

STATE OF NORTH CAROLINA
JUDICIAL DISTRICT 26

IN THE GENERAL COURT OF JUSTICE

MECKLENBURG COUNTY

IN RE:

APPOINTMENT OF THE OFFICE
OF THE PUBLIC DEFENDER FOR
THE 26TH JUDICIAL DISTRICT
FOR ALL PERSONS DOCKETED
FOR FIRST APPEARANCE IN THE
26TH JUDICIAL DISTRICT

ADMINISTRATIVE ORDER

MECKLENBURG CO., CO. CLERK
2020 DEC 10 P 3:41
FILED

THIS ADMINISTRATIVE ORDER has been entered to ensure the fair and proper administration of justice and to mitigate the public health threat posed by COVID-19 within the Mecklenburg County Detention Center and the Mecklenburg County Courthouse. The undersigned Chief District Court Judge enters this Administrative Order pursuant to the inherent authority of the court and pursuant to its administrative supervision and authority over the operation of the District Courts in the 26th Judicial District pursuant to N.C. Gen. Stat. §§ 7A-41.1, 7A-146. This Order is intended to address the unprecedented public health threat posed by COVID-19 to residents of the Mecklenburg County Detention Center (MCDC), the Mecklenburg County Bar, the staff of the Mecklenburg County Sheriff's Office, court staff and the public who have business in the Mecklenburg County Courthouse.

Whereas, COVID-19 is a respiratory disease that can result in serious illness or death by the SARS-CoV-2 virus, which is a new, highly-contagious strain of coronavirus that can be spread from person to person; and

Whereas, Governor Roy Cooper declared a State of Emergency in North Carolina on March 10, 2020, in response to the emerging public health threat posed by COVID-19 by entry of Executive Order No. 116, *Declaration of a State of Emergency to Coordinate Response and Protective Actions to Prevent the Spread of COVID-19*; and

Whereas, the World Health Organization declared COVID-19 a global pandemic on March 11, 2020; and

Whereas, the Centers for Disease Control and Prevention (“CDC”) has warned of the extreme public threat posed by COVID-19 globally and in the United States and strongly recommended the practice of social distancing and the use of face coverings to deter the spread of the virus; and

Whereas, Governor Roy Cooper issued Executive Order No. 117, *Prohibiting Mass Gatherings and Directing the Statewide Closure of K-12 Public Schools to limit the spread of COVID-19*, on March 14, 2020, as a means to protect the health and safety of the residents of North Carolina, slow the spread of the COVID-19 outbreak, reduce the number of people infected, and avoid strain on our health care system; and

Whereas, the Chief Justice of the Supreme Court of North Carolina on May 21, 2020 declaring that catastrophic conditions exist in all North Carolina counties, issued directives pursuant to N.C. Gen. Stat. § 7A-39(b)(2) emergency directives to limit the spread of infection while continuing operation for essential court functions directing local districts to restrict traffic in courthouse facilities, implement social distancing practices and implement cleaning and sanitizing practices; and

Whereas, the Mecklenburg County Health Director has advised the Key Court Officials of the 26th Judicial District that as of December 7, 2020, there were 46, 885 cases of COVID-19 with 477 deaths reported among Mecklenburg County residents; and

Whereas, during the past week, an average of 11.0 percent of individuals who were tested in Mecklenburg County were positive for COVID-19 which represents an increase in trends over the last 14 days; and

Whereas, over the past seven days the number of residents of the Mecklenburg County Detention Center (MCDC) who have tested positive for COVID-19 has increased from 64 to over 100; and

Whereas, over a dozen MCDC staff have tested positive for COVID-19 after reporting to work without symptoms, contributing to spread of the virus in the facility; and

Whereas, the MCDC medical director has directed the Mecklenburg County Sheriff to cease all movement of staff and residents within the facility for the next forty-eight hours to prevent further spread of COVID-19 in the facility; and

Whereas, measures that prevent the movement of residents in the MCDC are necessary to prevent or slow the spread of the COVID-19 virus in the MCDC; and


Whereas, the Chief Justice of the Supreme Court of North Carolina has made the conduct of court proceedings contingent on the implementation of practices recommended by public health officials as necessary to the safe operation of the courts; and

Whereas, it is in keeping with the Governor's Executive Order and the Order of the Chief Justice for the court to implement measures that protect MCDC residents from exposure to COVID-19 and enter an order appointing counsel to represent defendants at the First Appearance Hearing and waiving the personal appearance of the defendant pursuant to N.C.G.S. 15A-601;

WHEREFORE, IT IS HEREBY ORDERED ADJUDGED AND DECREED that on December 11, 2020:

1. The Public Defender of the 26th Judicial District is hereby appointed to represent all persons who are calendared for First Appearance before the District Court; and
2. The representation shall continue until the disposition of the case or a conflict of interest or other consideration necessitates that the case be assigned to private counsel.

Entered and effective, this the 10th day of December, 2020.



The Honorable Elizabeth Trosch
Chief District Court Judge