

North Carolina Courts

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District Court Judge
State of North Carolina
8th Judicial District

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- Case Load
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Court Breakdown

- Supreme Court: Hears appeals from Court of Appeals; hears all death penalty appeals
- Court of Appeals: Hears all appeals from Superior Court and from District Court (exceptions – death penalty & trial de novo)
- Superior Courts: Trial court for felonies and for civil matters involving \$10,000+
- District Court: Trial court (see later slides)
- Small Claims Court: AKA Magistrate Court, evictions, lawsuits (\$3,000 or less), warrants, bonds

District Court – Types of Cases

- Criminal – misdemeanors, traffic (DWI), first appearances, bond hearings
- Hate your neighbor (hit, spit, cuss, fuss)
- Worthless checks
- Domestic violence – civil & criminal
- Juvenile – delinquency & DSS (abuse, neglect)
- Child support – IV-D
- Civil Lawsuits – Jury trials and non-jury trials (less than \$10,000)
- Cherry Hospital
- Family Drug Court
- Truancy Court
- Teen Court

District Court Case Load

- Criminal court = 100 to 600 cases/day
- Child support = 200 to 450 cases/day (2 wks)
- Cherry Hospital = 125 to 200 cases/day
- Juvenile court = 30 to 65 cases/day
- Domestic = 25 to 40 cases/wk + divorces
- Others vary: civil jury trial = 3 days

Judicial Districts

- 30 Judicial Districts in North Carolina
 - 3B = Craven, Carteret, & Pamlico Counties
 - 4th = Onslow, Duplin, Sampson, & Jones Counties
 - 8th = Wayne, Lenoir, & Greene Counties
 - 12th = Cumberland County

Judges, DAs, Clerks, & Sheriffs

- Trial and appellate judges are elected
 - Magistrates are appointed
- District Attorneys are elected
 - Assistant DAs are appointed
- Clerks of Court are elected
 - Assistant & Deputy Clerks are appointed
- County Sheriffs are elected
 - Deputies are hired by the sheriff

Website Resources

- www.nccourts.org
- Click on “district court”
- Click on “criminal calendar” or “impaired driving” or “citation query by defendant name” or “contacts by county”
- “Court resources and services”
 - “Child support resources”
 - Child support guidelines, child support calculator
 - Or courthouses by county
- Other court officials
 - Clerk of Court
 - Forms
 - District Attorney

Pro Se Litigants

- Small Claims Court
- Defendant in Criminal Court
- Domestic Violence

Professionalism

Summary

- Court Breakdown
- District Court
- Case Load
- Judges
- Website Resources
- *Pro Se* Litigants
- Professionalism

Questions?

Calendar of Courts in the General Court of Justice - 8th Judicial District
 APRIL 7, 2008 - JULY 4, 2008

2008

APRIL

MAY

JUNE

	7	14	21	28	5	12	19	26*	2	9	16	23	30*
WAYNE	7	14	21	28	5	12	19	26*	2	9	16	23	30*
CRIMINAL	M-TH	M-TH	M-TH	M-TH	M-TH	M-TH	M-TH	T-TH	M-TH	M-TH		M-TH	M-TH
MT. OLIVE CRIMINAL	F	F	F	F	F	F	F	F	F	F		F	
NON-OFFICER	F	F		F	F	F		F	F	F		F	
WORTHLESS CHECK			F				F						
DOMESTIC	M-TH		M-TH	M-TH		M-TH	M-TH		M-TH	M-TH		M-TH	M-TH
JUVENILE DSS/PTC		TH		TH		TH		TH		TH		TH	TH
JUVENILE DELINQUENT	TH		TH		TH		TH		TH			TH	TH
IV-D	W		W		W		W		W			W	W
UIFSA	M		M		M		M		M			M	M
DOMESTIC VIOLENCE COURT	M		M		M		M		M			M	M
NON-JURY		M											
JURY/NON-JURY					M-W								
CHERRY HOSPITAL	TH	TH	TH	TH	TH	TH	TH	TH	TH	TH		TH	TH
FAMILY DRUG TREATMENT COURT	TH		TH		TH		TH		TH			TH	TH
LENOIR	7	14	21	28	5	12	19	26*	2	9	16	23	30*
CRIMINAL	M-TH	M-TH	M-TH	M-TH	M-TH	M-TH	M-TH	T-TH	M-TH	M-TH		M-TH	M-TH
DOMESTIC	M-TH		M-TH		M-TH		M-TH		M-TH			T	M-TH
JUVENILE DSS/PTC		T		T		T		T		T		T	
JUVENILE DELINQUENT		TH		TH		TH		TH		TH		TH	TH
IV-D		W		W		W		W		W		W	W
UIFSA		T				T				T		T	
NON-JURY					M				M				M
JURY/NON-JURY			M-T										
FAMILY DRUG TREATMENT COURT		W		W		W		W		W		W	W
DOMESTIC VIOLENCE COURT	F	F	F	F	F	F	F	F	F	F		F	TH
GREENE	7	14	21	28	5	12	19	26*	2	9	16	23	30*
CRIMINAL	F	F	F	F	F	F	F	F	F	F		F	
DOMESTIC & NON-JURY				M-T					M-W				
JURY/NON-JURY/DOMESTIC													
JUVENILE DSS/IV-D		M					M					M	
JUVENILE DELINQUENT/UIFSA		T					T					T	
No Court Judges' Conference													
No Court Judges' Conf.													

Pursuant to N.C.G.S. 7A-146, the undersigned hereby issues this Calendar of the District Courts in the General Court of Justice for the Eighth Judicial District.

HOLIDAY SCHEDULE	Monday January 21 Martin Luther King, Jr.	Friday March 21 Good Friday	Monday May 26 Memorial Day	Friday July 4 Independence Day	
	Judges' Summer Conference: June 16 - 19, 2008 (<u>NO COURT, except Cherry Hospital</u>)				

PRIORITY
Juvenile Court shall take priority over all other District Courts.

JURY COURT
(Final Pre-Trial Orders)

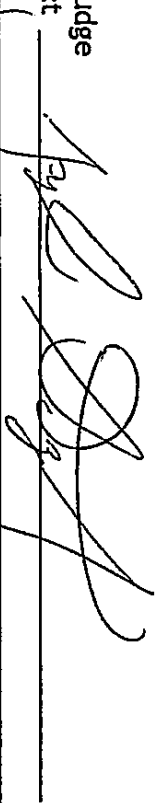
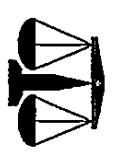
In WAYNE and LENOIR Counties, Final Pre-Trial Orders shall be presented by the plaintiff's attorney in all Jury Trials on or before the Final Calendar Call. If a conference with the presiding judge is needed, the plaintiff's attorney shall notify the clerk not less than one (1) week prior to the Final Calendar Call.

In GREENE County, the Calendar Call will be held at 9:00 a.m. on Monday, the first day of the Jury Session. If a conference with the presiding judge is needed, the plaintiff's attorney shall notify the Clerk not less than one (1) week prior to the Final Calendar Call.

NOTE
See the Eighth Judicial District Family Court Rules for Domestic and Juvenile Procedures and Local Rules for Jury and Non-Jury calendar deadlines.

Entered in Chambers:
8/24/07

Joseph E. Setzer, Jr.
Chief District Court Judge
Eighth Judicial District

UNIFORM POLICIES RELATING TO TRAFFIC OFFENSES

TRAFFIC OFFENSES FOR WHICH COURT APPEARANCE IS MANDATORY

(Adopted by the Conference of Chief District Court Judges, October 17, 2007, pursuant to N.C.G.S. 7A-148)

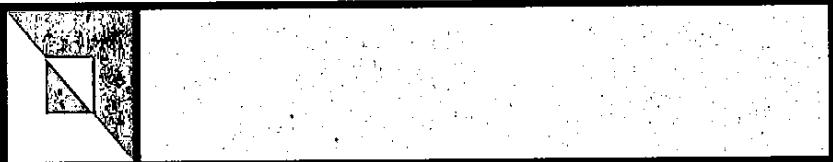
Applies To Offenses Committed On Or After December 1, 2007

1. All pleas of not guilty.
2. All felonies.
3. Impaired instruction. [G.S. 20-12.1]
4. Driving while (license) suspended, revoked or disqualified, driving while license revoked for impaired drivers license revocation after DMV has sent notification, or failing to appear for two years after date of implied-consent charge. [G.S. 20-28]
5. Driving a commercial motor vehicle without being licensed to do so, or driving a commercial motor vehicle while license suspended, revoked, or subject to a disqualification or out of service order. [G.S. 20-28(c); G.S. 20-37.12]
6. Possess fictitious, cancelled, revoked, suspended or altered license or identification card, or counterfeit, sell, lend, or permit use of license or identification card by another, or any other violation of G.S. 20-30 or G.S. 20-37.8.
7. Any violation involving false affidavit, or false statement under oath, or perjury. [G.S. 20-31; G.S. 20-112; G.S. 20-313.1; G.S. 20-17(5)]
8. Selling handicapped parking placards. [G.S. 20-37.6(c3)]
9. Any violation of the vehicle registration laws involving stolen or altered registration plates or certificates.
10. Failure to obey directions of a traffic officer, or of a fireman at the scene of a fire. [G.S. 20-114.1]
11. Unlawful use of red or blue lights on vehicle. [G.S. 20-130.1]
12. Driving while subject to an impairing substance. [G.S. 20-138.1]
13. Driving a commercial vehicle while subject to an impairing substance. [G.S. 20-138.2]
14. Operating commercial vehicle after consuming alcohol. [G.S. 20-138.2A]
15. Operating school bus, school activity bus, or child care vehicle after consuming alcohol. [G.S. 20-138.2B]
16. Driving by person under age 21 while drinking or after having consumed alcohol or controlled substance. [G.S. 20-138.3]
17. Driving with open container after drinking. [G.S. 20-138.7]
18. Careless and reckless driving. [G.S. 20-140(a), (b), (f)]
19. Driving in excess of 80 mph. [G.S. 20-141]
20. Exceeding the applicable speed limit by over 15 mph while driving over 55 mph. [G.S. 20-141(j1)]
21. Racing (prearranged, spontaneous, permitting such use of an owned vehicle, betting on prearranged racing). [G.S. 20-141.3]
22. Death by vehicle. [G.S. 20-141.4]
23. Driving to elude arrest. [G.S. 20-141.5]
24. Aggressive driving. [G.S. 20-141.6]
25. Any violation of G.S. 20-142.1 through G.S. 20-142.5 (railroad grade crossing violations), if the driver is driving a commercial motor vehicle.
26. Failure to give way to the right when being passed proximately causing a collision resulting in serious bodily injury, bodily injury or property damage. [G.S. 20-149(b)(1)-(b)(2)]
27. Failure to stop for approaching emergency vehicles or any violation of G.S. 20-157 causing death, serious injury, injury or property damage. [G.S. 20-157(a), (h), (i)]
28. Failure to yield involving serious bodily injury. [G.S. 20-160.1]
29. Failure to stop, etc. at the scene of an accident, or failure to report such an accident. [G.S. 20-166; G.S. 20-166.1; G.S. 20-166.2]
30. Transporting spent nuclear fuel without notifying Highway Patrol. [G.S. 20-167.1]
31. Passing stopped school bus. [G.S. 20-217]
32. Any violation of the financial responsibility laws. [Chapter 20, Articles 9A and 13]
33. Any violation of the all-terrain vehicle laws. [Chapter 20, Article 3, Part 10C]
34. Violations of motor carrier safety and hazardous material regulations. [G.S. 20-396]
35. Any violation charged in the same citation, warrant, magistrate's order, or summons with a mandatory court appearance violation.

OTHER POLICIES RELATING TO TRAFFIC OFFENSES:

1. G.S. 7A-148 provides that the Conference of Chief District Court Judges shall prepare a "uniform schedule" of waivable traffic offenses and otherwise promote the "uniform administration of justice." In accordance with this statutory mandate, all judicial districts must adhere to this schedule, and individual judicial district policies deviating from this schedule are prohibited.
2. Where more than one charge is made on a uniform traffic citation, the defendant shall be fined only for the offense carrying the highest fine. Only one bill of costs will be assessed.
3. When a defendant is charged with two traffic offenses arising out of the same transaction, only one citation should be used. If an additional one or two offenses arising out of the same transaction are charged, they should be placed on a separate citation.
4. The traffic offenses waiver list does not apply to littering charges under G.S. 14-399(c) or (c1), if the defendant is charged with a second offense under the subsection.
5. An offense may be waived under #35 on the traffic offenses waiver list if it does not otherwise appear on these lists and it is located in one of the following Articles or Parts of Articles in Chapter 20 of the North Carolina General Statutes: Article 2 (G.S. 20-5 through 20-37.02); Article 3, Part 9 (G.S. 20-115 through 20-137.2), Parts 10 and 10A (G.S. 20-138.1 through 20-171.2), and Part 11 (G.S. 20-172 through 20-175); and Article 3A (G.S. 20-183.2 through 20-183.8G).

(over)



DWI Vehicle Seizure

Frequently Asked
Questions
(December 2006)

*** This information is not a substitute for the advice of an attorney.
If you have any questions regarding your legal rights and
remedies, you should consult an attorney licensed
to practice law in North Carolina.

Why has my vehicle been seized?

- In North Carolina, a law enforcement officer must seize a motor vehicle if the driver is charged with an impaired driving offense and at the time of the offense
 - ⇒ the driver's license is already revoked for a prior impaired driving offense **or**
 - ⇒ the driver is not validly licensed and not covered by an automobile liability insurance policy.
- The law enforcement officer must seize the vehicle even if the driver is not the owner of the vehicle.

Where is my vehicle now?

- The vehicle will first be towed to a local storage facility. To identify the local storage facility, contact the law enforcement agency that arrested the driver (e.g., State Highway Patrol, local police department, county sheriff).
- At some point, usually within 3 to 5 days, the vehicle will be towed to the facilities of the statewide contractor (Tarheel Specialties) in Linden, NC, which is on the Harnett County/Cumberland County line. To contact Tarheel Specialties, call (910) 897-6382, or visit their website at www.tarheelspecialties.com.

What will happen to my vehicle?

- Based on certain factors, the court will either
 - ⇒ return the vehicle to the owner (also known as "releasing" the vehicle) or
 - ⇒ transfer the vehicle to the local school board (also known as "forfeiting" the vehicle).
- There is also a possibility that the vehicle will be sold without a court order. These pretrial sales are discussed below.

How can I get my vehicle back if I believe that I should not be held responsible for the driver's actions?

- If you were the owner of the vehicle in DMV's records at the time of the seizure, but you were not the driver at the time of the seizure, you can regain the vehicle if you can demonstrate to the clerk's office that you are "innocent." There are five different ways that you can demonstrate your innocence:
 - ⇒ You did not know and had no reason to know that the driver's license was revoked, or you did not know and had no reason to know that the driver did not have a valid license and did not have liability insurance.
 - ⇒ You knew that the driver's license was revoked, or you knew that the driver did not have a valid license and did not have liability insurance, but the driver drove the vehicle without your permission and you have filed a police report for unauthorized use of the vehicle and you have agreed to prosecute the driver.
 - ⇒ You had reported the theft of the vehicle (i.e., the driver stole the vehicle from you and then used it to commit the offense).
 - ⇒ You are in the business of renting vehicles and the driver was not listed as an authorized driver on the rental contract.
 - ⇒ You are in the business of leasing motor vehicles, you held legal title to the motor vehicle as a lessor at the time of seizure and you did not know the driver's license was revoked at the time you entered into the lease agreement with the driver.
- There are other requirements that you must satisfy in addition to proving that you are innocent.
- You should ask the Clerk's Office for form AOC-CR-330. Once you complete and file this form, the clerk will review your petition as soon as feasible. Depending on the workload of the clerk and other factors, the clerk may not be able to review your petition immediately.

- There are other requirements that you must satisfy as a lienholder.
- You should ask the clerk's office for form AOC-CR-334. You must serve a copy of the form on the owner, the DA and the school board attorney. If these parties consent to your petition, the clerk will release the vehicle to you. If they do not consent, there will be a court hearing on your petition.

If the vehicle is released to me, am I required to pay the towing and storage costs?

- Yes. You must pay all accumulated towing and storage charges to the company holding the vehicle before the company will release the vehicle to you. There are no exceptions to this requirement.
- If the driver is convicted, the court may order the driver to repay you for this amount.

What if my pretrial release request is denied?

- You do not have a right to appeal immediately from a decision denying your pretrial release petition. You must wait until the court has acted on the impaired driving offense.
- If the defendant is not convicted, the court will permanently release the vehicle to the owner.
- If the defendant is convicted, the court will hold a "forfeiture hearing" on the status of the vehicle. Owners, defendant-owners and lienholders may request the release of the vehicle again at this hearing.

My vehicle has been sold prior to the driver's trial without a court order. What does this mean?

- The NC Department of Public Instruction, through Tarheel Specialties, is allowed to sell the vehicle without a court order if
 - ⇒ 90 days have passed since the date of seizure and the vehicle has a fair market value of \$1,500 or less,
 - ⇒ the accumulated towing and storage costs exceed 85% of the fair market value, or
 - ⇒ the owner of the vehicle has consented to the sale.
- Tarheel Specialties will pay the net proceeds of the sale into the clerk's office. These proceeds will later be used to pay off any outstanding liens, with any remainder being released to the owner or forfeited to the school board just as the vehicle would have been.