

April 9, 2009

H 1396. SUPERIOR COURT CRIMINAL CASE CALENDARING. Filed 4/9/09. *TO PROVIDE THAT CRIMINAL CASES IN SUPERIOR COURT SHALL BE CALENDARED BY THE COURT.*

Amends GS 7A-49.4(a) to provide that the court, rather than the district attorney, be responsible for calendaring criminal cases in superior court. Directs the senior resident superior court judge to develop a case docketing plan in consultation with judges, members of the local bar, and the district attorney. Requires that the plan, to the extent practicable, provide for the random assignment of cases to available judges for trial that is consistent with the criminal case and specialized experience of the judges. Amends GS 7A-49.4(b) to formalize the authority of the court to establish a trial date when the parties have not already agreed to a date; also authorizes the parties to apply to the court for an alternative date. Amends GS 7A-49.4(f) to require that the court, rather than the district attorney, announce the order the calendared cases will be called for trial. Clarifies that the court may deviate from the called order or grant a continuance only with the consent of the State and the defendant or upon order of the presiding judge or resident superior court judge for good cause shown. Makes technical and conforming changes to GS 7A-49.4(b), (e), and (f).

Adds new GS 7A-49.4(f1) related to temporary assignment of judges. Requires the senior resident superior court judge in a district requiring one or more judges from another district to submit a written request to the Administrative Office of the Courts (AOC) explaining the reason for the request and the anticipated duration and location of the assignment. Directs the AOC to post the request on its public website.

Effective January 1, 2010.

Intro. by Glazier, Ross, Stam.

GS 7A