to effectuate the resolution of the case shall be entered at

the PTRC. Upon the submission of the Forensic Evaluator's Report, the case shall be scheduled for the next PTRC session on the courtroom calendar at which the court shall enter appropriate orders and schedule future proceedings as necessary.

Case Management Conference (CMCR)

The CMCR is a case management strategy to manage cases involving forensic evaluations or multiple pending cases filed against a defendant in the District Court for cases in Tracks 1 and 2 and Track 3 Probation Violation cases. The CMCR will be conducted in the assigned district court according to the track schedule above (see Table 2) and will include all of the defendant's then pending cases. Later cases filed against a defendant will be scheduled with the earlier filed cases. Multiple cases with the same defendant will be managed by the highest track. The objectives of the CMCR are the following in sequential, prioritized order:

- Extension of a global plea offer if deemed appropriate by the District Attorney
- Modify the case management order
- Address and review pretrial issues
- Finalize deadlines for obtaining case investigation information
- Issue final case management order

Defense attorneys shall make reasonable efforts to communicate with the client about the status of pending cases, legal and factual defenses, pretrial issues and any plea offers extended by the state. If plea agreement is reached, the matter should be scheduled for a plea slot.

If no plea agreement is reached, then a CMCR shall be conducted. For Track 2 cases, the court shall determine, based upon individual case factors, whether the schedule for a case needs to be extended after consultation with the parties. The schedule may be modified by adopting a more complex case track or by custom setting subsequent events. The court shall determine whether any previously entered order requires amendment based upon individual case factors. Counsel shall be prepared to discuss all aspects of case management and scheduling, to include, without limitation, the following:

1. Any issues with obtaining evidence, including setting deadlines;
2. Any expert witness issues;
3. Any pretrial motions, pending or contemplated.
4. Any conflict issues concerning representation;
5. Any competency issues;
6. Anticipated time to prepare for and conduct a trial (trial length);
7. Pretrial conference scheduling;
8. Plea possibilities and any applicable expiration on offers;
9. Diversion court requests; and,
10. Any other issue affecting a timely resolution of the case.

An Order shall be issued, which shall set forth expectations for the next scheduled event, including, but not limited to, evidence exchange, final plea negotiation and appearances of trial counsel and the defendant.

Pretrial Readiness Conference (PTRC)

The PTRC shall be scheduled for Track 2 cases within 60 days of the FA or CMCR. The purpose of this setting is to ensure that the case is trial ready and to dispose of any pretrial issues. Certain pretrial motions should be filed prior to the PTRC and shall be ruled on at this setting. These include motions for forensic evaluation or motions to compel or produce reports or media.

Meaningful plea negotiations are encouraged prior to the PTRC.

Defense attorneys and unrepresented defendants are to appear in person in the designated courtroom at 1:30PM.

Both the state and the defense shall either certify that the case is ready for trial or state with particularity the circumstances which prevent the case from moving to a trial setting.

Defense attorneys may complete local form CRF-11 Pretrial Readiness Conference Certification of Defense Counsel² certifying that they are ready for trial and verify the availability of defense counsel, defendant and defense witnesses for one of the published available trial dates. The form must be submitted by 12PM on the Wednesday preceding the PTRC in lieu of appearing at the scheduled PTRC. The PTRC Certification of Defense Counsel shall be electronically filed via eCourts File & Serve or Attorney Manager and the Clerk shall add the document to the case and attach the document to the PTRC Hearing..

After completion of the PTRC, a final trial date shall be set. No continuances after the PTRC shall be granted without exceptional cause. Notices of trial conflict shall be communicated to opposing counsel and the assigned judge as soon as they are known and no later than the date of the PTRC. The court will address any conflicts at the PTRC.

Trial (TRL)

Track 1 Trials. Track 1 cases will be scheduled before the assigned judge during weeks designated for the judge to hear Track 1 trials. The District Attorney sets matters on the trial docket. Limits on the number of cases that may be scheduled for trial in each session of district criminal court will be set by the Chief District Judge in consultation with the District Attorney, defense bar and the TCA. Limits on the number of Track 1 cases that may be scheduled will be

² All local forms are available on Mecklenburg County's Local Forms and Rules page on NCcourts.gov: <https://www.nccourts.gov/locations/mecklenburg-county/mecklenburg-county-local-rules-and-forms>.

set to ensure efficient use of court resource to reach timely disposition of calendared matters without unnecessary continuance or delay.

In advance of Track 1 trial settings, attorneys are expected to review all documents in the court file, including probable cause worksheets, witness affidavits completed by law enforcement officers or civilian witnesses and presented to the magistrate. Attorneys are expected to engage in reasonable and timely efforts to obtain information necessary to the preparation of a defense in advance of the scheduled trial date. Continuances will be rare and granted for good cause.

Track 2 Trials. Track 2 cases will be scheduled for trial within 60 days by the assigned judge at the PTRC. Track 2 cases will be scheduled for trials on specific dates during the weeks designated for the assigned judge to hear Track 2 Trials. The District Attorney sets matters on the trial docket and the date will be finalized by the assigned judge at the conclusion of the PTRC in consultation with all parties. Trial dates will only be set on cases deemed by the assigned judge as ready for trial.

No continuance of the trial will be granted except upon a demonstration of extraordinary cause. Requests for continuances to another trial week will be considered if received within 30 days of the trial week. Requests for continuances made less than 30 days prior to the scheduled trial week will be granted for emergencies or extraordinary circumstances.

Probation Hearing (PROB)

Track 3 Probation Violation cases shall be scheduled before the previously assigned judge within 14 days during the sessions of court designated for probation violation hearings. Probation violation hearings will be held during the morning session of each court on Fridays. Defendants who remain in custody on a probation violation after the FA, shall be scheduled for a probable cause hearing before the assigned judge within 7 days.

New cases that are filed against a defendant against whom a probation violation is filed shall be assigned to the previously assigned (sentencing) judge for a CMCR prior to the scheduling of any other case event required by this plan.

Misdemeanor Bond Hearings

Motions to modify conditions of release in misdemeanor cases pending in district court will be heard in the morning session of each court on Mondays and Thursdays.

Reviews (REV)

Certain judgments are required to be reviewed by the judge who entered the order, including, 15A Conditional Discharge Judgments. These matters should be scheduled for review during sessions of court designated for probation violation and review hearings. These may be scheduled at intervals in the discretion of the assigned judge.

5 Policies and Other Procedures

Notice of Appearance

Private defense attorneys who have been retained on a case filed in district court shall enter a Notice of Limited or General Appearance with the Clerk of Superior court no less than 30 days prior to the next scheduled court event or within 7 days of being retained whichever is sooner.

Attorneys are required to use state form AOC-G-312 Notice of Appearance by Counsel³.

Appointed and privately retained attorneys shall comply with all duties of diligent case investigation and preparation prescribed by the DCCM. Appointed and privately retained attorneys shall appear for all scheduled court events unless granted leave by the assigned judge in advance of the scheduled event.

Continuances

It is the policy of the 26th Judicial District to provide justice for citizens without unnecessary delay and without undue waste of the time and other resources of the Court, the litigants, and other case participants. To protect the credibility of scheduled trial dates, trial-date continuances are especially disfavored.

The 26th Judicial District, District Criminal Court, continuance policy shall be implemented in a manner that does not conflict with North Carolina law. The court will resolve scheduling conflicts when an attorney has conflicting engagements in different courts in accordance with Rule 3.1 of the General Rules of Practice for the Superior and District Courts.

A showing of due diligence is required for the district court to grant continuances. All trial continuances shall be scheduled no later than 30 days after the original setting, except for extraordinary circumstances.

All applications for a continuance are addressed to the sound legal discretion of the presiding (assigned) judge and, if not expressly provided for, shall be granted or refused as the ends of justice may requires.

Trials. All trial dates shall be a firm date. Continuances will not be granted except upon a showing of good cause or the fair administration of justice requires a continuance.

³ All state forms are available in the Forms Directory on the North Carolina Judicial Branch website at: <https://www.nccourts.gov/documents/forms>.

Even where both parties agree, the circumstances warranting a continuance must be stated in any motion for continuance which will be considered and ruled upon by the Court. Continuances will not be granted merely by agreement of counsel.

Track 1 Trial Continuances

Continuances of Track 1 cases set on a trial calendar shall be disfavored except upon a showing of good cause. The fact that the setting is the first trial setting or to seek global plea offers are not alone good cause absent specific demonstration that a continuance is necessary to prevent prejudice to a party or for the fair and proper administration of justice.

Motions to continue Track 1 cases advanced on the day of trial may be made orally or in writing and addressed to the presiding judge. The presiding judge shall enter written findings and its ruling into Enterprise Justice and send to clerk. The clerk shall make the court's findings and the courts ruling docketable.

Motions to continue Track 1 trials advanced by one party at least 30 days in advance of the scheduled trial and consented to by opposing counsel may be effectuated without approval of the assigned judge. Where agreement is not reached, the motion shall be made in writing, stating the grounds therefore and presented to the assigned judge for a ruling.

The rescheduled trial shall be held, to the greatest extent possible within 30 days.

Track 2 Trial Continuances

The trial date established for Track 2 cases at the Pretrial Readiness Conference shall be a firm date. Continuances will not be granted unless for a circumstance that could not have been reasonably foreseen and/or the fair administration of justice requires a continuance.

Applications for continuances of Track 2 matters that have been placed on a trial setting must be made in writing using local form CRF-13 Motion to Continue⁴, served on the opposing counsel and shall be electronically filed via eCourts File & Serve or Attorney Manager at least 30 days prior to the scheduled trial date. If opposing counsel objects to the continuance, the objection may be presented at a hearing on the motion or its basis may be stated in writing using local form CRF-15 Objection to Motion to Continue⁵, served on the moving attorney and shall be electronically filed via eCourts File & Serve or Attorney Manager.

In the event of an emergency or if unforeseen circumstances arise in which the 30-day requirement is unable to be met, the same process shall be followed to have the matter

⁴ All local forms are available on Mecklenburg County's Local Rules and Forms page on NCcourts.gov: <https://www.nccourts.gov/locations/mecklenburg-county/mecklenburg-county-local-rules-and-forms>.

⁵ All local forms are available on Mecklenburg County's Local Rules and Forms page on NCcourts.gov: <https://www.nccourts.gov/locations/mecklenburg-county/mecklenburg-county-local-rules-and-forms>.

scheduled in front of the assigned district court judge as soon as the circumstance is known. Only emergency matters or situations involving exigent circumstances that could not have been reasonably foreseen prior to the deadline will be scheduled outside of the allowed submission deadline. Continuance requests received after the 30-day deadline for reasons known before that time will be summarily denied.

Actions will not be removed from a trial calendar except by order of the presiding (assigned) judge or the Chief District Judge if the assigned judge is unavailable.

Pretrial Readiness, Case Management Conferences and Plea Slots. Applications for continuance of a scheduled PTRC, CMCR or plea slot must be made using local form CRF-13 Motion to Continue⁶, served on opposing counsel and shall be electronically filed via eCourts File & Serve or Attorney Manager at least 10 days prior to the scheduled event. Objections shall be made in writing using local form CRF-15 Objection to Motion⁷ to Continue, served on the moving party and shall be electronically filed via eCourts File & Serve or Attorney Manager within 3 business days of receiving notice of the motion to continue.

Good cause reasons for continuances of events, other than Track 2 Trials, requested within the deadlines in the DCCM order, include the following:

- Reasonable scheduling conflicts for the defendant;
- Religious holidays for the defendant or necessary witnesses, with affidavit;
- Lack of notice to defendant within three days of an event, absent court documentation of notice being provided to counsel;
- Reasonable scheduling conflicts for counsel, except the DA and defense counsel shall be requested, when known in advance, to assign associate counsel for non-trial events, where required by the court, and for the associate counsel to meet the requirements for preparation for each non-trial event;
- Unavailability of a witness for trial or other dispositive event;
- Unavailability of a victim for trial or other event for which the victim has a right to be present and/or heard; and
- Any other good cause reason as determined by the presiding judge.

Extraordinary cause reasons for granting continuances or an extension of time of Track 2 matters scheduled for trial, include the following:

- The party is absent, and counsel are present to substantiate a good cause for his or her absence, including, but not limited to, illness or injury;
- Absence or serious illness of counsel;

⁶ All local forms are available on Mecklenburg County's Local Rules and Forms page on NCcourts.gov: <https://www.nccourts.gov/locations/mecklenburg-county/mecklenburg-county-local-rules-and-forms>.

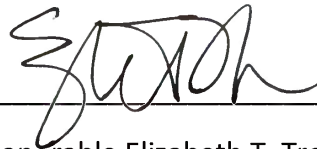
⁷ All local forms are available on Mecklenburg County's Local Rules and Forms page on NCcourts.gov: <https://www.nccourts.gov/locations/mecklenburg-county/mecklenburg-county-local-rules-and-forms>.

- Absence of witness more than 100 miles from the court;
- Party, leading attorney, or material witness in attendance on active duty as member of National Guard or component of armed forces of the United States, with or without motion of the parties; and
- Case not reached during trial week.

Effective Date

The rules and policies proscribed in the amended DCCM shall supersede all previous versions and become effective on the 29th day of April, 2024 and shall supersede any prior rules of procedure.

4/26/2024 12:49:55 PM



Honorable Elizabeth T. Trosch
Chief District Court Judge