

FILED

Jackson-22R153
Haywood-22R199

IN RE:

2022 JUN 28) A 9:34

72-Hour First Appearances
For in-custody Defendants

JACKSON COUNTY, C.S.C.

ADMINISTRATIVE ORDER
FOR 72-HOUR HEARINGS

BY _____

Pursuant to N.C. Gen. Stat. § 15A-601 Procedures for First Appearance before District Court Judge. For more detailed information please see Section 31. *First Appearance for Defendants Detained by Secured Appearance Bonds on Felony and/or Misdemeanor Offenses* in District 30B Bond Policy effective December 1, 2021.

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HAYWOOD/JACKSON C.S.C.

A. PROCEDURES FOR 72-HOUR HEARINGS

The following procedures for 72-hour first appearances for Misdemeanors and Class H & I Felonies or in-custody defendants in Haywood and Jackson Counties are hereby adopted in Judicial District 30B:

1. That in-custody defendants charged with misdemeanors, Class H and I felonies who are unable to post bond shall be taken before a judge within 72 hours of arrest at scheduled court days on Monday, Wednesday and Friday.
2. ***That if a defendant is arrested on an FTA they are not eligible for a 72-hour hearing and shall be given the next trial date on the officer's next court date or ONO date as applicable.***

(See Section B. for more specific information.)

3. For a defendant with an FTA who is ineligible for a 72-hour first appearance hearing the Magistrate shall set their next court date within 14 working days for District Court cases and the next available date for Superior Court cases.
4. That each morning the jail administrator and or his/her designee shall provide the magistrate and clerk a current jail list.
5. The list for 72-hour hearings on Monday, Wednesday and Friday shall be prepared as follows:
 - a. Monday at 12:00 Midnight – Thursday at 11:59 pm:
Defendants booked in the respective County Detention Centers from 12:00 Midnight until 11:59 pm of each day, shall be on the 72-hour

hearing list on the next 72-Hour court calendar on Monday, Wednesday or Friday.

- b. Friday at 12:00 Midnight – Sunday at 11:59 pm:

Defendants booked in the respective County Detention Centers from 12:00 Midnight Friday until 11:59 pm of Sunday shall be on the 72 hour hearing list for Monday or the next 72-Hour court calendar on Wednesday or Friday if no hearings are held on Monday.

Example 1. Defendant is booked in at 10:30 pm, Tuesday. Defendant shall be on the 72 hour hearing list for Wednesday (or following Friday if no hearings are held on Wednesday).

Example 2. Defendant is booked in at 2:30 am, Wednesday. Defendant shall be on the 72 hour hearing list for Friday (or following Monday if no hearings are held on Friday).

Example 3. Defendant is booked in at 2:30 pm on Saturday. Defendant shall be on the 72 hour hearing list for Monday (or following Wednesday or Friday if no hearings are held on Monday).

6. The Sheriff shall provide the clerk a jail list each day and the Clerk shall prepare a calendar for initial appearances of in-custody defendants charged with misdemeanors and Class H and I felonies within 72 hours of arrest for the next Monday, Wednesday or Friday court date. This calendar shall be provided to the District Attorney.
7. That the 72-hour hearing shall be conducted in open court by a District or Superior Court Judge. That if the court determines, at the 72-hour hearing, release on bond is not appropriate, the court shall, make one or more of the following finding(s) and state the finding(s), together with sufficient supporting facts, on the record in open court:
- a. the defendant will not appear as required, and no condition or combination of conditions of release can reasonably assure the defendant's appearance in court; and/or
 - b. the defendant poses a real and present threat to any person or persons.

NOTE: These findings of fact are not required to be reduced to writing by the presiding judge.

8. That nothing in this order shall limit a court's authority to revoke bond, in accordance with present law, where the defendant has violated conditions of his or her release on bond pursuant to N.C. Gen. Stat. § 15A-534(f).

B. CALLED & FAILED DEFENDANTS

9. Any defendant called and failed and subsequently arrested on an Order for Arrest shall not be eligible for a 72-Hour hearing unless they have obtained a new charge.

Example 1. Defendant arrested was eligible for a 72-Hour hearing, however, he/she made bond prior to the 72-Hour hearing, failed to appear at the first appearance and was called and failed. Once the defendant is arrested on the Order for Arrest they are no longer eligible for a 72-Hour hearing.

Example 2. Defendant was arrested on an Order for Arrest and a new charge, they are eligible for a 72-Hour hearing on the new charge only.

C. 72-HOUR HEARING SCHEDULE

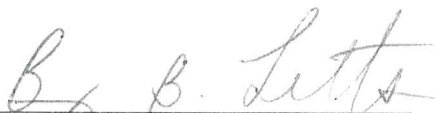
10. 72-Hour first appearance hearings for Misdemeanors, Class H & I Felonies shall be held on Monday, Wednesday and Friday.
11. No 72-Hour first appearance hearing shall be held on Tuesday or Thursday unless permission is provided by the presiding judge.

D. MAGISTRATE BAIL EXPLANATION FORM

12. The Clerk will make available, in every case appearing on the 72-hour hearing list, the completed Magistrate Bail Explanation Form to the Judge presiding over the 72-hour hearing for their review of the bond set by the Magistrate.

Effective July 1, 2022.

Signed this the 28 day of June, 2022.



Honorable Bradley B. Letts
Senior Resident Superior Court Judge
Judicial District 30B



Honorable Roy T. Wijewickrama
Chief District Court Judge
30th Judicial District