

TENTH JUDICIAL DISTRICT PILOT DWI CASE MANAGEMENT PLAN

Goal

Implement a case management system in Wake County that sets DWIs only for meaningful events (3 or 4 settings from inception to disposition ideally).

Effective Date

This DWI Case Management Plan shall apply to all Driving While Impaired (DWI) cases filed on or after September 1, 2016.

Initial Setting for DWIs

The purpose of this setting is to advise the Defendant of the charges against him and his right to an attorney; to have retained attorneys make a general appearance; to provide the Defendant with information about court processes and sentencing factors.

- Set on 3rd Friday after offense date
- Set in 2nd floor courtroom in front of District Court Judge (Courtroom 204)
- PM session every Friday (this will require all other Friday PM cases to be handled in the remaining three courtrooms)
- Attorney will make General Appearance for defendant or the defendant will be advised of right to counsel.
- If defendant indicates he is requesting a court appointed attorney, court will review affidavit and appoint if appropriate. (Public Defender's Office will have someone assigned to this courtroom)
- If defendant waives right to counsel and expresses an intention to hire counsel, but has not retained counsel as of the initial setting, then Defendant's case will be set on another Friday PM setting that is 4 weeks out. (Judge will instruct Defendant he must have attorney by then).
- Defendant will be provided an instruction sheet developed by the Public Defender's office with basic information.
- The case will be given an administrative hearing date once the counsel issue has been addressed.

Second or Administrative Setting

The purpose of this setting is to determine if parties are prepared to move to disposition; to ensure that discovery has been provided; to confirm that all substantive pretrial motions have been filed; to designate the means of disposition for the case (plea or trial).

- A second setting of the DWI will occur on the officer's third court date following the initial setting at which Defendant has counsel (this will be approximately 90 days out but may be as few as 60).
- All DWIs set on an officer court date will be pulled out of the general calendar and set in one 2nd floor courtroom (204). Defense counsel can go to the courtroom where the officer is assigned if they wish to speak to the officer.
- All attempts will be made to turn over discovery by the District Attorney's office within 30 days of the Initial setting.
- Defense motions will be filed **no later than 10 days** before the administrative setting.
- At this administrative setting, defense counsel will indicate whether the case is set for trial or for plea.
- If the case is for plea, a plea may be entered and sentencing may be continued to allow additional time for the defendant. If a case is for plea, and the plea is not to be entered at the Administrative Setting, a plea date that coincides with one of the officer's court dates will be set within 90 days (Disposition setting). 90 days may be extended for extraordinary circumstances. Pleas and sentencing settings will be set in courtroom 204 on the officer's court date.
- If the case is for trial (includes the hearing of motions that may be dispositive), the case will be marked clearly with a T and will be set:
 1. On the second floor in one of the other (not 204) courtrooms on the officer's court date if the case is a one officer case, or
 2. In DWI court on the fourth floor on a date agreed to by the parties if the case is a blood case, requires multiple witnesses, requires a special setting or is otherwise complex.
- In extraordinary circumstances, a second administrative setting will be held.
- If the defendant wishes to continue the administrative hearing in advance, the defendant's attorney will submit a motion to continue in which defendant's attorney declares their intent to either plea or try the case.

Disposition Setting

The purpose of this setting is to dispose of the case.

- The District Attorney's office will track the number of cases set for plea and trial in any court session in an effort to maintain a caseload that is likely to be reached.
- Cases that are marked for trial and not reached will be continued.