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CRIMINAL SUPERIOR COURT ORDERS

The procedures set out below are promulgated by the Court Administrator (CA) at the direction of the Senior Resident Superior Court Judge and are intended to assist in the efficient administration of justice in the Tenth Judicial District regarding the review and processing of *out of court criminal motions & orders* presented to, or drafted by, *Wake County Superior Court Judges outside of the courtroom*. If attorneys or parties choose to submit a proposed order in a different manner than this procedure, they will not receive a courtesy e-mailed notification and / or copy of the signed order from the Superior Court Judges' Office (SCJO); the signed order will only be available from [Portal](#) or Clerk's Office after processing and filing by the Clerk.

Unless the judge specifically orders otherwise, proposed orders for *matters heard in court* will continue to be *accepted, filed, and processed by the courtroom clerk* and noted in the court calendar minutes.

The CA is authorized to make additional changes, subject to consultation with the Senior Resident Superior Court Judge, to improve efficient processing of criminal orders, avoid the entry of duplicate orders, and to facilitate notification to parties and attorneys when an order has been entered.

Attorneys and parties must confirm the most current court operations & information from www.nccourts.gov/WakeTCA and <https://www.nccourts.gov/locations/wake-county/wake-county-ecourts-information>.

NOTICE: All persons preparing or a document to be recorded or filed with the court, whether in paper or electronically, have an obligation to comply with G.S. 132-1.10(d) and exclude or redact personal identifying information from the document. *This includes submitting documents to the court via e-mail.*

SUBMIT A PROPOSED ORDER FOR OUT OF COURT MATTERS

The documents listed in the following table may be submitted to the SCJO via e-mail to Wake.Criminal.Superior.Orders@nccourts.org.

Type of Document	Action by Attorney / Filer	Notification Sent by SCJO to Attorney / Filer
Fee Application	Submit via e-mail; it is not necessary to copy the ADA	Confirmation e-mail that the document has been signed and forwarded to the Clerk's Office for filing, redacting, and docketing. Order will be available from Portal after processing by the Clerk's Office.

Consent Motion to Modify Conditions of Pre-Trial Release	eFile the motion and then submit proposed order via e-mail; must copy the ADA and indicate consent in the motion and e-mail	Copy of the signed and filed order will be returned by reply e-mail.
Consent Motion to Strike Called & Failed	eFile the motion and then submit proposed order via e-mail; must copy the ADA and indicate consent in the motion and e-mail	Copy of the signed and filed order will be returned by reply e-mail.
Out of Court Probation Modification Order (on AOC-CR-609 form only)	Submit via e-mail the AOC-CR-609 form with the ADA's signature on it; must copy the ADA	Confirmation e-mail that the document has been signed and forwarded to the Clerk's Office for filing, redacting, and docketing. Order will be available from Portal after processing by the Clerk's Office.
Ex Parte Request for Expert Witness Funding (on AOC-G-309 form only)	Submit via e-mail the motion ¹ and completed AOC-G-309 form; subject line of the e-mail shall clearly state that the request is <i>ex parte</i> ; do not copy opposing counsel	Copy of the signed order will be returned by reply e-mail.
Ex Parte Request for Records	Submit via e-mail the motion ² and proposed order; subject line of the e-mail shall clearly state that the request is <i>ex parte</i> ; do not copy opposing counsel	Copy of the signed order will be returned by reply e-mail.
Evidence Destruction Order	Submit via e-mail the proposed order; must copy the ADA and indicate consent in the e-mail	Copy of the signed order will be returned by reply e-mail.
Writs to have Detained Defendants Transported for Court	Submit via e-mail the AOC form; it is not necessary to copy opposing counsel	Copy of the signed order will be returned by reply e-mail.

The e-mail to the Court *shall include the following* and shall copy anyone who is required by statute or rule to be copied.

1. Subject line: File number and type of motion / order submitted.
2. Body of e-mail: Name of the motion as filed³, the date of filing with the Clerk (or forward a copy of the filing/acceptance e-mail received from Odyssey with a link to the filed motion), and the position of opposing party / counsel (e.g., consent, oppose, take no position).
3. Motion: Position of opposing party / counsel regarding consent or opposition to the motion. Consent of opposing party / counsel must be reflected in the filed motion by signature of opposing party / counsel (electronic or wet ink) or by representation by an attorney as an officer of the court that opposing party / counsel has consented.

¹ Per the current recommendation of the NCAOC, permissible *ex parte* motions should not be eFiled.

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³ Note on eFiling Motions: When uploading the motion or other documents to the eFiling system, parties / counsel shall name the document with specificity such that the Court may easily identify the document (e.g., Defendant's Motion to Suppress).

4. Proposed order: Attached in PDF format, if not using an AOC Form. The proposed order shall be named with specificity to easily identify the motion to which the order relates and that it is a proposed order (e.g., Proposed Order on Defendant's Motion to Suppress).
5. A copy of opposing party / counsel's alternative proposed order(s), if any.

Do not send duplicates or hard copies to other staff and judges, unless specifically requested by the presiding judge.

NOTIFICATION

When an order has been signed by a judge and file-stamped by judicial staff, parties / counsel will receive a notification by reply e-mail from Wake.Criminal.Superior.Orders@nccourts.org. A courtesy copy of the file-stamped order will be attached to the e-mail and the movant will be responsible for service of the order on all individuals who are required by law to be served. Judicial staff will promptly forward the order to the Clerk of Superior Court for docketing.

When judicial staff are unable to file-stamp the order, parties / counsel will be notified that the order has been signed by a judge and forwarded to the Clerk of Superior Court for filing and docketing.

Judicial staff do not have the authorization to publish / docket court documents to [Portal](#), so questions about what is available from Portal must be directed to the [Clerk of Superior Court](#).
