


STATE OF NORTH CAROLINA **FILED** IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
COUNTY OF BURKE 2020 MAR 20 A 11:42 20-R-119

IN THE MATTER OF THE OPERATION OF THE SUPERIOR COURT DIVISION IN JUDICIAL DISTRICT 25-A BY  ORDER CONCERNING COURT OPERATIONS FOR THE MARCH 30, 2020 SESSION

This matter came on before Robert C. Ervin, Senior Resident Superior Court Judge, in the exercise of the Court's in chambers jurisdiction. The undersigned judge makes the following order subject to an order previously entered by Chief Justice Cheri Beasley of the Supreme Court of North Carolina.


1. On March 13, 2020, Chief Justice Cheri Beasley entered an order pursuant to N. C. Gen. Stat. 7A-39(b)(2) determining that catastrophic conditions resulting from a public health threat posed by COVID-19 exist in all counties of this state.
2. Pursuant to the Chief Justice's order, all superior court proceedings shall be scheduled or rescheduled for a date no sooner than 30 days from the issuance of her order or until on or after April 13, 2020.
3. The Chief Justice's order permitted proceedings to be held when "the proceeding will be conducted remotely." Emergency Directive 1, Exception 1.
4. The Chief Justice's order permitted proceedings when "the proceeding is necessary to preserve the right of due process of law." Emergency Directive 1, Exception 2.
5. The Chief Justice's order permitted proceedings when "the proceeding is for the purpose of obtaining emergency relief." Emergency Directive 1, Exception 3.
6. Finally, the Chief Justice's order permitted proceedings when the senior resident superior court judge "determines that the proceeding can be conducted under conditions that protect the health and safety of all participants." Emergency Directive 1, Exception 4.
7. Chief Justice Beasley further ordered the Clerk of Superior Court to post notices on the doors at all courthouse entrances directing persons who have likely been exposed to COVID-19 not to enter the courthouse.
8. The undersigned Superior Court Judge has reviewed the calendar for the March 30, 2020 Session of Criminal Superior Court in Burke County and conferred with representatives of the District Attorney's office.
9. It appears that there is one murder case set for trial during this session of court and the Attorney General's office represents the State in that case. In light of Chief Justice Beasley's order, jury trials should not be conducted.

10. There are 16 remaining docket numbers on this calendar involving 15 defendants. Three defendants are currently represented by attorneys.

Pursuant to the provisions of the order entered by Chief Justice Cheri Beasley, it is hereby ordered for the purposes of the March 30, 2020 Criminal Calendar in Burke County that:

1. All trials will be continued to a future date to be determined by counsel for the parties.
2. No calendar call will be held for this session of court.
3. If any of the defendants, who are represented by counsel, desire to enter pleas of guilty, those matters may be scheduled by counsel and the presiding judge.
4. The remaining eleven defendants, who are unrepresented, shall appear in open court on March 30, 2020 at 10:00 a.m. so that the Court can address matters related to the determination of the status of counsel.
5. If an attorney files a general appearance in any case on behalf of a defendant prior to the beginning of this session of court, neither counsel nor the defendant will be required to appear in open court.
6. In cases where the defendant is incarcerated in the Burke County jail, the counsel determination may be addressed utilizing the available video equipment.
7. Any defendant or attorney who believes that they have been exposed to COVID-19 shall contact Justina A. Tate at (828) 433-3288 for further instructions prior to appearing in court.

This the 20th day of March 2020.



Robert C. Ervin
Senior Resident Superior Court Judge