

## Check List

### Summary Procedure for Direct Criminal Contempt

#### N.C. Gen. Stat. 5A-14

- Confirm that the conduct occurred in your presence (sight or hearing) in or near the place where the judicial proceeding is being held.
- Confirm that the conduct was willful.
- Confirm that the conduct is likely to interrupt or interfere with matters now before you.
- Confirm that use of the summary procedure is necessary to restore order or to maintain the dignity and authority of the court.
- Confirm that the summary procedure is being used substantially contemporaneously with the contemptuous behavior.
- **Give summary notice of the basis for the contempt charge to the alleged contemnor.**
- **Give the alleged contemnor a brief opportunity to respond or explain.**
- **Make findings of fact beyond a reasonable doubt.**
- Announce sanctions [censure, and/or up to 30 days imprisonment, and/or up to \$500 fine].
- Enter written order using AOC-CR-390, **detailing facts with specificity.**
- If your sanction includes imprisonment and the contemnor gives notice of appeal, ensure a bail hearing is scheduled before a district court judge within 24 hours. If no bond is set by district court judge within 24 hours, any judicial official can set the bail.

\*\*\*Rather than contempt, consider warnings, recess, removal, or short confinement before summary proceeding pursuant to GS 5A-16(a).