

NORTH CAROLINA  
CATAWBA COUNTY

FILED

2020 JUL 20 1 P 2: 54

IN THE GENERAL COURT OF JURISDICTION  
SUPERIOR COURT DIVISION  
DISTRICT COURT DIVISION  
JUDICIAL DISTRICT 25B

FILE NO. 20-R- 224

CATAWBA CO., C.S.C.

BY R

**ADMINISTRATIVE ORDER  
REGARDING FACIAL MASK/COVERING REQUIREMENTS  
AT THE CATAWBA COUNTY JUSTICE CENTER**

NOW COMES the undersigned Senior Resident Superior Court Judge and Chief District Court Judge for Judicial District 25B who HEREBY ENTERS the following Order related to the Coronavirus (COVID-19) pandemic.

IT APPEARING TO THE COURT that the Chief Justice of the North Carolina Supreme Court declared in her March 13, 2020 order and subsequent orders, that under N.C.G.S. §7A-39(b)(2), catastrophic conditions exist in all counties within the State of North Carolina.

IT FURTHER APPEARING TO THE COURT that on June 24, 2020, the North Carolina Governor signed an Executive Order which requires people within the State of North Carolina to wear facial coverings in certain settings in order to decrease the spread of COVID-19 and highly encourages all state government agencies to adopt similar requirements.

IT FURTHER APPEARING TO THE COURT that local courts within the State began gradually reinstating in-person court proceedings and since that time, many court personnel have contracted COVID-19, forcing many court facilities to temporarily close so that facilities could be thoroughly sanitized and allow time for court personnel who are at risk of exposure to be tested.

IT FURTHER APPEARING TO THE COURT that if more in-person court proceedings are to continue in greater number, it is vital that all available tools be utilized to limit any possible transmission of the virus.

AND WHEREAS, on July 16, 2020, the Chief Justice of the North Carolina Supreme Court entered an additional Emergency Order which addressed the wearing of face coverings in courthouse facilities across the State. Namely, by Emergency Directive 21, the Chief Justice has ordered:

*"All persons who are in a court facility are required to wear a face covering while they are in common areas of the facility and when they are interacting with others.*

*For purposes of this emergency directive, a "face covering" means a covering of the nose and mouth that is secured to the head with ties, straps, or loops over the ears or is simply wrapped around the lower face.*

*This face-covering requirement does not apply to persons who cannot wear a face covering due to health or safety reasons, who are actively eating or drinking, who are communicating with someone who is hearing-impaired in a way that requires the mouth to be visible, who are temporarily removing their face covering to secure medical services or for identification purposes, or who are under eleven years of age.*

*The clerks of superior court shall post a notice of this requirement at the entrance to every court facility in their counties.”*

IN CARRYING OUT THIS EMERGENCY DIRECTIVE, the undersigned Senior Resident Superior Court Judge and Chief District Court Judge enter this Order as it relates to the local court operations of Judicial District 25B and the Coronavirus (COVID-19) pandemic.

PURSUANT to Emergency Directive 21 entered on July 16, 2020 by the Chief Justice, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. All persons, including but not limited to, elected officials, court personnel, litigants, witnesses, attorneys, law enforcement officers, probation officers, and parcel delivery service workers who enter the Catawba County Justice Center shall be required to wear a face covering while in any common area of the Justice Center and when there is interaction with others. For purposes of this order, a “face covering” shall be defined as a covering of the nose and mouth that is secured to the head with ties, straps, or loops over the ears or is wrapped around the lower face.
2. The Catawba County Sheriff and the deputies of his office shall have the authority and power to greet persons at the entrance to the Justice Center, regardless of their purpose for entry, and advise them of the Governor’s Order and the Chief Justice’s Order, and this Order of the undersigned and advise anyone who, without citing an exception to the Chief Justice’s Order, refuses to wear a mask, that such person will not be allowed admittance into the Courthouse, and is ordered and empowered not to allow such person admittance into the Courthouse, and to advise such person that if he or she is a defendant in a criminal case, that person will be called and failed if he or she is not present when the case is called for trial, and in the appropriate circumstance, that the Court will issue an order for arrest.
3. This face covering requirement does not apply to any entity who is unable to wear a face covering due to health or safety reasons, who are actively eating or drinking, who are communicating with someone who is hearing-impaired in a way that requires the mouth to be visible, who are temporarily removing their face covering to secure medical services for identification or temperature taking purposes, or who are under eleven (11) years of age.
4. Individuals who attempt to enter the Justice Center without a facial covering will be provided a mask when available, but the failure to provide a mask shall not constitute grounds for any person’s failure to appear in court. Masks, not unlike other clothing


attire required to be worn in order to enter the Justice Center, are available for purchase at various local retail stores within walking distance to the entrance of the Courthouse.

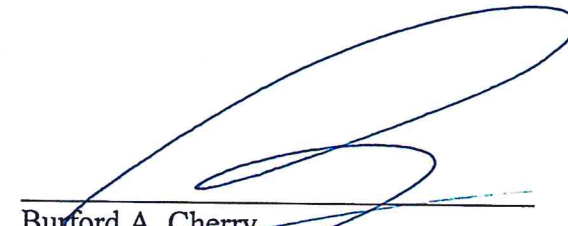
5. Each presiding judge of any courtroom retains the discretion to allow a facial covering to be removed if at any point during any court proceeding a speaker is unable to speak clearly or be heard, or for any other reason justice would require removal of a facial covering.
6. The Catawba County Sheriff is hereby charged with the responsibility and duty of the enforcement of this order. Any individual who refuses to wear a mask who does not fall under the terms of Rule 3 of this order shall be removed from the facility immediately. Each bailiff shall ensure that all those present in the courtroom continue to wear a mask. Each bailiff shall further ensure that all persons present in all common areas of the Justice Center, including, but not limited to, public and secure hallways, lobbies, elevators, restrooms and break rooms shall continue to wear a facial covering. This requirement includes EVERYONE, including, but not limited to, judges, attorneys, court staff and personnel, probation officers, court reporters, court interpreters, law enforcement officers, parties to court proceedings, witnesses, jurors, family members of all the above, and the like.

THIS ORDER IS HEREBY ENTERED with the intent of protecting the health and well-being of the citizens of Catawba County and the employees who work within the Catawba County Justice Center while providing orderly access to our Judicial System.

IT IS FURTHER ORDERED that this Administrative Order shall be in addition to all previous Administrative Orders entered concerning the Coronavirus (COVID-19) pandemic and shall expire when all Emergency Directives entered by the Chief Justice expire or upon further order of the Court.

Signed this the 20 day of July, 2020.

  
Nathaniel J. Poovey  
Senior Resident Superior Court Judge  
Judicial District 25B

  
Burford A. Cherry  
Chief District Court Judge  
Judicial District 25