

**Wake County Magistrate's Office – Tenth Judicial District North Carolina
Initial Appearance Attorney Access Policy**

Judicial Officials in the Tenth Judicial District are committed to protecting the Constitutional rights of all defendants who appear before them. This commitment includes assuring that a defendant's right to counsel, as guaranteed under both the North Carolina and United States Constitutions, is protected at all stages of any proceeding.


The right to counsel attaches at the defendant's initial appearance before a Magistrate, and this right includes the opportunity to communicate fully and confidentially with the defendant's attorney during this stage of the proceeding. In furtherance of this obligation, and pursuant to NCGS 15A-511(a1), the Tenth Judicial District Magistrate's Office adopts the following policy regarding attorney access at the Initial Appearance before a Magistrate.

When a person or their attorney makes a request to a Magistrate to have an attorney present during an Initial Appearance:

1. The presiding Magistrate shall reasonably delay conducting any judicial proceeding until the defendant's attorney arrives and has been granted access to the defendant by detention staff.
2. Upon arrival at the detention center, the attorney should go to the public access side of the Magistrate's Office located on the zero level of the detention center and wait to be called into the court area by a Magistrate.
3. Upon notice that the attorney has arrived, the presiding Magistrate shall notify detention staff by phone that an attorney has arrived and is requesting access to the jail so they can be present during the Initial Appearance.
4. Attorneys must comply with all rules and regulations in place regarding attorney admission to the jail (e.g., presentation of North Carolina Bar card, wearing of masks, proof of vaccination).
5. In the unlikely event that detention staff declines to allow the attorney access to the defendant for reasons other than compliance with the above rules and regulations, the Magistrate shall contact the Chief Magistrate or the Chief District Court Judge (or their designee) for further direction prior to conducting any proceeding concerning the defendant.
6. The Initial Appearance shall be delayed by the Magistrate until the defendant is permitted to communicate with counsel consistent with these procedures.

7. During the Initial Appearance before the presiding Magistrate, counsel shall be allowed to be present with the defendant and shall be given the opportunity to speak on behalf of the defendant.
8. The presiding Magistrate shall provide copies of any relevant charging documents and conditions of release to counsel upon request.

This policy is hereby adopted by the Tenth Judicial District Magistrate's Office on the 10th day of August, 2021.

C.H. 

Christopher Graves, Chief Magistrate