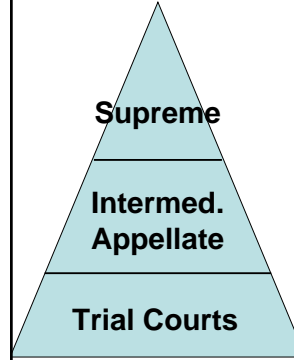


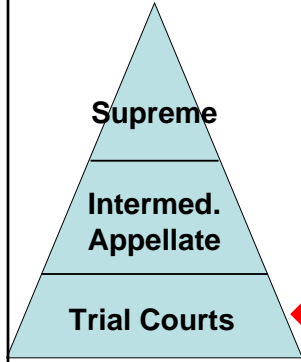
# Understanding the Court System

October 2010

## Basic Court Structure

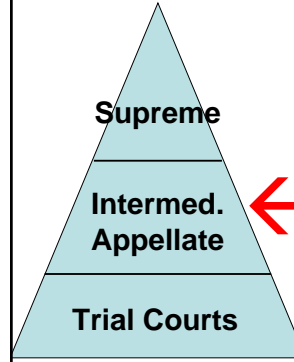


## Basic Court Structure



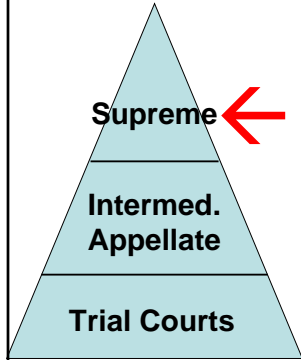
- 1 judge
- Perhaps a jury
- Witnesses called
- Evidence presented
- Civil & criminal

## Basic Court Structure



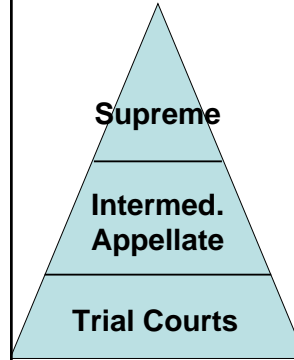
- Panels
- No jury
- No witnesses or evidence
- Lawyers argue law
- Jurisdiction
- Binds lower courts

## Basic Court Structure

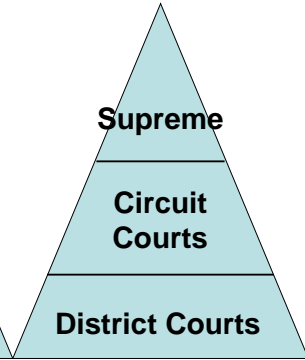


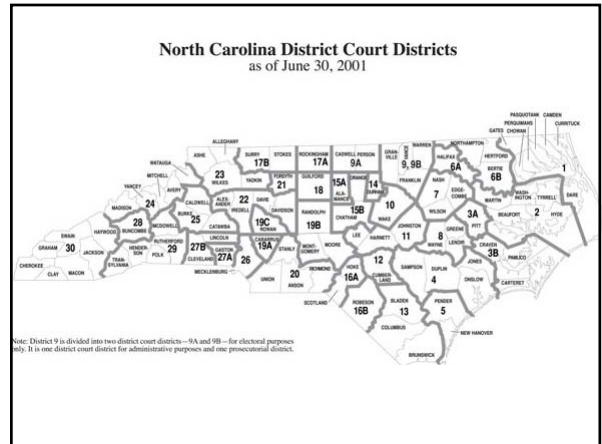
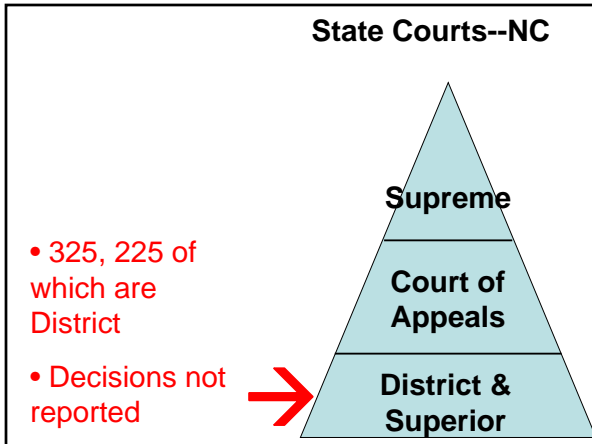
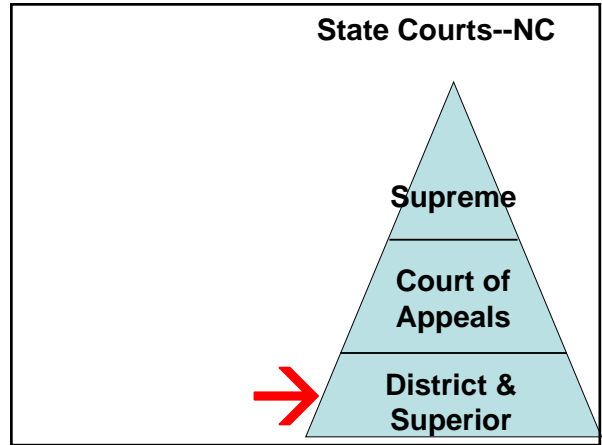
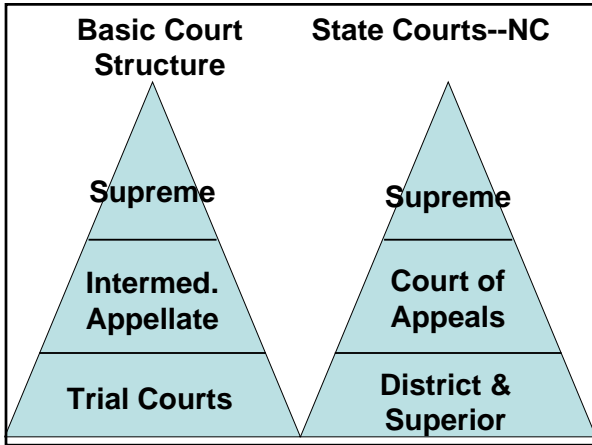
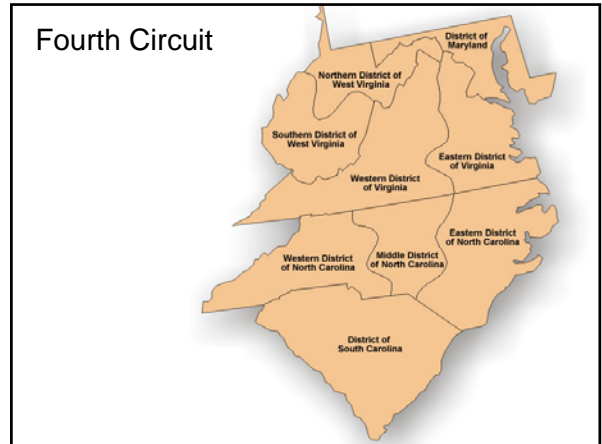
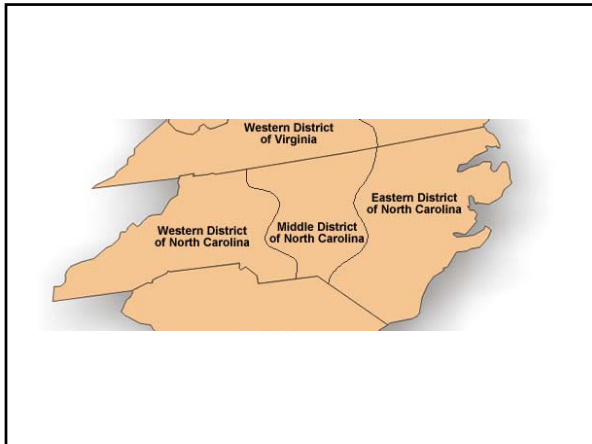
- All justices sit
- No jury
- No witnesses or evidence
- Lawyers argue law
- Discretionary
- Binds all lower courts

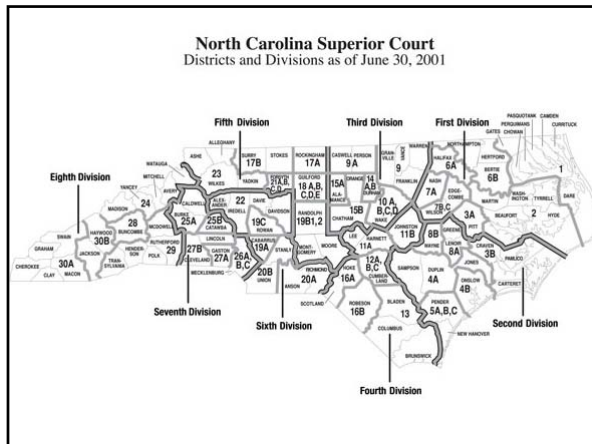
## Basic Court Structure



## Federal Courts







**State Courts--NC**

- 1 court, 15 judges, sit in panels of three
- Right to appeal
- Decisions bind all district and superior courts
- Reported in N.C. App. & S.E.

**State Courts--NC**

- 1 court, 7 members
- Discretionary
- Decisions bind court of appeals & all district and superior courts
- Reported in N.C. & S.E.

Federal Courts	NC Courts
<ul style="list-style-type: none"> <li>• Limited jurisdiction</li> <li>• US gov't funds</li> <li>• Judges appointed by Pres.; Senate confirms</li> <li>• Lifetime tenure; removal by impeachment</li> </ul>	<ul style="list-style-type: none"> <li>• General jurisdiction</li> <li>• States fund</li> <li>• Elected judges</li> <li>• Removal by impeachment and loss of election</li> </ul>

## Snapshot

- Preliminary data for 2008-2009
  - 3.3 million cases handled by 381 trial judges
  - 2.9 million cases filed in District Court (11,000 cases per judge)
- 1.8 million infractions and motor vehicle cases in District Court
- Collections
  - \$240 million in costs to the General Fund
  - \$93 million in fines and forfeitures to local school boards
  - \$331 million in collections of restitution and child support
  - \$700 million collected and disbursed through offices of Clerks of Superior Court

## Superior Court Preliminary Stats 2008-2009

	Filed	Jury	Judge	Vol. Dismissal	w/o Trial	Clerk	Court	Lack of Service	Other	Total
<b>Civil Superior (Total)</b>	<b>29,908</b>	<b>325</b>	<b>3,934</b>	<b>13,390</b>	<b>3,434</b>	<b>3,452</b>	<b>732</b>	<b>1,743</b>	<b>1,364</b>	<b>28,374</b>
Contract	8,298	25	1,055	3,171	815	1,251	178	481	405	7,381
Collect on Accounts	3,186	2	263	735	306	1,072	28	305	59	2,770
Motor Vehicle Negligence	5,717	166	400	4,679	233	24	120	261	186	6,069
Other Negligence	2,632	61	301	1,649	154	8	135	165	183	2,656
Real Property	1,420	23	449	299	340	14	25	72	50	1,272
Administrative Appeal	233	0	106	61	16	0	17	35	9	244
Other	8,422	48	1,360	2,796	1,570	1,083	229	424	472	7,982

	Filed	Trial	Lesser Offense	As Charged	Def. Prose.	W/ Leave	W/O Leave	Other	Disp. Total
<b>Criminal Superior (Total)</b>	<b>150,502</b>	<b>2,793</b>	<b>11,919</b>	<b>59,973</b>	<b>715</b>	<b>5,320</b>	<b>53,726</b>	<b>17,559</b>	<b>152,005</b>
<b>Felonies (Total)</b>	<b>110,347</b>	<b>1,995</b>	<b>11,470</b>	<b>50,796</b>	<b>626</b>	<b>3,829</b>	<b>39,549</b>	<b>3,748</b>	<b>112,013</b>
Murder	699	108	314	126	0	14	113	13	688
Manlaughter	63	2	12	42	0	1	12	4	73
Rape 1 <sup>st</sup> Deg Sex Offense	1,656	157	161	436	0	34	871	46	1,705
Other Sex Offenses	2,299	125	128	1,104	0	52	1,214	26	2,649
Robbery	5,827	190	1,184	2,411	8	101	2,025	46	5,965
Assault	2,527	130	732	728	6	75	975	36	2,682
Burglary and B&E	17,966	127	1,674	10,360	85	405	4,535	120	17,306
Larceny	10,098	91	1,152	4,402	87	347	3,836	105	10,020
Arson and Burnings	378	10	63	181	4	18	105	4	385
Forgery and Utterings	1,247	2	82	602	10	52	523	3	1,274
Fraudulent Activity	9,386	87	518	4,943	135	500	3,571	59	9,813
Controlled Substances	31,264	428	3,567	14,872	214	1,205	11,458	393	32,137
Other	26,937	538	1,863	10,589	77	1,025	10,311	2,893	27,316
<b>Misdemeanors (Total)</b>	<b>40,155</b>	<b>798</b>	<b>449</b>	<b>9,177</b>	<b>89</b>	<b>1,491</b>	<b>14,177</b>	<b>13,811</b>	<b>39,992</b>
Impaired Driving Appeal	3,778	201	135	821	0	193	261	1,820	3,431
Motor Vehicle Appeal	5,124	58	118	1,175	2	320	2,135	1,341	5,149
Non-Motor Vehicle Appeal	11,630	325	112	2,335	59	351	3,879	4,495	11,556
Case Originating in Sup. Ct	19,623	214	84	4,846	28	627	7,902	6,155	19,856

## Preliminary Current Filing Data Compared

	2005-06	2006-2007	2008-2009
<b>Total Civil</b>	<b>27,591</b>	<b>27,091</b>	<b>29,908</b>
<b>Total Criminal Felonies</b>	<b>109,815</b>	<b>111,059</b>	<b>110,347</b>
<b>Total Criminal Misdemeanors</b>	<b>42,849</b>	<b>41,820</b>	<b>40,155</b>
<b>Total Dispositions</b>	<b>180,255</b>	<b>179,970</b>	<b>180,410</b>

## A word about technology

- eFiling of civil cases piloted in Chowan, Davidson, Wake
- ePay is a component of eFiling, is also a step towards using ePayments for traffic. Web based.

**\*\*\* Effective for Offenses Committed on or after 12/1/09 \*\*\***

**FELONY PUNISHMENT CHART  
PRIOR RECORD LEVEL**

	<b>I</b> 0-1 Pt	<b>II</b> 2-5 Pts	<b>III</b> 6-9 Pts	<b>IV</b> 10-13 Pts	<b>V</b> 14-17 Pts	<b>VI</b> 18+ Pts	
<b>A</b>	<b>Death or Life Without Parole</b>						
<b>B1</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>DISPOSITION</b>
	<i>240 - 300</i>	<i>276 - 345</i>	<i>317 - 397</i>	<i>365 - 456</i>	<i>Life Without Parole</i>	<i>Life Without Parole</i>	<i>Aggravated Range</i>
	<b>192 - 240</b>	<b>221 - 276</b>	<b>254 - 317</b>	<b>292 - 365</b>	<b>336 - 420</b>	<b>386 - 483</b>	<b>PRESUMPTIVE RANGE</b>
	<i>144 - 192</i>	<i>166 - 221</i>	<i>190 - 254</i>	<i>219 - 292</i>	<i>252 - 336</i>	<i>290 - 386</i>	<i>Mitigated Range</i>
<b>B2</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	
	<i>157 - 196</i>	<i>180 - 225</i>	<i>207 - 258</i>	<i>238 - 297</i>	<i>273 - 342</i>	<i>314 - 393</i>	
	<b>125 - 157</b>	<b>144 - 180</b>	<b>165 - 207</b>	<b>190 - 238</b>	<b>219 - 273</b>	<b>251 - 314</b>	
	<i>94 - 125</i>	<i>108 - 144</i>	<i>124 - 165</i>	<i>143 - 190</i>	<i>164 - 219</i>	<i>189 - 251</i>	
<b>C</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	
	<i>73 - 92</i>	<i>83 - 104</i>	<i>96 - 120</i>	<i>110 - 138</i>	<i>127 - 159</i>	<i>146 - 182</i>	
	<b>58 - 73</b>	<b>67 - 83</b>	<b>77 - 96</b>	<b>88 - 110</b>	<b>101 - 127</b>	<b>117 - 146</b>	
	<i>44 - 58</i>	<i>50 - 67</i>	<i>58 - 77</i>	<i>66 - 88</i>	<i>76 - 101</i>	<i>87 - 117</i>	
<b>D</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	
	<i>64 - 80</i>	<i>73 - 92</i>	<i>84 - 105</i>	<i>97 - 121</i>	<i>111 - 139</i>	<i>128 - 160</i>	
	<b>51 - 64</b>	<b>59 - 73</b>	<b>67 - 84</b>	<b>78 - 97</b>	<b>89 - 111</b>	<b>103 - 128</b>	
	<i>38 - 51</i>	<i>44 - 59</i>	<i>51 - 67</i>	<i>58 - 78</i>	<i>67 - 89</i>	<i>77 - 103</i>	
<b>E</b>	<b>I/A</b>	<b>I/A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	
	<i>25 - 31</i>	<i>29 - 36</i>	<i>33 - 41</i>	<i>38 - 48</i>	<i>44 - 55</i>	<i>50 - 63</i>	
	<b>20 - 25</b>	<b>23 - 29</b>	<b>26 - 33</b>	<b>30 - 38</b>	<b>35 - 44</b>	<b>40 - 50</b>	
	<i>15 - 20</i>	<i>17 - 23</i>	<i>20 - 26</i>	<i>23 - 30</i>	<i>26 - 35</i>	<i>30 - 40</i>	
<b>F</b>	<b>I/A</b>	<b>I/A</b>	<b>I/A</b>	<b>A</b>	<b>A</b>	<b>A</b>	
	<i>16 - 20</i>	<i>19 - 23</i>	<i>21 - 27</i>	<i>25 - 31</i>	<i>28 - 36</i>	<i>33 - 41</i>	
	<b>13 - 16</b>	<b>15 - 19</b>	<b>17 - 21</b>	<b>20 - 25</b>	<b>23 - 28</b>	<b>26 - 33</b>	
	<i>10 - 13</i>	<i>11 - 15</i>	<i>13 - 17</i>	<i>15 - 20</i>	<i>17 - 23</i>	<i>20 - 26</i>	
<b>G</b>	<b>I/A</b>	<b>I/A</b>	<b>I/A</b>	<b>I/A</b>	<b>A</b>	<b>A</b>	
	<i>13 - 16</i>	<i>14 - 18</i>	<i>17 - 21</i>	<i>19 - 24</i>	<i>22 - 27</i>	<i>25 - 31</i>	
	<b>10 - 13</b>	<b>12 - 14</b>	<b>13 - 17</b>	<b>15 - 19</b>	<b>17 - 22</b>	<b>20 - 25</b>	
	<i>8 - 10</i>	<i>9 - 12</i>	<i>10 - 13</i>	<i>11 - 15</i>	<i>13 - 17</i>	<i>15 - 20</i>	
<b>H</b>	<b>C/I/A</b>	<b>I/A</b>	<b>I/A</b>	<b>I/A</b>	<b>I/A</b>	<b>A</b>	
	<i>6 - 8</i>	<i>8 - 10</i>	<i>10 - 12</i>	<i>11 - 14</i>	<i>15 - 19</i>	<i>20 - 25</i>	
	<b>5 - 6</b>	<b>6 - 8</b>	<b>8 - 10</b>	<b>9 - 11</b>	<b>12 - 15</b>	<b>16 - 20</b>	
	<i>4 - 5</i>	<i>4 - 6</i>	<i>6 - 8</i>	<i>7 - 9</i>	<i>9 - 12</i>	<i>12 - 16</i>	
<b>I</b>	<b>C</b>	<b>C/I</b>	<b>I</b>	<b>I/A</b>	<b>I/A</b>	<b>I/A</b>	
	<i>6 - 8</i>	<i>6 - 8</i>	<i>6 - 8</i>	<i>8 - 10</i>	<i>9 - 11</i>	<i>10 - 12</i>	
	<b>4 - 6</b>	<b>4 - 6</b>	<b>5 - 6</b>	<b>6 - 8</b>	<b>7 - 9</b>	<b>8 - 10</b>	
	<i>3 - 4</i>	<i>3 - 4</i>	<i>4 - 5</i>	<i>4 - 6</i>	<i>5 - 7</i>	<i>6 - 8</i>	

A – Active Punishment      I – Intermediate Punishment      C – Community Punishment  
Numbers shown are in months and represent the range of minimum sentences

Revised: 08-31-09