

EXTENDING THE SESSION

I. **Generally.** This section reproduces G.S. 15-167 on extending the session and provides a sample order for extending the session.

II. **Statute**

G.S. 15-167. Extension of session of court by trial judge.

Whenever a trial for a felony is in progress on the last Friday of any session of court and it appears to the trial judge that it is unlikely that such trial can be completed before 5:00 P.M. on such Friday, the trial judge may extend the session as long as in his opinion it shall be necessary for the purposes of the case, but he may recess court on Friday or Saturday of such week to such time on the succeeding Sunday or Monday as, in his discretion, he deems wise. The trial judge, in his discretion, may exercise the same power in the trial of any other cause under the same circumstances, except civil actions begun after Thursday of the last week. The length of time such court shall remain in session each day shall be in the discretion of the trial judge. Whenever a trial judge continues a session pursuant to this section, he shall cause an order to such effect to be entered in the minutes, which order may be entered at such time as the judge directs, either before or after he has extended the session.

III. **Sample Order.** A sample order extending the session appears on the next page.

STATE OF NORTH CAROLINA
COUNTY OF _____

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

)	
)	
State,)	
)	
v.)	File No.
)	
Defendant.)	
)	

ORDER

This ORDER is entered on the Court's own Motion. This session of _____ County Civil and Criminal Superior Court opened on _____, 20__. The present case was called for trial in _____ County Superior Court on _____, 20__, before the undersigned judge. The trial on this matter continued thereafter through the week of _____, 20__, without having reached a conclusion. Based on the foregoing, the Court finds and concludes that it is necessary that this Session of _____ County Superior Court be extended so that this case may be concluded, and that other matters appearing on the calendar or that are otherwise called by the Court may be addressed.

IT IS THEREFORE ORDERED that the Session of _____ County Civil and Criminal Superior Court beginning on _____, 20__, be extended until such time that the trial in the case noted above is concluded, and that the Court retains jurisdiction over this matter and any others that appeared on the _____, 20__, calendar or are otherwise called by the Court.

This, the ___ day of _____, 20__.

Superior Court Judge

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