

## **DISTRICT 15B LOCAL CRIMINAL RULES**

*The United States and North Carolina Constitutions guarantee every person the right to due process and to a speedy trial, and assure the rights of victims of crime as well as insure that all persons charged with a crime shall receive all constitutional protections.*

### **Rule 1: General Provisions**

- 1.1 **Purpose:** These Rules and Criminal Case Management System (CCMS) incorporated herein provide for the orderly, prompt, and just disposition of criminal matters in the Superior Court of the 15B Judicial District.
- 1.2 **Policy:** It is the policy of this district that:
  - 1.2.1 All constitutional, statutory, and other rights of defendants, victims, and other witnesses and the State will be protected.
  - 1.2.2 Every event in a criminal case (such as determination of pretrial release, first appearance, appointment of counsel, probable cause hearing, discovery, plea offer, and response, indictment, hearing of motions, arraignment, trial, and sentencing) occur at the earliest time feasible and in an orderly fashion.
  - 1.2.3 There be a reliable schedule of events in every case and every party have timely and actual notice. At a minimum, at each appearance the next event shall be scheduled, when practical.
  - 1.2.4 Criminal cases be handled in a different manner that includes all parties being prepared and present as determined by the DA and Defense Counsel; everyone working cooperatively to raise and address all issues, thereby moving the case along as much as possible at each hearing.
  - 1.2.5 Exceptional cases and circumstances be identified and events scheduled accordingly (see 15B Local Criminal Rule 1.4).
  - 1.2.6 The individual needs of court personnel, attorneys, victims, defendants and witnesses, law enforcement officers, probation officers, and all other persons be handled with understanding and consideration.
- 1.3 **Criminal Case Management Schedule:** A Criminal Case Management Schedule ("Case Management Schedule" or "CMS") for each felony case and all cases pending in Superior Court (except Probation matters – see 15B Local Criminal Rule 13) shall be prepared and maintained by the District Attorney in conjunction with the Judicial Support Staff (JSS). The CMS shall be available to each defendant and attorney. A case tracking system (the "Automated Criminal/Infractions System" or "ACIS") shall monitor the number, age, type, name of attorney, next scheduled event, and procedural status of all pending criminal cases and provide for printed schedules and calendars.

- 1.4 Exceptional cases:
- 1.4.1. The Senior Resident Judge may designate a specific resident judge or a specific judge assigned to hold court in the District to preside over all proceedings in a particular case. That judge may, with input from the attorneys, create a CMS based on the unique circumstances of the case, or may order the one created pursuant to 15B Local Criminal Rule 1.3.
- 1.4.2. A Resident Judge may designate a specific case as exceptional for the purposes of deviating from the standard CMS based on the complexity of factual or legal issues, discovery issues, or for other good cause shown. Such a designation pursuant to this rule shall not require the designation of a specific judge to preside over all proceedings.
- 1.5 Application: These rules shall apply to all felony cases, misdemeanor appeals, and probation violations beginning on the date these rules are adopted as indicated herein below. Superior Court cases pending as of that date may be calendared by the District Attorney at Trial Sessions and may be integrated into the Criminal Case Management System as appropriate.
- 1.6 Speedy Trial: The Court may modify the CMS upon a motion for speedy trial by either party.
- 1.7 Jail Cases: The cases of persons confined to jail or other incarceration awaiting trial shall be given priority. The list of inmates provided by the Sheriff to the Clerk shall be available for review at each session of Court.
- 1.8 Citation: These local rules are to be cited as “15B Local Criminal Rule #\_\_\_\_.”

**Rule 2: Time Standard Goals**

- 2.1 "Speedy Trial" Policy: Each case should be tried or disposed of promptly.
- 2.2 Time Standards: The Superior Court cases in each county should be disposed of promptly. The following standards are guidelines for prompt disposal of cases, with time computed from the Initiation Date, as defined in 15B Local Criminal Rule 4:

*Felonies and Misdemeanor Appeals*

- 50% within 50 days (first setting)
- 75% within 80 days (2nd setting or pretrial hearing)
- 95% within 120 days
- 98% within 180 days (all but murder and other exceptional cases)
- All within 365 days

*Probation Violations*

- 60% heard at second setting
- All heard within 60 days

**Rule 3: Appearance of Attorney and Appointment of Counsel**

3.1 Appearance of Counsel

- 3.1.1 Appearance: An attorney shall advise the Clerk of Court and the responsible prosecutor (hereinafter, "RP") soon after undertaking representation. An attorney shall be deemed to be making a general appearance unless a notice of a limited appearance is appropriately filed. [The form "Notice of Limited Appearance" shall be used] Any attorney making a limited appearance shall advise his client of his rights to counsel. Prior to an attorney's last appearance in the matter, the attorney shall make reasonable efforts to ensure that the Court has made proper inquiry and taken appropriate action regarding waiver or appointment of substitute counsel.
- 3.1.2 Duty upon Appearance: Upon making an appearance in a case, the attorney is responsible for ensuring the Clerk, JSS, and RP have all contact information for the attorney, including email, phone, facsimile, and mailing address.
- 3.1.3 Presumed method of communication: Communication from the JSS shall be presumed to be via email, unless the attorney notifies the JSS that another method is necessary.
- 3.1.4 Duty to Keep Current: Attorneys are under a continuing obligation, when practicing in District 15B, to keep the Clerk and JSS informed of all contact information, including a current email address.

3.2 Appointed Counsel

- 3.2.1 Public Defender: The Public Defender shall designate an intake attorney who is responsible for obtaining basic information, providing Public Defender contact information, and advising client of basic rights at each day of Superior Court, including administrative sessions. The Public Defender shall keep the courtroom clerk advised of the assigned intake attorney for the day. That attorney shall meet with the client that day if available. If the intake attorney is not available, the defendant shall be informed when and where to contact the Public Defender's Office.
- 3.2.2 Private Appointed Counsel: Private counsel shall be appointed pursuant to Requirements for Appointment of Counsel in the 15B Judicial District, provided that the Court will seek to appoint an attorney willing to handle the case in a timely manner.

- 3.3 Attorneys of Record: The ACIS and other court records shall accurately reflect the names of the defense attorney and the responsible prosecutor. Whenever counsel changes, the Clerk of Court shall correct the court record immediately except that the District Attorney and Public Defender will record any changes of their attorneys on the ACIS and notify the opposing party. The senior Superior Court courtroom clerk in each county is responsible for maintaining a list of attorneys appearing in Criminal Superior Court. Names entered in ACIS and other records shall be exactly as on that list.
- 3.4 Probation Violations: When a Probation Officer cites a person for a probation violation hearing and the officer intends to recommend revocation or a material modification, then the officer shall send the defendant to the Clerk's office for appointment of counsel. Any person arrested for a probation shall be cited, or if in custody, taken to the next available court session for appointment of counsel.
- 3.5 Duties of Newly Appointed Counsel: Newly appointed counsel shall:
- 3.5.1 Immediately determine any conflict. If there is one, then advise the Court, the client and the RP and obtain an order appointing new counsel. If court is not in session or a Superior Court Judge is not otherwise available, take the client to the Clerk's Office so that new counsel may be appointed immediately.
  - 3.5.2 Immediately confirm the client's addresses and telephone numbers for court records.
  - 3.5.3 Immediately review the Release Order and take appropriate action.
  - 3.5.4 As soon as practical, determine the status of the case, the CMS and generally review the case with the client.
  - 3.5.5 As soon as practical, talk with the RP and endeavor to take all actions which can be done during that day or session to resolve the case or as many issues as possible.
  - 3.5.6 As soon as practical, with regard to a probation violation, talk with the Probation Officer and seek to resolve the matter that day or during that session.

**Rule 4: Initiation Date**

The Initiation Date of a case in Superior Court is the date of a waiver or finding of probable cause, date of appeal from District Court, date of indictment, date of a filed bill of information, or filing of an order changing venue, the last to occur. A probation violation case is initiated upon the service of the Violation Report.

**Rule 5: Discovery**

- 5.1 Discovery Request Presumed: Once counsel has appeared or been appointed in a case, it shall be presumptively assumed that counsel is seeking those items discoverable under the constitutions and laws of North Carolina and the United States. No formal request for discovery under 15A-902(a) need be made. Provision of discovery by the State acts as an automatic request for reciprocal discovery from the Defendant. The Court may, after motion by the opposing party or on its own motion, impose sanctions for failure to provide discovery, reciprocal discovery, or continuing discovery as provided by law or anticipated by these rules.
- 5.2 Timely Discovery: Discovery, even if partial, shall be made as quickly as feasible. The RP shall also make timely disclosure to the defense of all evidence or information known to the prosecutor that tends to negate the guilt of the accused, mitigates the offense, "has a reasonable probability" of altering the jury's verdict in favor of the defendant, or mitigates punishment or sentencing. In any event, the District Attorney shall provide discovery to the defendant at least 10 days prior to the first Administrative Setting. Failure to provide timely discovery constitutes reasonable grounds for a continuance by the defendant.
- 5.3 Protection of Confidentiality: Consistent with discovery statutes and rules, attorneys are strongly encouraged to protect the privacy of individuals, as well as private financial, health, and other records received in the discovery process.

**Rule 6: Plea Offers**

- 6.1 Offer and Worksheet: The RP shall extend a written or electronic plea offer and sentencing worksheet to defense counsel no later than 10 days prior to the first Administrative Setting. The offer may include an expiration date.
- 6.2 Response: Defense counsel shall promptly inform the defendant of the plea offer. If possible, defense counsel shall communicate an acceptance or rejection of the plea offer to the RP prior to the next setting of the case.
- 6.3 Discussions: After receiving the plea offer, the defense attorney should consult with the RP and discuss any reasons why the offer should be different. The RP should then review the original offer and make certain it is the best offer to be made.
- 6.4 Dismissal: If the RP takes a dismissal, the RP should notify the defendant or defense counsel, if represented, of such action by the end of the next business day following such dismissal. In addition, if the defendant is in custody, the written dismissal shall promptly be served on the chief officer of the custodial facility.

- 6.5 Plea offer change: If the RP discovers the prosecution is unable to fulfill an understanding previously agreed upon in plea negotiations, the RP shall give prompt notice to the defense counsel. Defense counsel should be given reasonable time after such notice to discuss any new offer with the client and such change may constitute grounds for a continuance.
- 6.6 Actual Innocence: The RP shall always be vigilant for any case where the accused may be innocent of the offense charged. In any such case, the RP shall strive to ensure that an accused not be treated unfairly.

**Rule 7: Informal Case Conferences**

The RP and defense attorney may have an informal case conference as early as feasible, and subsequent conferences as needed. The conferences may be in person, by telephone, or electronically. During those conferences they shall seek to resolve as many issues as possible including discovery, plea offers, motions and other matters. Also, they shall identify all matters which need to be considered by the Court.

**Rule 8: Motions**

- 8.1 Motions Practice: Motions shall be filed and served as provided in N.C.G.S. Chapter 15A unless otherwise provided in these rules or a Scheduling Order.
- 8.2 Deadlines for Filing: All pre-arraignment motions should be filed at least one week prior to the final administrative setting. All other pretrial motions should be filed promptly after counsel determines the motions are appropriate.
- 8.3 When Heard: Pending motions may be heard at any scheduled hearing. Motions may be calendared by notice after consultation with opposing counsel and the JSS.

**Rule 9: Scheduling and Calendaring for Motions, Pleas, Trials, and Sentencing.**

- 9.1 Cooperative Scheduling: The District Attorney and the JSS shall work together with the Public Defender, attorneys, Clerks of Superior Court, probation officers, victim witness coordinators, sentencing services professionals and other affected parties in scheduling all matters. The professional and personal obligations of participants shall be considered.
- 9.2 Scheduling: The next court appearance shall be scheduled, if practical.
- 9.2.1 The initial appearance and first appearance shall be scheduled as provided in the District 15B Pre-trial Release Policy. Magistrates should consult the JSS regarding scheduling cases in Superior Court.

- 9.2.2 District Court: At the first appearance the District Court Judge should schedule the date for Probable Cause Hearing. Upon a finding or waiver of probable cause, the defendant shall be given notice that the case is being transferred to the Superior Court Division. If known at that time, the Defendant should be informed of the date and time of the Administrative Setting in Superior Court.
- 9.2.3 Superior Court: The JSS shall prepare a proposed Scheduling Order for each case. The Court and parties will review the order at each hearing. The Court will then enter a Scheduling Order which may be modified only by the Court, the JSS, or as provided in these rules.
- 9.3 Conflicting Schedules: Attorneys and defendants should bring his/her calendar to all hearings to identify any conflicts. Victims, witnesses, attorneys, probation officers and other affected persons shall immediately advise the District Attorney and JSS of any scheduling conflicts, vacation, illness or other conflict. Attorneys shall advise witnesses of trial dates within two weeks of trial being scheduled and immediately let opposing counsel and the JSS know of any conflicts. An attorney may then request the Court to reschedule the trial date, in conjunction with 15B Local Criminal Rules 9.1 and 9.4. No matters shall be scheduled during a period of properly designated Secured Leave (pursuant to 15B Local Criminal Rule 18) upon proper notice; failure to designate Secured Leave or properly appear in court in person or through an associate shall be grounds for sanctions, including but not limited to contempt.
- 9.4 Trial Date: The District Attorney shall announce a proposed trial date at the Administrative Setting and the defendant may respond. The Court shall set that date as the tentative trial date unless, after providing the parties an opportunity to be heard, the Court determines that the interest of justice require the setting of a different date. In that event, the District Attorney shall propose another trial date for consideration. The Court shall then enter a Trial Scheduling Order, if not already set as part of the CMS. The trial date shall occur no sooner than 30 days after the final administrative setting unless agreed upon by the State and the defendant. The trial should be within 30 to 90 days of the final administrative setting. A pretrial motion hearing or arraignment shall not be considered an "administrative setting" except by agreement by State and the Defendant.
- 9.5 Trial date set by Court: When a case has not been tried or otherwise disposed of within 120 days of indictment or service of notice of indictment when required, the case shall be scheduled on the next available calendar for a hearing for the purpose of establishing a trial date.
- 9.6 Venue for Administrative Settings: Venue for administrative settings may be in any county within the district when necessary to comply with the terms of the criminal case docketing plan. The presence of the defendant is only required for administrative settings held in the county where the case originated.

9.7 Setting and Publishing of Trial Calendar

9.7.1 The District Attorney shall prepare the trial calendar not less than ten (10) working days prior to each session of criminal trial court. The trial calendar shall schedule the cases in the order in which the District Attorney anticipates they will be called for trial, and should not contain cases that the district attorney does not reasonably expect to be called for trial.

9.7.2 The Clerk of Court shall promptly publish the calendar on this district's web site ([www.nccourts.org](http://www.nccourts.org)) and send a copy to each attorney of record and unrepresented defendant. The copy may be sent by email, placed in the attorney's box at the Courthouse or, when requested, by regular mail.

9.8 Trial Scheduling: Trial Calendar cases should be scheduled to effectively use the available court resources while minimizing inconvenience for those summoned for jury service and for other participants, including victims, witnesses, court personnel and attorneys. Cases may be scheduled by the day and for a morning or afternoon.

9.9 Trial Order Deviation: Deviation from the announced order or the order set forth in the trial calendar will require approval of the Presiding Judge if the defendant objects; but the defendant may not object if all the cases scheduled to be heard before the defendant's case have been disposed of or delayed with the approval of the presiding judge. A case may be continued from the trial calendar only by consent of the State and the defendant (with approval of the Court) or upon order of the presiding judge or a Resident Superior Court judge for good cause shown.

9.10 Cases not reached: Trials not reached will be promptly rescheduled by the District Attorney upon consultation with the parties and JSS.

**Rule 10: Administrative Settings**

10.1 Administrative Settings: Administrative Settings shall be at times certain on an appropriate frequency. Schedules shall be continuously developed and flexible. Although the calendar will be available upon request, attorneys and unrepresented parties will be responsible for keeping track of all scheduled events.

10.2 Administrative Settings Scheduled: Each case shall be scheduled for a certain day and time during the next available Administrative Week after Initiation, but shall occur no sooner than two weeks from Indictment.

10.2.1 The Clerk of Court is responsible for the preparation and publication of the Administrative Calendar.

10.2.2 The District Attorney and JSS will seek to group all the cases of each defense counsel together.

10.2.3 If the Grand Jury does not act on the indictment prior to the Administrative Setting, discovery is complete and a plea offer has been



extended, either party may reschedule the setting upon notice to the other unless the Defendant is willing to proceed on a Bill of Information, the Defendant does not have an attorney, the defendant is in custody or there is some matter to be addressed by the Court.

- 10.3 Attendance: The defendant, defense counsel and the RP shall attend the administrative setting. The Defendant and defense counsel may be excused from attendance with the consent of the RP. However, the Court may require the attendance of any defense counsel and/or Defendant later in the same session or at a subsequent Administrative Setting. Victims may also attend and be heard as provided by the Victim Rights Act.
- 10.4 Administrative Setting Agenda: At the First Administrative Setting, the Court shall:
- 10.4.1 Determine counsel status.
  - 10.4.2 Identify conflicts of interest.
  - 10.4.3 Determine if charges are to be joined for trial and if cases of other defendants are to be joined for trial.
  - 10.4.4 Review Pretrial Release status.
  - 10.4.5 Determine victim notification status.
  - 10.4.6 Confirm that discovery and, if applicable, reciprocal discovery is complete. If not, schedule completion. Also, hear and rule on any discovery issues.
  - 10.4.7 Confirm that a plea offer has been conveyed and responded to by counsel. Inquire as to the status of plea negotiations.
  - 10.4.8 Hear any pre-trial motions. Schedule a time for hearing motions not heard.
  - 10.4.9 Arraign the defendant unless the defendant has filed or files a written waiver.
  - 10.4.10 Review the status of the case and address any unresolved issues. If discovery has not been completed, a plea offer made, a plea offer responded to or for other good cause, the Court may continue the hearing until later in the session or schedule a subsequent Administrative Setting.
  - 10.4.11 Set deadlines for filing and responding to any pre-trial motions allowed to be filed later.
  - 10.4.12 Identify all exceptional or special issues such as competency, agreements for testimony, further investigation, request for delay, unavailable witnesses. These matters should be ruled upon, noted, and scheduled on the CMS.
  - 10.4.13 Inquire whether the defendant understands plea offer and that the offer may be withdrawn.

- 10.4.14 At the request of either party, the Court will conduct a plea conference in order to make every effort to resolve cases at the earliest possible stage of the proceeding.
  - 10.4.15 Adjudicate any guilty pleas or schedule a time for entry of plea, and then sentence or schedule sentencing. (Sentencing may be delayed by plea agreement or upon request in the discretion of the Court.)
  - 10.4.16 Schedule a trial date as provided in 15B Local Criminal Rule 9. 4 or 9.5.
- 10.5 Subsequent Administrative Setting: The Court may schedule a subsequent Administrative Setting if found necessary to promote the fair administration of justice. It is expected that most cases will be resolved at the first or second Administrative Setting, or if not resolved, scheduled for trial.

**Rule 11: Motions for Continuance**

- 11.1 Motions for Continuance: Motions for continuance of trials should be made in writing and opposing counsel notified as soon as an attorney learns of grounds for the motion. Any person making a motion at a later date must show good cause for the failure to timely file.
- 11.2 Form of Motion: All applications for continuance shall be by written motion made on state form AOC-CR-410. The application shall include the name of the case; the file number(s); date of arrest; name, address (including email), telephone and fax numbers of attorneys (including opposing counsel); the grounds for application, any relevant witness information (such as: out-of-state witness, subpoena unserved, witness in custody), the number of previous continuances and the position of the other party, if known.
- 11.3 Timing, Location: The motions shall be heard at the earliest possible date. The JSS may set the motion for hearing in either county.
- 11.4 When Granted: The Court may continue a trial upon motion of either party for compelling reasons when in the best interest of justice.
- 11.5 If Granted: Any continuance shall be to a trial date certain.
- 11.6 Conflicting engagements and jail cases: When an attorney has conflicting engagements in different courts, priority shall be as described in Rule 3.1 of the General Rules of Practice for the Superior and District Court.
- 11.7 Request for continuance prior to Trial Session: Requests may be made to a Resident Superior Court Judge or to the Presiding Superior Court Judge for the week of trial.

**Rule 12: Sanctions**

- 12.1 Defendant, Witness: Failure of a defendant or witness to appear as required shall subject that person, at the discretion of the judge, to any sanctions provided by law.
- 12.2 Attorney: Failure to comply with any section of these rules shall subject counsel to all sanctions allowed by law and deemed appropriate in the discretion of the Presiding Judge.

**Rule 13: Probation Violation Cases**

- 13.1 First Appearances: First Appearances in Probation Violation Cases (“PVCs”) shall take place within seven (7) days of service of the violation report.
- 13.2 Preliminary Hearing: Pursuant to 15A-1345, unless waived, a preliminary hearing on an allegation of a probation violation shall be held within seven working days of an arrest of a probationer to determine if probable cause exists. Otherwise, the probationer shall be released and continue on probation pending the probation violation hearing.
- 13.3 Scheduling: PVCs shall, when practical, be heard on the next available Administrative Session of Court.
  - 13.3.1 No probation violation hearing shall be set the same week an attorney is appointed unless both the prosecution and defense agree to hear the matter.

**Rule 14: Motions for Appropriate Relief**

- 14.1 Review by Judge: Motions filed seeking appropriate relief shall be forwarded by the Clerk of Court to the office of a Resident Superior Court Judge for review pursuant to N.C.G. S. 15A-1420(1)-(7).
- 14.2 Upon review, a Superior Court Judge shall take one of the following actions:
  - 14.2.1. Dismissal: Dismiss the motion without evidentiary hearing but with written order stating the reasons for the denial of an evidentiary hearing and the denial of the motion; OR
  - 14.2.2. Evidentiary Hearing: Allow an evidentiary hearing, appoint counsel if necessary and notify the District Attorney that an evidentiary hearing has been allowed; and immediately schedule an initial hearing date at a future administrative court session within sixty (60) days in the county where the motion was filed.

**Rule 15: Evidence and Exhibits** (*see NC General Rule 14 and AOC Forms*)

- 15.1 Trial or Other Hearing: The attorneys shall be responsible for handling and marking of evidence. Parties appearing pro se shall be instructed and assisted by the clerk in applying these rules.
- 15.1.1. Marking of Exhibits: All exhibits shall be marked, numbered, and introduced with "evidence" tags or labels indicating whether State or Defendant as applicable. When there are multiple defendants, labels shall reflect the specific defendant. Counsel shall attempt to mark and number all exhibits before the trial or hearing. The exhibits should also be provided to opposing counsel before the trial or hearing.
- 15.1.2. Custody: All evidence shall be in the custody of the Clerk once it is introduced. Prior to that time, the respective attorneys, parties and witnesses shall be responsible for all evidence. If possible, the Court and attorneys should agree on disposition of evidence at the end of a trial or hearing.
- 15.1.3 Log: The courtroom clerk shall maintain an evidence log on form AOC-G-150. Attorneys are encouraged to provide a list of proposed exhibits and case law citations to the clerk and court reporter prior to the beginning of any hearing or trial.
- 15.1.4 Large Exhibits, Diagrams, Posters: When a party offers an enlarged documentary exhibit, the party shall also offer the document or a photographic reproduction of the document in its regular size to the Court. Enlargements shall be maintained by the party producing them unless otherwise directed by the Court. If the Clerk is to preserve any documents or other exhibits mounted on foamboard or other backing, the offering party should remove it from the backing.
- 15.1.5 Copies: Attorneys shall be responsible for ensuring simultaneous viewing by the Court, attorneys, and jury all documents which are introduced into evidence, when practical. This may be done electronically (video, PowerPoint, slides, etc), or by ensuring sufficient copies of each document to provide the Court, attorneys, and each juror with a copy. At the conclusion of the trial, the Clerk shall destroy all copies upon maintaining the original or 1 copy of the document.
- 15.2 Preservation of Evidence
- 15.2.1 Conclusion of Trial: At the conclusion of trial, the Courtroom Clerk shall take all of the evidence, confirm that it is clearly marked. The Clerk shall prepare disposition and destruction orders for signing by the Judge.
- 15.2.2 Packaging: The Clerk shall place all evidence in a package (envelope, plastic bag, or cardboard box as appropriate), seal the package with tape, date and initial the seal in a manner so that later the Clerk may determine if the package has been breached.

- 15.2.3 Notice of Intent to Dispose of Evidence: The courtroom clerk shall prepare and serve each attorney with a Notice of Intent to Dispose of Exhibits/Evidence (form AOC-G-151) prior to the conclusion of the trial.
- 15.2.4 Inventory: The Clerk shall maintain an inventory of all evidence in custody of the Clerk.
- 15.2.5 Controlled Substances: Whenever controlled substances are introduced into evidence, the Clerk shall place the controlled substances in a sealed envelope and initialize it in a manner that the Clerk can tell if the envelope has been breached. All controlled substances shall be secured in a safe or other secure locked depository within the vault in the Clerk's Office. Only the Clerk and any designated evidence custodians designated by the Clerk shall have access to that depository.
- 15.2.6 Inventory of Controlled Substances: A copy of the inventory of controlled substances shall be provided by the Clerk to a Resident Superior Court Judge, the District Attorney, and the Sheriff, at least quarterly. Twice a year, on or about the 15th of January and the 15th of July, the Clerk shall review the inventory of all evidence and destroy all which are no longer needed in accordance with all State law and rules.
- 15.2.7 Firearms, Ammunition, and other Incendiary Devices: Firearms, ammunition, and other incendiary devices shall be separately inventoried by the Clerk. They shall be separately maintained in a locked, sealed cabinet within the vault in the Clerk's Office. Only the Clerk and any designated evidence custodian shall have access to it. At the conclusion of each trial, the Clerk shall inquire of the District Attorney and the defense attorney as to the preservation of any ammunition or incendiary devices. The Clerk shall also request of the Court an order to destroy the firearm, and shall maintain that order with the inventory of the firearm and in the appropriate court file.
- 15.2.8 Biological Evidence: Biological evidence, including but not limited to, DNA samples, shall be preserved according to law.

**Rule 16. News Media**

*(see NC General Rule 15)*

- 16.1 Access to the Courts: It is the policy to provide access to the Courts by the media in accordance with NC General Rule 15.
- 16.2 Notification to Courts: News media may be allowed pursuant to NC General Rule 15 only if a Resident Superior Court Judge or Presiding Judge is notified.
- 16.3 Jurors: Media coverage, publication, or identification of jurors is expressly prohibited at any stage of a judicial proceeding, including jury selection.

**Rule 17. Weapons in Court**

- 17.1 No Weapons: Except as provided in N.C.G.S. Sec. 14-415.11(c), and 14-269.4, no one except a Law Enforcement Officer who is on duty may possess firearms or other weapons in any Courthouse.

**Rule 18. Secure Leave Policy**

- 18.1 Designation of Secure Leave: Each attorney is entitled to designate three weeks during each calendar year as secure leave during which time no matter requiring that attorney's appearance shall be calendared for hearing in any court in this District and the attorney shall not otherwise be required to appear before any tribunal of this District. The weeks designated may be consecutive.
- 18.2 Time to Designate: A secured leave period shall be designated 90 days or more in advance. Attorneys shall not be entitled to designate a period subsequent to a trial or other matter having already been set by a Court.
- 18.3 Method of Designation: Designation shall be made by the attorney filing a letter in the offices of the Clerks of Superior Court of Orange and Chatham Counties as applicable. The offices of the Clerks of Superior Court for Judicial District 15B shall maintain a file containing letters from attorneys regarding vacation status. In addition, attorneys shall file a copy with the offices of the Resident Superior Court Judges and the Chief District Court Judge if they practice in the respective division and depending upon "division" pendency of the case(s) referenced in the letter. Any pending criminal case should be referenced. Also, the attorney shall give a copy to the District Attorney. The attorneys shall retain a copy of the letter marked filed which may be provided to the judges and opposing counsel as needed. Any attorney practicing in the civil courts shall comply with 15B Local Civil Rule 25.
- 18.4 This policy is not exclusive: For extraordinary circumstances, the Court may designate other or additional weeks of vacation when an attorney is faced with a particular or unusual situation or for other reasons as has been the custom in this District.

**Rule 19. Mailing Address**

19.1 Mailing Addresses for the JSS in District 15B:

Orange County:

Trial Court Coordinator  
Superior Court Judges' Office  
Old Orange County Courthouse  
104 East King Street  
Hillsborough, North Carolina 27278  
Tel. (919) 245-2221  
Fax (919) 644-3026  
Email [Stacie.J.Cruz@nccourts.org](mailto:Stacie.J.Cruz@nccourts.org)

Chatham County:

Judicial Assistant  
Superior Court Judges' Office  
Chatham County Courthouse  
PO Box 609  
Pittsboro, North Carolina 27312  
Tel. (919) 542-7234  
Fax (919) 542-7204  
Email [Tammy.K.Keshler@nccourts.org](mailto:Tammy.K.Keshler@nccourts.org)

19.2 Physical Locations: The offices of the Resident Superior Court Judges are located at the following addresses:

Orange:

Old Orange County Courthouse, 104 East King Street, Hillsborough, NC 27278.

Chatham:

Chatham County Courthouse, 1 Hillsboro Street, Pittsboro, NC 27312. The courthouse is in the middle of the traffic circle, and the offices are on the 3rd floor, which are accessible via the stairwell on the east side, behind the courtroom. Persons with disabilities or who anticipate difficulty in accessing the office should call ahead to make arrangements.

19.3 Appropriate Office to Contact: Contact the JSS or Resident Superior Court Judge in the county in which the case is filed.

**Rule 20. Notice**

20.1 Notice: These rules shall be posted at the following:

- Clerk's office in Orange and Chatham Counties
- Superior Court Judges' Offices in Orange and Chatham Counties
- [www.nccourts.org](http://www.nccourts.org)

20.2 Copy to Attorneys: These rules shall be distributed to all attorneys of record within the judicial district pursuant to Rule 2 of the Superior and District Court Rules.

20.3 Additional Copies: The Clerks and the JSS shall maintain a supply of these Rules for those attorneys and parties who request the same.

**Rule 21: Miscellaneous Provisions**

- 21.1 Pretrial Release: District 15B policies and procedures for pretrial release are set forth in the "Pretrial Release Policy, Judicial District 15B" adopted 30 October 1998, as amended. Upon motion of a party or on its own initiative, the Court may consider conditions of pretrial release at any scheduled hearing. The clerk of court may not change the requirements for posting cash or property bonds without notice to the District Attorney, the Public Defender, and the defense bar.
- 21.2 Pre-sentence Investigations: Cases will be referred to the Sentencing Services Program pursuant to the Comprehensive Sentencing Services Program Plan for the 15B Superior Court District.

*These rules incorporate the criminal docketing plan as required by G.S. 7A-49.4. The Public Defender and the local Bar have participated in the drafting of these rules.*

Adopted this the \_\_\_\_ day of April, 2008, and effective July 1, 2008.

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Jim Woodall  
District Attorney

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Carl R. Fox  
Senior Resident Superior Court Judge

Reviewed and commented upon by:

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James Williams, Jr., Public Defender

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Todd Roper, Criminal Defense Bar

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Robert C. Trenkle, Criminal Defense Bar