

STATE OF NORTH CAROLINA
COUNTIES OF CHEROKEE/CLAY/
GRAHAM/MACON/SWAIN

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

IN RE: 2025 CRIMINAL/CIVIL
ADMINISTRATIVE COURT
SCHEDULE

ADMINISTRATIVE ORDER (2025)

Pursuant to Rule 2 of the General Rules of Practice for Superior and District Court, and in furtherance of the purpose of administering justice promptly and efficiently, the Senior Resident Superior Court Judge of District 43A, in consultation with the District Attorney ("D.A."), the Public Defender's office ("PD") and upon comment by members of the local bar (Prosecutorial District 43), hereby enters the following order, and implements the following rules, for the counties of Judicial District 43A:

1. The following weeks are designated "Administrative Sessions" in District 43A for the year 2025 and shall be referred to herein as either a "three-county session" or a "two-county session":
 - March 17, 2025: Cherokee, Clay, Graham
 - March 24, 2025: Macon and Swain
 - June 2, 2025: Cherokee, Clay, Graham
 - June 9, 2025: Macon and Swain
 - September 15, 2025: Cherokee, Clay, Graham
 - September 22, 2025: Macon and Swain
 - December 8, 2025 Cherokee, Clay, Graham
 - December 15, 2025: Macon and Swain
2. Administrative sessions shall be used in criminal cases for the purposes as set forth in the Criminal Case Management Plan for the 43rd Prosecutorial District. The provisions of that Plan are hereby incorporated by reference.

SCHEDULING OF CRIMINAL CASES

3. The schedule for three-county sessions shall be as follows:

Monday and Tuesday	Cherokee County
Wednesday	Clay County
Thursday	Graham County

4. The schedule for two-county sessions shall be as follows:

Monday and Tuesday	Macon County
Wednesday and Thursday	Swain County

5. A criminal matter may be set on more than one administrative session if requested by the parties or if it is found to be necessary to promote the fair administration of justice in a timely manner.
6. Fridays of administrative sessions will be reserved for civil motions and criminal holdover cases when needed.
7. **Murder Cases:** All pending first, second and undesignated murder cases shall be calendared the first Spring and Fall Administrative sessions for review of the status and for scheduling purposes.

*Macon and Swain: Week of March 17th and Week of September 22nd

*Cherokee, Clay and Graham: Week of March 24th and Week of September 15th

8. **Capacity Evaluations:** In accordance with NC Gen Stat 15A-1005, the Clerk of Superior Court or his/her designee must keep a docket of defendants who have been determined to be incapable of proceeding. The Clerk must submit the docket to the senior resident superior court judge. That when the Clerk receives an evaluation, the matter is to be set on the first available Criminal docket regardless if that is a trial term or administrative term, so that a hearing may be conducted.
9. **Civil Motions:** It is most preferable that civil motions be heard immediately after the conclusion of criminal matters, to avoid a return trip and associated expenses to the State and the presiding judge. Therefore, counsel on civil motions should appear for calendar call of the criminal matters and be ready to proceed when the criminal matters are concluded. Counsel may, however, request a deviation from this protocol, which might be appropriate if the criminal matters will consume a substantial amount of time. If counsel does not request such deviation and is/are not present to proceed at the conclusion of the criminal matters, the judge may adjourn court *sine die*. Counsel will follow the same procedures as set forth in 43A Local Civil Rules for calendaring motions during the Administrative Sessions. The Court is prohibited by Rule from hearing civil motions from out of county at a criminal priority session unless there is an emergency.

A motion in a civil action in a county that is part of a multi-county judicial district may be heard in another county which is part of that same judicial district with the permission of the senior resident superior court judge of that district or of that judge's designee. Except for emergencies as determined by the senior resident superior court judge or that judge's designee, a motion in a civil action to be heard outside the county in which the case is filed shall be heard at a civil session of court.

N.C. Gen. Stat. § 1A-1, Rule 7

Civil motions may be scheduled on criminal administrative weeks for Fridays for WebEx hearings only. The motions must be noticed in at least 10 days in advance for scheduling.

purposes. All parties will be appearing via WebEx and not in person. If the parties desire for hearings to be heard in-person then those motions must be scheduled during a regularly scheduled civil session.

Since July 22, 2024, District 43A has been operating under the Enterprise Justice electronic-filing system. With these changes and with the best practices set forth from the Enterprise Justice electronic-filing system certain protocols and procedures should be followed when scheduling out of county hearings for civil motions.

Out of County Webex Civil Motions

North Carolina Administrative Office of the Courts has adopted the Cisco WebEx audio and transmission platform for remote hearings. A motion in a civil action heard outside of the originating county shall be heard via WebEx during a regularly scheduled civil term or on Fridays during a regularly scheduled criminal administrative term. Although in-person hearings are presumed in civil proceedings, a party or parties may request a remote hearing via WebEx by providing notice to the Court Coordinator at least ten (10) days prior to the hearing and serving the other parties with such notice. If a remote hearing is requested, all parties must appear remotely. There will be no in-person appearance.

The Court Coordinator will schedule the WebEx hearing and will assign the civil clerk of the originating county as the host for the WebEx hearing. The Webex hearing will have an individual link to access the hearing. The Civil Clerk or the Clerk's designee shall host the WebEx proceeding.

When requesting a remote hearing via WebEx, the requesting party or parties shall provide notice to the Court Coordinator with an estimation of time needed to complete the hearing as well as the names and email addresses for all the parties who will need to appear via WebEx for the hearing. The Court Coordinator will provide the party or parties with a time certain for the hearing and the link to access the hearing.

It is the responsibility of each party/attorney to provide the WebEx link to their client(s), witness(es) and other interested individuals as it applies on a case-by-case basis.

Out of County In-Person Civil Motions

During regularly scheduled civil sessions of court, civil motions may be brought from an originating county to another county for hearing. Notice for an out of county hearing to occur on a civil docket, the moving party or parties must notice the matter in at least ten (10) days prior to the hearing and serve all parties with such notice. That the originating civil clerk will create a court session for that particular motion with the hearing clerk (clerk in the out of county session) shall create an administrative case to relate back to the original county case in the originating county. That after the creation of the administrative case, the hearing clerk will then schedule the administrative case on for hearing in the appropriate calendar session.

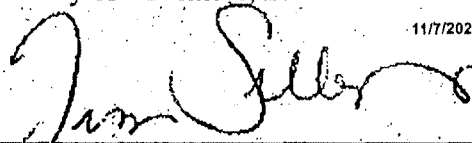
That during the hearing, the originating clerk will attend via WebEx and be responsible for recording minutes. That the hearing clerk will create or generate any forms needed by the Judge during the hearing and task all documents needed for the Judge's signature to the Judge after the

hearing. The Judge will be responsible for tasking the documents back to the hearing clerk for processing. After the hearing and all matters have concluded, the hearing clerk will send a task to the originating clerk attaching all documents from the administrative case created back to the originating county.

10. **Priority of Courts:** Whenever administrative court sessions conflict with previously scheduled sessions of district court or other courts, counsel should proceed first to the court where the most efficient use of counsel's time and the resources of the court will be achieved, using Rule 3.1 of the General Rules of Practice for the Superior and District Courts as guidance. Pursuant to Rule 3.1, certain courts will take priority over administrative matters, however, counsel make sure that the court is aware of conflicts and when the court can expect arrival of counsel in administrative court. Counsel should provide this information to the District Attorney's office as well as the Clerk of Superior Court in the county where the court session is being held. All parties, the District Attorney's office, Public Defender's office and private counsel are encouraged to resolve scheduling conflicts in advance of court.
11. These rules shall supplement the Rules of Practice for Superior and District Court, except as they may be in conflict the Rules of Practice, in which event the Rules of Practice shall control.
12. These rules shall be effective January 1, 2025 and shall apply to all cases on file as of that date, without regard to date of offense.

This, 7th day of November, 2024

11/7/2024 10:59:39 AM



Honorable Tessa S. Sellers
Senior Resident Superior Court Judge, District 43A