

10th Judicial District Policy for Releasing Juveniles Transferred to Superior Court

When jurisdiction over a juvenile is transferred to Superior Court for trial as an adult pursuant to G.S. 7B-2200 or G.S. 7B-2200.5, and a Judge has set conditions of pretrial release pursuant to G.S. 7B-2204, the following procedures have been established to satisfy the statutory requirements in effecting the release of the juvenile once conditions of pretrial release have been met.

Once the case is transferred, the conditions of pretrial release shall be set forth in form AOC-CR-922 – *Release Order for Juvenile Transferred to Superior Court for Trial* and signed by the presiding Judge. The new Superior Court file number (CRS) shall be used on the AOC-CR-922 form, but this number should not be entered into ACIS or any other criminal data system until the ten day appeal period has expired. Clerks of Court are advised not to use the juvenile case number (JB) on any paperwork after the case has officially been transferred to Superior Court.

Immediately following the court hearing when a Judge sets conditions of pretrial release, the courtroom clerk should provide the Original Release Order (AOC-CR-922) to Juvenile Justice Staff and the juvenile should be transported by Juvenile Justice Staff to the Public Safety Center to complete CCBI processing pursuant to G.S. 7B-2201. CCBI will deliver the fingerprint green sheets and any other applicable paperwork directly to the Criminal Superior Court Assistant Clerk of Court. In the alternative, CCBI may notify the Clerk's Office when such paperwork is ready and the Clerk's Office will make the necessary arrangements to pick it up.

Procedure During Regular Business Hours

(Monday – Friday, 9am – 5pm)

If the juvenile **is not ready** to satisfy conditions of pretrial release, Juvenile Justice Staff should transport the defendant to Juvenile Detention Center for pretrial detention.

If the juvenile **is ready** to satisfy conditions of pretrial release, Juvenile Justice Staff should transport the juvenile to the Magistrate located in Courtroom 901 of the Wake County Justice Center in order to effect the release of the juvenile from custody. These conditions of pretrial release include Written Promise to Appear, Custody Release, Electronic Monitoring, Electronic, Pretrial Release Program, Unsecured Bond, and Secured Bond.

If all conditions are satisfied, the Magistrate will modify the Original Release Order (AOC-CR-922) to indicate that all conditions of release have been properly satisfied and submit the paperwork to the Clerk's Office in an envelope for the Criminal Superior Court Assistant Clerk.

The juvenile will be released from custody at the Wake County Justice Center.

Procedure Outside of Regular Business Hours

When the juvenile is ready to satisfy conditions of pretrial release, the juvenile and the Original Release Order (AOC-CR-922) should be transported by Juvenile Justice Staff to the Wake County Magistrate's Office located at 3301 Hammond Road, Raleigh, North Carolina.

The juvenile should be brought to Room M0010 which is located on the public side of the Magistrate's Office to appear before the Magistrate. At no time during this process shall a juvenile who is under the age of 18 be detained or appear in a setting where adult inmates are present.

If all conditions of pretrial release are satisfied, the Magistrate will assist in effecting the release of the juvenile from custody. These conditions of pretrial release include Written Promise to Appear, Custody Release, Electronic Monitoring, Pretrial Release Program, Unsecured Bond, and Secured Bond. The Magistrate will modify the Original Release Order (AOC-CR-922) to indicate that all conditions of release have been properly satisfied and submit the paperwork to the Clerk of Court's Office.

The juvenile will be released from custody at the Wake County Magistrate's Office at Hammond Road.

Juveniles 18 Years of Age or Older

Any juvenile who reaches the age of 18 years at the time of transfer, or after his or her case has been transferred to Superior Court and while awaiting the completion of proceedings in Superior Court, shall be transferred by Juvenile Justice Staff to the custody of the Sheriff of the county where the charge arose pursuant to G.S. 7B-2204(c). The juvenile shall remain in the custody of the Sheriff in the adult detention facility for as long as he or she is confined pending trial and sentencing.

When the juvenile is ready to satisfy conditions of pretrial release in a case pending in Wake County, the juvenile and the Original Release Order (AOC-CR-922) will be brought before a Magistrate by Wake County Adult Detention Center Staff.

If all conditions of pretrial release are satisfied, the Magistrate will assist in effecting the release of the juvenile from custody. These conditions of pretrial release include Written Promise to Appear, Custody Release, Electronic Monitoring, Pretrial Release Program, Unsecured Bond, and Secured Bond. The Magistrate will modify the Original Release Order (AOC-CR-922) to indicate that all conditions of release have been properly satisfied and submit the paperwork to the Clerk of Court's Office.

The juvenile will be released from the Sheriff's custody at the Wake County Magistrate's Office at Hammond Road.

Adopted August 31, 2020
by Robert B. Rader
Chief District Court Judge