

An Introduction to North Carolina's Judicial Branch



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**Supreme
Court**

**Court of
Appeals**

Superior Court

District Court

District Court

- District Courts, or Trial Courts, can be divided into four categories: civil, criminal, juvenile and magistrate.
- The District Court sits in the county seat of each county. It may also sit in certain other cities and towns, specifically authorized by the General Assembly.
- The trial of a criminal case in District Court is always without a jury.
- District Courts handle:
 - Civil cases such as divorce, custody, child support and cases involving less than \$10,000 are heard in District Court
 - Criminal cases involving misdemeanors and infractions.
 - Juvenile cases involving children under the age of 16 who are delinquent and children under the age of 18 who are undisciplined, dependent, neglected or abused.

Superior Court

- Superior Court is divided into eight divisions and 46 districts across the state.
- Every six months, Superior Court judges rotate among the districts within their division.
- A jury of 12 hears the criminal cases.
- Superior Court handles:
 - All felony criminal cases
 - Civil cases involving more than \$10,000
 - Misdemeanor and infraction appeals from District Court

Court of Appeals

- The Court of Appeals is this state's only intermediate appellate court.
- Court of Appeals judges are elected in partisan races. If elected, they serve eight-year terms.
- Fifteen judges sit in rotating panels of three. There is no jury.
- If a panel is divided, the losing party has an automatic right to appeal to the N.C. Supreme Court.
- Court of Appeals handle:
 - Every case appealed from the Superior and District courts except death penalty cases.
 - Appeals can range from a parking ticket case to a murder case.

Supreme Court

- The Supreme Court of North Carolina is the state's highest court.
- There is no further appeal in the state from their decisions.
- This court has a chief justice and six associate justices who sit together as a panel in Raleigh. Justices serve eight-year terms.
- SB 4 (2016) returned the State Supreme Court to partisan races, overturning law passed in 2004.
- The Supreme Court has no jury, and it makes no determination of fact; rather, it considers error in legal procedures or in judicial interpretation of the law.
- Supreme Court handles:
 - Cases in which there is a dissent in the Court of Appeals
 - Those that the Supreme Court accepts for review through petition.

Other Court Officials

- **Magistrates** accept guilty pleas for minor misdemeanors, accept guilty pleas for traffic violations and accept waivers of trial for worthless-check cases among other things. In civil cases, the magistrate is authorized to try small claims involving up to \$5,000 including landlord eviction cases.
- **Clerk of superior court** are elected for a four-year term and are responsible for all clerical and record-keeping functions of the superior court and district court. The clerk also has numerous judicial functions:
 - The clerk is judge of probate - that is, the clerk handles the probate of wills (proceedings to determine if a paper writing is a valid will) and the administration of estates of decedents, minors and incompetents.
 - The clerk hears a variety of special proceedings such as adoptions, incompetency determinations and partitions of land and is empowered to issue arrest and search warrants and to exercise the same powers as a magistrate with respect to taking pleas of guilty to minor offenses

Other Court Officials

- **District attorneys** are the elected representatives of the state in all criminal and some juvenile matters. The primary responsibility of the district attorney, with his or her assistants, is to prosecute all criminal cases filed in the Superior and District Courts. District attorneys also advise local law enforcement and prepare the criminal trial docket.
- **Public defenders** are attorneys whose duty is to provide legal representation to those who are defendants (those have been charged with a crime) and who are indigent (unable to pay for an attorney).

Sources:

- http://www.ncsbe.gov/Portals/0/FilesP/PDF/2016_Voter_Judicial_Guide_Web.pdf
- http://www.journalnow.com/news/elections/local/mccrory-signs-controversial-senate-gop-elections-court-bill-presented-with/article_bebc98d7-edf7-53f7-a909-b349647a45f8.html
- <http://www.nccourts.org/Courts/Default.asp>