

NORTH CAROLINA  
ALAMANCE COUNTY

IN THE GENERAL COURT OF JUSTICE  
DISTRICT COURT DIVISION

**IN RE: Criminal District Court  
Procedures**

**ADMINISTRATIVE ORDER  
AMENDING DECEMBER 22, 2017  
ORDER**


**THIS MATTER** is appropriate for entry of an Administrative Order as it affects all of the Criminal District Court Division of Judicial District 15A (Alamance County). By authority of NC Gen. Statute § 7A-146 and pursuant to the directives of the North Carolina Supreme Court, it is hereby Ordered that all parties and attorneys with cases pending in Criminal District Court of Judicial District 15A shall comply with the following procedures and continuance policy effective immediately:

1. Pre-calendar negotiation will begin at 8:45 a.m. daily and will end no later than 9:15 a.m.
2. The calendar will be called no earlier than 9:00 a.m. and no later than 9:15 a.m. The presiding Judge, to the extent possible, will be on the bench for the calendar call.
3. The clerk will deliver the shucks to the ADA on or before 8:45 a.m. daily. An ADA may give a defense attorney and/or paralegal permission to handle a shuck.
4. All cases should be disposed of at the earliest opportunity, including administrative court and the first trial setting. However, requests for continuances that are made after 150 days after the date of the first court date shall be granted only for extraordinary cause and only by the presiding Judge.
5. If a motion to continue is made before 150 days after the date of the first court date, the parties may agree upon a new court date and the case does not need to come before the presiding Judge.
6. Administrative Traffic cases that have not been disposed of after six months will be placed on the officer's court date.
7. All LEOs with regularly scheduled court dates should make a good faith effort to be in court on their assigned court dates, unless there is an emergency that prohibits them from attending. All LEOSs that are "subpoena only" officers shall only be subpoenaed when a case has been marked "for trial".
8. Marking a shuck "for trial" should be the exception, not the rule (and should be limited to domestic violence and DWI cases). Once either side, the state or the defense, asks for a trial, the case will be called before the presiding Judge, who will mark (or have the clerk mark) the file with a "for trial" notation. Once a case has been marked "for trial", the

state and the defense will be in a position to try the case on the next court date (the “for trial” date). No further continuances will be granted unless there is an emergency.

9. Just because a shuck is not marked “for trial” does not indicate that a case cannot be tried on its regular scheduled court date. For example, if a Defendant is charged with a non-domestic violence assault and the officer and victim are in the courtroom, that case could be tried even if the shuck is not marked “for trial”.
10. The District Attorney’s Office will make a good faith effort to provide reports and any other relevant case information to opposing counsel or pro se Defendants before a shuck is marked “for trial” in domestic violence and DWI cases.
11. All orders for continuance shall be documented on the shuck and shall include the name of the moving party and any objections.
12. A Defendant’s appearance may be waived at the first appearance of any misdemeanor, except domestic violence cases, if counsel is fully retained and makes a general appearance in writing.
13. The District Attorney’s Office is responsible for providing witness contact information to the Clerk’s office for the issuance of subpoenas in all Criminal District Court cases except DWI and domestic violence cases. In all DWI and domestic violence cases, the District Attorney’s Office shall issue subpoenas for all necessary witnesses.
14. If a witness is present in court under a subpoena and their case is continued to another court date, the state or defense will notify the presiding Judge, who shall order the witness back for the next court date. This will be noted on the back of the shuck.
15. If a case is continued for sentencing an effort should be made to place the case on the arresting officers assigned court date. In DWI cases, any case continued for sentencing shall be placed on the arresting officer’s court date.
16. The state will provide one or more additional ADAs, when one is available to negotiate cases and/or help with case flow on heavy docket days.
17. A copy of the clerk’s calendar will be provided to the District Attorney’s Office after each session of court, but not later than 48 hours after that session has ended.
18. Clerks will do their best to enter all judgments and continuances into the clerk’s computer system within 72 business hours after the conclusion of a session of court.

This the 7<sup>th</sup> day of March 2018.

  
Bradley Reid Allen, Sr.  
Chief District Court Judge