

20R52

STATE OF NORTH CAROLINA
JUDICIAL DISTRICT 17B
STOKES AND SURRY COUNTIES

IN THE GENERAL COURT OF JUSTICE
SUPERIOR AND DISTRICT

COURT DIVISIONS
2020 APR - 5 P 12:13

SURRY CO., C.S.C.

BY Sub

IN RE: CORONAVIRUS (COVID-19))
Calendaring Guidelines & Procedures)
Of the District and Superior Courts of)
STOKES AND SURRY COUNTIES)

ADMINISTRATIVE ORDER

The undersigned Senior Resident Superior Court Judge and Chief District Court Judge for Judicial District 17B enter this administrative order pursuant to the recent order by Chief Justice Cheri Beasley relating to the current coronavirus COVID-19 pandemic that delays the ordinary and regular sessions of court for Stokes and Surry counties until June 1st, 2020 unless:

1. The proceeding will be conducted remotely;
2. The proceeding is necessary to preserve the right to due process of law (e.g., a first appearance, bond hearing, appointment of counsel for an indigent defendant, probation violation or probable cause hearing);
3. The proceeding is for the purpose of obtaining emergency relief (e.g., a domestic violence protection order, temporary restraining order, juvenile custody order, or civil commitment order); or
4. The senior resident superior court judge or chief district court judge determines that the proceeding can be conducted under conditions that protect the health and safety of all participants.

AND IT FURTHER APPEARING TO THE COURT that Article 1, Section 18 of the North Carolina Constitution provides "All courts shall be open; every person for an injury done him in his lands, goods, person, or reputation shall have remedy by due course of law; and right and justice shall be administered without favor, denial or delay."

IN CARRYING OUT THESE ORDERS, the Chief Justice has directed that all non-essential, non-time sensitive and non-constitutional mandated courts be suspended until June 1, 2020 and that this directive be carried out while maintaining and honoring the constitutional duty of the courts to remain open to the public and to continue to guarantee to all persons the protections, rights and liberties afforded under the North Carolina Constitution and the Constitution of the United States.

NOW THEREFORE IT IS ORDERED, ADJUDGED AND DECREED THAT:

Court Schedule

Effective immediately, it is ordered that the commencement of any and all jury trials in Superior and District Courts in Judicial District 17B are suspended until June 1, 2020. Any juror summoned to appear is hereby deferred to a later date. Letters will be furnished by the Clerk of Superior Court notifying each juror of this deferment of service. Any previously calendared criminal or civil matter in Superior or District Court is hereby continued to a date of June 1, 2020 or beyond. The regular sessions of court shall resume on June 1, 2020 unless further order is made.

New Courthouse Hours

The Court offices in Stokes and Surry County will remain open for business. However, effective April 6, 2020 only attorneys and the public whose business requires them to appear in person will be allowed in the courthouse. The Surry and Stokes County courthouses will be open Monday through Friday from 9:00 am to 1:00 pm. These hours will remain in effect until June 1, 2020, or until further order of the Court. All Superior and District Court sessions of court will be adjusted to take place within these hours. Attorneys or members of the public may otherwise use email and telephone to communicate with staff of the 17B Judicial District.

In Stokes County, the Sheriff's Department will remain open and access is available in the lower lobby of the Courthouse, but access to the main floor where Judicial Offices are located will be only available from 9:00 am to 1:00 pm.

In Surry County, access to the Register of Deeds is by appointment only. You may contact the Register of Deeds at 336-401-8150.

Social Distancing

All persons in the courthouse should practice safe social distancing. This includes all areas of the courthouse---including the courtrooms. Lawyers should not review transcripts or other documents immediately beside their clients. If additional consultations are needed, the case shall be rescheduled so that the transcript can be completed via video conference. No one should crowd the clerks or step into the clerk's work area. Files can be reviewed before court at the Clerk's office in the public area.

Everyone should comply with reasonable requests to provide personal space. Anyone refusing to provide reasonable personal space to another upon a direct request of a courthouse employee or officer of the Court shall immediately be removed from the courthouse. Failure to provide reasonable space upon request of a courthouse employee or officer of the Court may be addressed as contempt of court.

Each person should take personal responsibility in assuring that proper social distancing is always being practiced in the courthouse.

No person with coronavirus or flu-like symptoms will be allowed to enter the courthouses of the District.

All persons seeking entrance into the courthouses of the District may be subject to limited medical screening and other procedures to ensure the safety of the courthouse prior to such entrance.

Writs

Writs should be limited to those that are necessary to protect due process rights. First appearances and advisements of those incarcerated in other facilities should be done via video conference by the Senior Resident Superior Court Judge, the Chief District Court Judge or their designees when possible. Alternatively, the Senior Resident Superior Court Judge or Chief District Court Judge may arrange for a colleague in the jurisdiction where the defendant is located to complete the first appearance or advisement. If none of these options are available, then the inmate should be brought to our jail via a writ.

The District Attorney's Office should provide as much notice as possible to the Senior Resident Superior Court Judge or Chief District Court Judge before issuing a writ.

Appointment of Counsel in Criminal Cases

First appearances in felony and misdemeanor cases will be held for all defendants in custody and may be done remotely via video when available. All eligible inmates will be appointed counsel upon request.

First appearances in felonies or misdemeanors for those not being held in custody are being delayed due to the pandemic. Anyone who is charged with a felony or misdemeanor who did not receive a first appearance may apply to the Clerk of Superior Court for appointment of counsel by submitting an Affidavit of Indigency (AOC-CR-226). This affidavit need not be signed before the Clerk or a notary. It should be forwarded to the Clerk as follows:

STOKES COUNTY: Mail: P.O. Box 250 Danbury, NC 27016

Fax: 336-593-4401

OR

Email: P.Jason.Tuttle@nccourts.org

SURRY COUNTY: Mail: P.O. Box 345 Dobson, NC 27017

Fax: 336-386-3701

OR

Email: Landon.N.Brendle@nccourts.org

** As a last resort, the same may be dropped off with a bailiff at the door of the courthouse.

The clerk should forward a letter to each defendant who does not receive a first appearance during this pandemic informing the defendant of the right to remain silent, the right to counsel, and encouraging the defendant to register for the Court Date Notification program. The Clerk should include with the letter an Affidavit of indigency with instructions. The District Attorney's office should work with the Clerk to identify those individuals who should receive this information.

Competency Evaluations

Prior to transferring an inmate to Central Regional Hospital in Butner or some similar institution, the Sheriff's office should inform the Senior Resident Superior Court Judge of the proposed treatment. The Senior Resident Superior Court Judge shall contact the institution to see if a competency exam can be properly done via video conference in lieu of transport.

Attorney-Client Consolation with Inmates

Except as necessary to protect due process rights, attorney-client consultations with inmates in the county jail should be by video during the pandemic. If counsel needs to confer with inmates in other jails or prisons, counsel should contact the Senior Resident Superior Court Judge or Chief District Court Judge to assist in facilitating a video or phone visitation if counsel cannot secure such visitation by contacting the holding institution directly.

Superior Court Scheduling

Superior Court will hold sessions on Monday in Surry County and Tuesday in Stokes County during announced sessions to address in custody pleas. Advisements and bond motions shall be addressed and will be conducted via video when available. Any other matters will be considered on a case-by-case basis by application to the Senior Resident Superior Court Judge.

The Grand Jury will meet on May 18, 2020 in Surry county and May 19, 2020 in Stokes county. This meeting will be evaluated closer to that date.

The Senior Resident Superior Court Judge is also available for videoconferencing to address civil matters upon request and consent of all parties.

District Court Scheduling

The previous order for District Court scheduling remains in effect through June 1, 2020 including hearings for those in custody, domestic violence protective orders, juvenile hearings, and other matters previously enumerated. Those emergent and urgent hearings shall be conducted by video conferencing in accordance with the Chief Justice's order when feasible. The schedule of assignment of judges shall be released in a separate memo.

Questions regarding continuances and dates for cases originally assigned to sessions of court between March 13, 2020 and June 1, 2020 may be directed to the Clerk of Superior Court in either county or the District Court Judges Offices.

Mediation

The Senior Resident Superior Court Judge and the Chief District Court Judge encourage all parties to participate in mediation pursuant to the guidelines provided by NC AOC. It is unclear when our courtrooms will return to normal, and when they do, we expect dockets to be extremely crowded. We hope mediation can, under proper precautions, provide parties a reasonable opportunity to resolve their disputes fairly.

This the 3rd day of April 2020.



Angela B. Puckett

Senior Resident Superior Court Judge



William F. Southern, III

Chief District Court Judge