

North Carolina Court System

The various levels of our Court System

Bob R. Cherry, District Court Judge

February 18, 2020

Levels of the Court System

- Supreme Court (7 Justices, statewide election)
 - 3 seats are up for election, including Chief Justice
- Court Of Appeals (15 Judges, statewide election)
 - 5 seats are up for election
- Superior Court (109 Judges statewide, 3 in our Judicial District)
- District Court (256 Judges statewide, 6 in our Judicial District)
 - All 6 seats are up for election, but only one race is contested
- Magistrate Court (724 Magistrates Statewide, but each assigned to a specific county, not to the Judicial District)

Supreme Court

- 1 Chief Justice, Cheri Beasley
 - Serves as the head of the NC Judicial Branch
- 6 Associate Justices
- All elected statewide for an 8-year term
 - 3 are up for election this year

Supreme Court, slide #2

- The Supreme Court of North Carolina is the state's highest court, and there is no further appeal from its decisions on matters of state law.
- The Supreme Court has no jury and makes no determinations of fact, but considers whether error occurred at trial or in judicial interpretation of the law.
- Appeals as of Right:
 - 1) Constitutional Question
 - 2) When dissenting opinion Court of Appeals

Court of Appeals

- The Court of Appeals is the state's intermediate appellate court. The court has 15 judges who serve 8-year terms and hear cases in panels of three. Five are up for election this year.
- The court is led by a chief judge, who is appointed by the chief justice of the Supreme Court of North Carolina.
- The Court of Appeals reviews the proceedings that occurred in the trial courts for errors of law or legal procedure. Most of the court's sessions are held in Raleigh, but individual panels sometimes meet in other locations throughout North Carolina.
- Like the Supreme Court, the Court of Appeals decides only questions of law – not questions of fact.

Superior Court

- Election is District wide (not statewide) for 8-year term.
 - None of our 3 Superior Court Judges are up for election this year
 - However, Judge Nobles will retire
- Our District is 3b: Carteret, Craven, and Pamlico.
 - All Felony cases
 - Misdemeanors appealed from District Court
 - Civil cases involving over \$25,000
- Unlike the appellate division that decides only questions of law when a party appeals a case, the superior and district court divisions are the trial court divisions that hold trials to determine the facts of cases.
- Senior Resident Judge John Nobles
- Judge Josh Willey
- Judge Paul Quinn

District Court

- Election is District wide (not statewide) for 4-year term.
- Our District is 3b: Carteret, Craven, and Pamlico.
- Like the superior court division, the state is divided into district court districts for electoral purposes and administrative purposes.
- Like the superior court, the district court sits in the county seat.
 - Court MAY sit in certain other cities, if authorized by the General Assembly (e.g. Havelock).
- Unlike the superior court, the district court districts are not grouped into larger judicial divisions.
- Each administrative district court district has a chief district court judge who manages the administrative duties of the court.

District Court, slide #2

- All misdemeanor cases, except those attached to a felony
- First Appearance in unindicted felony cases
 - 99% of felony cases are initiated by an arrest, so the defendant is entitled to a First Appearance in District court
 - For felony cases initiated by an indictment, the First Appearance is held in Superior court
- All juvenile cases
- All Family Law cases (divorce, custody, alimony, child support)
- Civil Cases involving less than \$25,000
 - Including appeals from Magistrate court

3b District Court Judges

- Chief District Court Judge Walter Mills
- Judge Karen Alexander
 - Did not file in December for reelection
 - Paul Delamar filed in December for election
- Judge Bob R. Cherry
- Judge Peter Mack
 - Has two primary opponents: Jennifer Dacey and Andrew Wigmore
- Judge David McFadyen
- Judge Clint Rowe

Magistrate Court

- There are 724 Magistrates in NC
- They are appointed by their respective Chief District Court Judge
- Magistrates hold court in both civil and criminal matters as officers of the district court under the supervisory authority of the chief district court judge.
- In the civil context, magistrates generally are assigned by the chief district court judge to preside over “small claims” court.
- For criminal matters, magistrates conduct certain preliminary proceedings and are authorized to dispose of some cases by pleas of guilty or by trial.

Vote

- The Primary is March 3
- Early voting is currently open
- Make a difference, inform yourself and cast a vote