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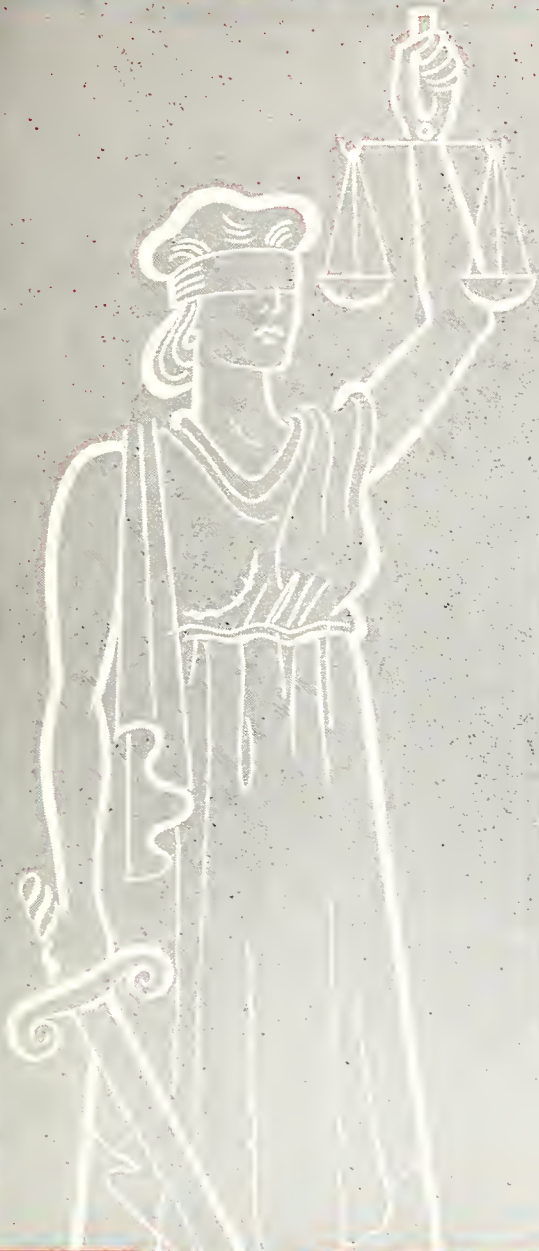
**The Administration of Criminal**

**Justice in North Carolina**

Part V. Motor Vehicle Cases in the Superior and Inferior Courts of North Carolina

Part VI. Jury Trials in Criminal Cases in Inferior Courts

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# The Administration of Criminal Justice in North Carolina

## PART V

### MOTOR VEHICLE CASES IN THE SUPERIOR AND INFERIOR COURTS OF NORTH CAROLINA

By James Albert House, Jr.

Assistant Director, Institute of Government

#### Introduction

This report analyzes the more than 125,000 motor vehicle cases disposed of in 1956 in the 32 Superior Courts and 61 inferior courts examined in the criminal court study. The findings of this study will indicate the heavy flow of traffic cases through the court system of this state, how these cases originated, how they were treated, both in court and out of court, and the means by which they were finally disposed.

The findings of this study show that almost one-third of all cases in the Superior Court and nearly two-thirds of all cases in the inferior courts—twice as many as all other cases combined—were motor vehicle cases. In some Superior Courts more than one-half of all cases disposed of involved traffic offenses, and in some inferior courts more than 90% of all cases were traffic cases. Drunk driving cases alone in the Superior Court numbered more than any other single type case in that court, and the motor vehicle cases in that court numbered more than all other misdemeanors combined. Speeding offenses numbered more than 50,000 cases in the 61 inferior courts studied; more than 40% of the speeding cases were disposed of without the defendant ever appearing in court.

This large total of traffic cases in the courts has had a profound effect upon the court system, and has led to the adoption of many devices and techniques to dispose of these cases—systems of waiver of appearance and cash bond forfeitures, the use of “JP-Policemen” and “Clerk of Court-Policemen,” and other methods designed not only for the convenience of the motorists, but also for the convenience of the courts. The report will discuss the legality of these systems of waiver of appearance and other techniques developed to dispose of the flow of traffic cases, and show that although the legality of these systems has been seriously questioned, still the local courts continue to use them. This report will show how the treatment of the traffic violator varies from court to court, from the time of arrest

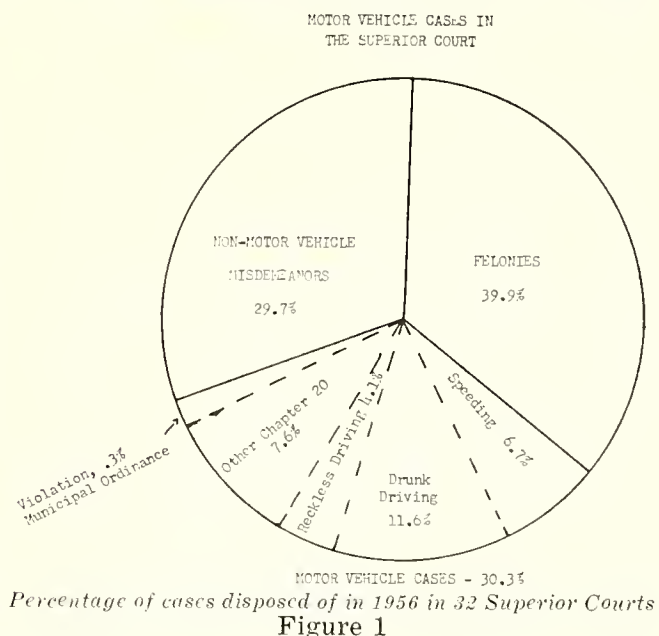
or citation until the imposition of punishment. Each court has its own system of disposing of motor vehicle cases, designed by local officials to meet current local needs, and there is little uniformity and often little similarity in the treatment of the motorist and the procedures used among the many inferior courts.

In any consideration of the improvements needed in the courts of this state, careful analysis and study must be given to this heavy flow of motor vehicle cases through the present court system, where they originate, how they were treated and disposed of, and what changes might be needed to provide proper judicial handling of a mobile population.

#### Motor Vehicle Cases in the Superior Court

Of a total of 11,561 criminal cases disposed of in 1956, in the 32 Superior Courts examined in the criminal court study, 3,492 cases, or 30.3% of the total, involved motor vehicle offenses. The motor vehicle cases totaled more than all other misdemeanors combined, and were only slightly less than the total number of felonies tried in the Superior Court. Of the 11,561 cases disposed of in these 32 Superior Courts in 1956, 4,614 cases, or 39.9% were felonies, while 3,438 cases, or 29.7% were non-motor-vehicle misdemeanors. (See Table V-A and Figure 1).

Speeding offenses accounted for 775 cases, or 6.7% of the total cases in Superior Court; 473 cases



or 4.1% of the total were reckless driving cases; 874 cases or 7.6% of the total were other violations of Chapter 20 (the Motor Vehicle Chapter of the General Statutes); 33 cases or .3% of the total were violations of municipal traffic ordinances; and 1,337 cases or nearly one of every eight cases in Superior Court were drunk driving cases. These Superior Courts disposed of more drunk driving cases than any other type of case, including felonies, non-motor vehicle and motor vehicle cases. (See Table V-A).

A breakdown of the cases pending at the time of the criminal court study in all 32 Superior Courts reveals comparable results in the number and percentage of motor vehicle cases in comparison with the total cases pending. (See Table V-B).

This heavy flow of motor vehicle cases ranges from a high of 74.3% of the total cases disposed of in Davie County Superior Court and 71.1% of the total cases in Haywood County Superior Court<sup>1</sup> to a low of 7.4% of the total cases in Stanly County Superior Court. (See Table V-C). The high percentage for some Superior Courts is due largely to the fact that in 1956 there was no inferior court in the county or that while there were municipal courts in the county there was no inferior court having aggregate county-wide jurisdiction. However, in other counties there were inferior courts with aggregate county-wide jurisdiction and still almost one-fourth of the cases disposed of in the Superior Court were traffic cases. (See Table V-D).

The overall high percentage of motor vehicle cases in the Superior Court may be traced in part, to these factors:

- (1) The right of appeal from inferior courts and trial *de novo* in the Superior Court. (See Table V-E, which shows that 54.4% of the traffic cases in Superior Court were on appeal from a lower court, a JP, or mayor.)
- (2) The right of the traffic offender to ask for a jury trial in the inferior court and thereby have his case transferred to the Superior Court. (See Table V-E).
- (3) The factor of the county having no inferior court or one or more municipal courts with aggregate county-wide jurisdiction, [See Table V-D which shows that the mean (average) of motor vehicle cases in Superior Courts in counties having no inferior courts was 57.8% of the total cases as compared with a mean (average) of 56.3% of the total cases in Superior Courts in counties which had municipal courts without aggregate county-

1. Since 1956 a county recorder's court has been established in Davie and Haywood counties and the number of motor vehicle cases in these Superior Courts has been greatly reduced.

wide jurisdiction, and contrasted with a mean (average) of 23.7% of the total cases in Superior Court in counties having inferior courts with aggregate county-wide jurisdiction].

- (4) The persistent litigation in drunk driving cases (reflected in the fact that the largest percentage of motor vehicle cases in the Superior Court and the largest percentage of any type case in Superior Court are drunk driving cases). See Table V-A.

An examination of the motor vehicle cases according to offense reveals that in at least one Superior Court (Cherokee) more than one of every three cases disposed of (36.7% of the total) were drunk driving cases, while in three other courts more than one of every four cases were drunk driving cases. By way of contrast, only seven of the 32 Superior Courts disposed of any cases at all involving violations of municipal traffic ordinances and only in Wake County Superior Court was the percentage of such cases more than 1% of the total. In three Superior Courts there were no speeding cases, while in three other Superior Courts more than one-fourth of the cases were speeding cases. The three Superior Courts which had no speeding cases were in rural or resort counties while the three courts in which more than one-fourth of the total cases were speeding cases were in counties which had no inferior courts with aggregate county-wide jurisdiction. (See Table V-C). Only in two counties did the reckless driving cases exceed 10% of the total cases. Other violations of Chapter 20 constituted more than 10% of the disposed-of cases in eight counties (See Table V-C).

The three pilot county Superior Courts—Chatham, Durham and Orange—reveal comparable results. In these three Superior Courts, 25.7% of the total cases were motor vehicle offenses, 10.3% were drunk driving offenses, 3.7% were reckless driving offenses, 3.4% were speeding offenses, 7.6% were other violations of Chapter 20, and .7% were violations of municipal traffic ordinances. (See Table V-F). The pending motor vehicle cases in the Superior Courts in the pilot counties show similar results with a higher percentage of the total pending cases being drunk driving cases. (See Table V-G).

What is the opinion of the officers of the North Carolina courts concerning this huge number of motor vehicle cases in the courts? Of the 17 Superior Court solicitors interviewed in the Criminal Court Study, 12 stated that the criminal docket was overcrowded with petty cases, as traffic cases, which should be disposed of elsewhere, while three stated that in some counties the docket was crowded with these type cases, and two said there was no problem in this regard with the exception of drunk



driving cases. Eleven of the Superior Court solicitors said they would favor a separate system of traffic courts to try motor vehicle cases, two solicitors said they would favor traffic courts in metropolitan areas only, and four of the seventeen solicitors said they would not be in favor of separate traffic courts.

Thirteen of the nineteen Superior Court judges interviewed stated that the criminal docket was overcrowded with petty cases, as traffic cases; two judges said it was overcrowded in some counties; while four judges replied that the docket was not crowded with this type case. Three of the Superior Court judges unequivocally favored the establishment of a separate system of traffic courts to try motor vehicle cases, while three judges said it might be advisable. Twelve of the Superior Court judges did not favor the establishment of a separate system of traffic courts, but some had other suggestions such as setting aside certain days for the trial of traffic cases in Superior Court and limiting the right of appeal to Superior Court to questions of law only, with jury trials provided in the inferior courts.

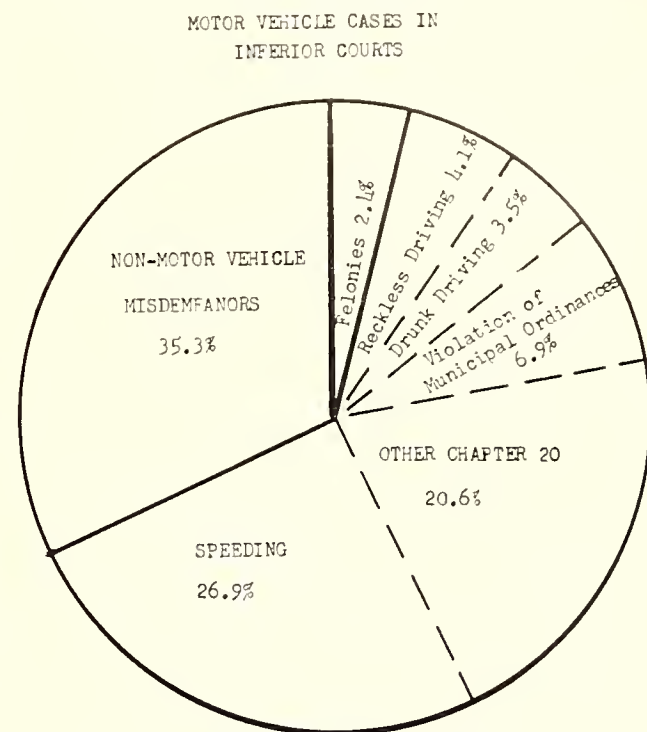
The general tenor of all the comments was the suggestion that more adequate lower courts be established, either with or without separate traffic courts, with provisions for jury trials and with the right of appeal limited to matters of law only. Typical comments were these: "Beyond a doubt (too much of the Superior Court's time is consumed by minor traffic offenses). This week almost the whole time was taken up in the trial of drunken driving, reckless driving, and speeding cases. Those traffic matters like speeding, reckless driving, and drunken driving, consume a large percentage of the time of the Superior Court."

### Motor Vehicle Cases in Inferior Courts

The great bulk of the cases in the inferior courts are motor vehicle cases. In the 61 inferior courts examined in the criminal court study, 123,856 of a total of 199,795 cases disposed of in 1956, or 61.9% of the total, were motor vehicle cases. (See Table V-H and Figure 2). Felony cases numbered 4,795, or 2.4% of the total cases, while 70,470 or 35.3% of the total were non-motor vehicle cases, and .3% of the total cases were cases in which offenses were not sufficiently identified by the records. The cases pending in the inferior courts at the time of the criminal court study revealed comparable results; 62.3% of all pending cases were motor vehicle offenses. (See Table V-J).

Speeding cases numbered 53,765 or 26.9% of the total cases disposed of; 6,965 cases or 3.5% of the total were drunk driving cases; 8,276 or 4.1% of the total were reckless driving cases; 41,107 or 20.6% of the total were other violations of Chapter 20; and

13,743 or 6.9% of the total cases were violations of municipal traffic ordinances. (See Table V-H).



MOTOR VEHICLE CASES - 61.9%  
Percentage of cases disposed of in 1956 in 61 Inferior Courts  
Figure 2

A court-by-court examination shows that in three courts more than 90% of the disposed-of cases were motor vehicle offenses; in eight courts between 80% and 90% were motor vehicle offenses; in 11 courts, 70% to 80%; in 14 courts, 60% to 70%; and in 12 courts 50% to 60% of the total cases were traffic cases. In only 13 of the 61 courts did motor vehicle cases constitute less than 50% of the disposed-of cases. (See Table V-K).

The study of the inferior courts in the pilot counties<sup>2</sup> indicates comparable results. In the five inferior courts examined in the pilot counties, 58.3% of the total cases were motor vehicle offenses; 3.5% were drunk driving cases; 4.4% were reckless driving cases; 23.1% were speeding cases; 21.6% were other violations of Chapter 20; and 5.7% were violations of municipal traffic ordinances. (See Table V-L).

There was substantial unanimity of opinion among lower court personnel that traffic cases crowded the docket more than any other type case, but there was considerable divergence in views as to the improvements needed. Nine of the 32 inferior court solicitors favored the establishment of separate traffic courts, and three solicitors thought such courts might be advisable, but nine-

2. The three pilot study counties are not included in the 61 inferior courts as the study of the pilot counties was prior to the field work for this report. See Progress and Pilot Study Report of The Criminal Court Study Project, Institute of Government, 1957.

teen solicitors did not favor separate traffic courts. The general negative reply stated separate traffic courts were not needed in the locality, and pointed out other means which had been devised to dispose of the large number of traffic cases. Twenty-nine of the thirty-two solicitors replied that their court permitted a system of waiver of appearance or cash bond forfeiture which obviated the necessity of the defendant coming to court and worked well not only as a convenience to the motorist, but also to the court in disposing of the great number of traffic cases.

The lower court judges were almost unanimous in not favoring a separate system of traffic courts, with only four of the judges favoring such courts. Typical of the comments of the lower court judges in reference to the establishment of separate traffic courts was the statement that such a court would "put our court out of business, as 75% of our business consists of motor vehicle cases." The judges also pointed to the techniques which had been developed by the local courts to handle the heavy flow of traffic cases—systems of waiver of appearance and cash bond forfeitures. It should be noted that these methods of dealing with traffic cases are methods devised by each separate court in an attempt to meet its own current needs. Most of these methods are without judicial sanction; some of them and the basic techniques generally used have been declared improper. (See discussion of the legality of these methods in the section on Waiver of Appearance in this report.)

### Origin of Motor Vehicle Cases in the Superior Courts

The criminal court study of the origin of cases disposed of in 1956 in the Superior Courts reveals that of a total of 3,492 motor vehicle cases, 1,847 cases or 52.9% of the total came to the Superior Court on appeal from the lower courts. This large number of cases on appeal from the lower courts reaches an even higher percentage of the total cases when the four Superior Courts in counties which had no inferior courts are excluded. Excluding those counties, the percentage of motor vehicle cases on appeal is 79.9% of the total motor vehicle cases in Superior Court. Excluding the Superior Courts in counties having no inferior courts and the three counties which have one or more municipal courts but no inferior courts with aggregate county-wide jurisdiction, 81.2% of the cases in Superior Courts in counties which had inferior courts of county-wide jurisdiction were on appeal from the lower court. (See Table V-M).

Of the 3,492 motor vehicle cases in all 32 Superior Courts, 1,157 cases or 33.1% of the total were bound over from a JP or mayor. This high percentage of cases which were bound over from a JP or mayor

is attributable to the four counties in which there were no inferior courts; in these counties over 90% of the motor vehicle cases in Superior Court were bound over from the JP or mayor. In the three counties in which there were one or more municipal courts but no courts which had aggregate county-wide jurisdiction, 83.9% of the motor vehicle cases were bound over from a JP or mayor.

An examination of the origin of motor vehicle cases in counties having no inferior courts shows that 97.4% were bound over from a JP or mayor, 1.2% originated with the grand jury, .9% were on appeal from a JP or mayor, .1% were on information, .1% were remanded from the Supreme Court, and the origin of .3% of the cases was not shown by the records. (See Table V-M).

This high percentage of cases (97.4%) bound over from a JP or mayor in these Superior Courts is in sharp contrast with the percentage (.3%) bound over from a JP or mayor in Superior Courts in counties having lower courts. It indicates the large percentage of traffic cases which might be disposed of in the lower court if one were available, and substantiates the views of the many Superior Court solicitors who said their dockets were overcrowded with motor vehicle cases which should have been disposed of elsewhere. It was the experience of Davie County (which had no inferior court in 1956 and during which year 74% of its cases disposed of in Superior Court were traffic cases) that upon the establishment of a county recorder's court, there has been a marked reduction in traffic and other petty cases in the Superior Court and its docket is no longer overcrowded. It should be noted again here that the mean (average) of traffic cases in these courts is 57.8% of the total cases disposed of, as contrasted with only 23.7% in the Superior Courts in counties having lower courts. There is no other place for the traffic case to be tried, when it exceeds the JP or mayor's jurisdiction, except in the Superior Court in these counties. (For a further discussion of when traffic cases are bound over by a JP to inferior and Superior Courts, see Report on the Criminal Business of the Justice of the Peace.)

The records in Superior Courts in those counties which have one or more municipal courts, none of which have aggregate county-wide jurisdiction, showed that 83.9% of the motor vehicle cases in Superior Court were bound over from a JP or mayor, 6.3% were on appeal from a JP or mayor, 6.3% were on appeal from the municipal courts, 3% were bound over from the municipal court, and .5% originated with the grand jury. (See Table V-M).

Again we note the high percentage (83.9%) of the traffic cases in Superior Court bound over from a JP or mayor in contrast with the number (.3%



of the traffic cases) bound over from a JP or mayor in counties with inferior courts with county-wide jurisdiction. This indicates again that unless the traffic offense came within the jurisdiction of the mayor, JP or municipal court, there was no other place for it to be tried except in the Superior Court. It was the experience of Haywood County, which had municipal courts but no lower court with county-wide jurisdiction in 1956 that 71.1% of the total cases in Superior Court that year were traffic cases, but since the establishment of a recorder's court with county-wide jurisdiction the traffic case load on the Superior Court docket has been sharply reduced.

In those counties which have inferior courts or municipal courts with aggregate county-wide jurisdiction, not only is there a much lower number and percentage of traffic cases in the Superior Court, but these cases arise in a much different manner, usually on an appeal from the lower court. In these Superior Courts, 81.2% of the cases were on appeal from the lower court, 15.8% were transferred from the lower court on a request for jury trial, 1.2% were bound over from the lower court, .3% were bound over from a JP or mayor, .3% were transferred from a JP or mayor on request for a jury trial, .5% were on appeal from a JP or mayor, .1% originated with the grand jury, .1% were remanded from the Supreme Court, and in .5% of the cases the origin was not shown by the records. (See Table V-M).

A complete outline of the origin of cases in all 32 Superior Courts shows that 52.9% of the motor vehicle cases were on appeal from a lower court, 33.1% were bound over from a JP or mayor, 10.3% were transferred from the lower court on request for a jury trial, 1.5% were on appeal from a JP or mayor, 1.2% were bound over from a lower court, .4% originated with the grand jury, .2% were transferred from a JP or mayor on request for a jury trial, .1% was on information, .1% was on remand from the Supreme Court, and in .3% of the cases the origin of the case could not be ascertained from the records. (See Table V-M).

It should be noted that the above statistics were relatively consistent for each type motor vehicle offense, that more than one-half of the cases were on appeal from a lower court, that one-third of the cases were bound over from a JP or mayor, and this high percentage was largely influenced by the statistics from Superior Courts in counties having no inferior courts with county-wide jurisdiction. Ten per cent of the traffic cases in the Superior Court were transferred from a lower court on request for a jury trial, and this percentage was much higher in drunk driving cases. In only a small percentage of cases did the traffic offense originate with the grand jury by information or by other

means. The presence of a lower court with county-wide jurisdiction largely determined the flow of cases into the Superior Court and the means by which the traffic cases originated in that court. The study will next examine the origin of motor vehicle cases in the inferior courts.

## Origin of Motor Vehicle Cases in the Inferior Courts

Where do the large number of motor vehicle cases in the inferior courts originate? In 83.9% of the traffic cases in 60 inferior courts<sup>3</sup> the case originated in the court which disposed of it, that is, the warrant was issued by or made returnable<sup>4</sup> to the court which disposed of it and this court was the first court which made a judicial determination in the case.

A complete analysis of origin of cases in the 60 inferior courts shows that of 113,929 motor vehicle cases, 95,691 cases (83.9% of the total) originated in the inferior courts which disposed of them; 13,184 cases (11.6% of the total) were bound over to the courts from JPs; 232 cases (.2% of the total) were transferred from juvenile courts to the lower courts for a jury trial; 906 cases (.8% of the total) were transferred from a JP for a jury trial; 166 cases (.1% of the total) were bound over from a mayor; 95 cases (.1% of the total) were appealed from a mayor; 66 cases (.1% of the total) were appealed from a JP; and in 3,455 cases (3.0% of the total) the records did not indicate the means by which the cases reached the court.<sup>5</sup> (See Table V-N).

These statistics indicate that except for the cases bound over from JPs (11.6% of the total) all but a negligible percentage of the cases originated in the inferior court which disposed of the cases. In three county recorder's courts and two municipal recorder's courts over one-third of the cases were bound over from JPs and in three other county recorder's courts over two-thirds of the cases were bound over from JPs. In all other lower courts the percentage of cases bound over from JPs was less than 5%. The five county recorder's courts in which over one-third of the cases in the court were bound over from JPs were all rural eastern counties with a significant number of JPs, and

3. In one other court, the records were in different locations without cross-reference and to obtain origin information would have been prohibitive in cost and time consumed; therefore, it was omitted in that one court.

4. In some cases, the warrant was issued by a JP and made returnable to a recorder's court. See Part IV, "Criminal Business of the Justices of the Peace," for a discussion of this practice.

5. These were usually cases which had been appealed and the warrant sent to the Superior Court and the lower court records did not otherwise show who issued the warrant or who the complainant was and how the case originated.



the two municipal recorder's courts were in Piedmont counties with a significant number of JPs.<sup>6</sup>

The statistics for each type traffic offense as to the number of cases originating in the court itself are relatively constant; 84.4% of the speeding cases, 78.8% of the drunk driving cases, 83.3% of the reckless driving cases, 80% of the other violations of Chapter 20, and 98.2% of the violations of municipal ordinances originated in the courts which disposed of them.

A significant feature in these statistics is the number of cases in which waiver of appearance was permitted, yet the case was bound over from a JP. The system generally used in these cases is that JPs have an arrangement with the inferior court whereby the JP accepts a plea of guilty in absentia and a written waiver of appearance and the fine and/or cost based on a schedule previously set by the inferior court, and he then forwards the money and written waiver to the court. For a further discussion of this system and its legality see the section on Waiver of Appearance in this report.

#### Who Issued the Warrant

Having seen how the motor vehicle case came into court, the study will now trace the origin of the case to see who issued the warrant and who the complaining party was. In 30.5% of all motor vehicle cases the warrant was issued by the clerk (or his assistants or deputies) of the court which disposed of it, while in 29.3% of the traffic cases the warrant was issued by a "JP-policeman." In many courts, in order to have someone available at all times to issue warrants in traffic cases one member of the police department will obtain an appointment as JP, solely for the purpose of issuing warrants in traffic cases. This arrangement relieves much of the pressure on the clerk of court's office to issue warrants, as reflected in the statistics showing almost as many warrants issued by the "JP-policeman" as by the office of the clerk of court. Another arrangement is to have one of the policemen serve as a clerk of the court for the purpose of issuing warrants, and in 17.6% of all motor vehicle cases the warrant was issued by the "clerk of court-policeman." In 11.5% of all motor vehicle cases the warrant was issued by a justice of the peace. (For a further discussion of the role of the JP in motor vehicle cases, see the Report on Criminal Business of the Justice of the Peace.) In 422 cases or .4% of the total motor vehicle cases, the mayor issued the warrant. In 10,609 cases

6. Complete records and tables showing how the motor vehicle case originated in each inferior court are available at the Institute of Government. These tables, with individual court totals for origin of the case, who issued the warrant, who the complainant was, punishment imposed, amount of fines, who paid the costs, and length of imprisonment, are so voluminous that only the 61 court totals for each item are given herein and individual court differences noted and summarized.

(9.3% of the total) others such as a "deputy sheriff-JP" or "ABC enforcement officer-JP" issued the warrant.<sup>7</sup> in 1,635 cases or 1.4% of the total cases, the records did not show who issued the warrant.<sup>8</sup> (See Table V-O).

The warrant was issued by the clerk of court or personnel of his office in 30.7% of the speeding cases, 24.8% of the drunk driving cases, 28.5% of the reckless driving cases, 32.3% of the other violations of Chapter 20, and 28.7% of the municipal ordinance violations. The warrant was issued by a JP-policeman in 24.2% of the speeding cases, 22.7% of the drunk driving cases, 25.9% of the reckless driving cases, 30.9% of the other violations of Chapter 20, and 51.7% of the violations of municipal traffic ordinances. The higher percentage of warrants issued by JP-policemen in municipal ordinance violations is due to the fact that this arrangement is especially prevalent in courts in larger cities where a large number of cases are taken to the JP-policemen.

The warrant was issued by a "clerk of court-policeman" in 19.2% of the speeding cases, 17% of the drunk driving cases, 19.5% of the reckless driving cases, 18.5% of the other violations of Chapter 20, and 6.7% of the violations of municipal traffic ordinances. The warrant was issued by a JP in 14.4% of the speeding cases, 20.1% of the drunk driving cases, 14.6% of the reckless driving cases, 8.9% of the other violations of Chapter 20, and .7% of the municipal traffic ordinance violations. The warrant was issued by a mayor in only .1% of the speeding cases, 2.2% of the drunk driving cases, .9% of the reckless driving cases, .4% of the violations of Chapter 20, and .1% of the municipal ordinance violations.

The warrant was issued by others such as a "deputy sheriff-JP" or "ABC officer-JP," in 10.6% of the speeding cases, 9.7% of the drunk driving cases, 8.1% of the reckless driving cases, 7.1% of the other violations of Chapter 20, and 11.1% of the violations of municipal traffic ordinances. The records did not show who issued the warrant in .8% of the speeding cases, 3.5% of the drunk driving cases, 2.5% of the reckless driving cases, 1.9% of the other violations of Chapter 20, and 1% of the violations of municipal ordinances. Usually this

7. In at least one county, municipal policemen, deputy sheriffs, and one A.B.C. officer also served as a J.P. The system developed whereby municipal policemen go to the "policeman-JP" to have their warrants issued and the deputy sheriffs go to the "deputy sheriff-JP" for their warrants while the A.B.C. officers go to the "A.B.C. officer-JP" for their warrants.

8. In another county, a field worker reported a "Fireman-JP" was used to issue warrants returnable to a municipal court.

8. These were usually cases which had been appealed and the warrant sent to the Superior Court and the lower court records did not otherwise show who issued the warrant. In some cases the warrants were misfiled, and in a few instances the warrants were unsigned.



information was not available because the case had been appealed and the warrant sent to Superior Court, but some instances were found by field workers where the warrant was not signed, while in other instances the position of the person issuing the warrant was not shown.

A significant feature of these statistics is the large proportion of cases in which the warrants were issued by a JP-policeman, or a clerk of court-policeman, another instance in which, for both the convenience of the court and the motorist new methods have been devised by local courts to handle the large number of traffic cases. Also, the use of others as "policemen-JP's," and "ABC Officers-JP's," and "deputy Sheriff—JP's," indicates local efforts to meet current needs in having someone available to issue warrants in these many motor vehicle cases.

### Complainant in Motor Vehicle Cases

To trace further the origin of motor vehicle cases, the study identified the complainant<sup>9</sup> in the traffic cases in 60 inferior courts. In 52.1% of all motor vehicle cases the complainant was a state highway patrolman, while in 40.4% of all motor vehicle cases the complainant was a municipal policeman. Of course the greater part of the cases in which the complainant was a municipal policeman concerned enforcement of municipal traffic ordinances only, while the percentage of cases in which a state highway patrolman was complainant were relatively constant for each type traffic offense except municipal ordinance violations.

An analysis of all motor vehicle cases reveals that the complainant was a state highway patrolman in 52.1% of the cases, a municipal policeman in 40.4% of the cases, a member of the county police in 3% of the cases, a sheriff or deputy sheriff in 1% of the cases, a private individual in .7% of the cases, a township constable in .9% of the cases, a game warden in .1% of the cases, an ABC officer in .1% of the cases, other public official in .1% of the cases, some other person in .3% of the cases, and in 1.5% of the cases the records did not show who the complainant was. (See Table V-P).

The complainant was a state highway patrolman in 64.5% of the speeding cases, 46% of the drunk driving cases, 45% of the reckless driving cases 53.3% of the other violations of Chapter 20, and 1.1% of the violations of municipal traffic ordinances. Although state highway patrolmen as a general policy do not enforce municipal traffic ordinances, there is no statutory provision to prevent the patrolman from doing so and there is stat-

9. Information concerning the complainant was obtained from an examination of the affidavit of the complaining witness on the arrest warrant.

utory authority for the patrolman to do so when the violation occurs in his presence.<sup>10</sup>

According to the Annual Activity Report and Performance Record of the State Highway Patrol for the calendar year 1957, patrolmen made "arrests"<sup>11</sup> in 94,371 speeding cases, 8,499 drunk driving cases, 9,396 reckless driving cases, and 123,438 cases involving other violations of Chapter 20. This total of 236,001 "arrests" made in motor vehicle cases throughout the state by patrolmen again indicates the huge volume of traffic offenses in the courts of North Carolina. Since a patrolman was the complainant in 52.1% of all motor vehicle cases in the 60 inferior courts studied, a projection for all law enforcement officers throughout the state would indicate approximately one-half million "arrests" for motor vehicle violations in 1957.

The complainant was a municipal policeman in 30.9% of the speeding cases, 40.4% of the drunk driving cases, 40.7% of the reckless driving cases, 35.8% of the other violations of Chapter 20, and 96.8% of the violations of municipal traffic ordinances. The complainant was a member of the county police in 1.4% of the speeding cases, 2% of the drunk driving cases, 5.8% of the reckless driving cases, 5.6% of the other violations of Chapter 20, and .1% of the violations of municipal traffic ordinances. The complainant was a sheriff or deputy sheriff in .5% of the speeding cases, 2.8% of the drunk driving cases, 2.8% of the reckless driving cases, 1.4% of the other violations of Chapter 20, and .1% of the violations of municipal traffic ordinances.

The complainant was a township constable in 1.3% of the speeding cases, 2% of the drunk driving cases, 1.2% of the reckless driving cases, .3% of the other violations of Chapter 20, and .1% of the violations of municipal traffic ordinances. The complainant was a game warden in .2% of the drunk driving cases, .1% of the reckless driving cases, and .1% of the violations of municipal traffic ordinances, while the complainant was an ABC

10. See G.S. 20-49(a): "The commissioner and such officers and inspectors of the department as he shall designate and all members of the highway patrol shall have the power: (a) of peace officers for the purpose of enforcing the provisions of this article and of any other law regulating the operation of vehicles or the use of the highways. G.S. 20-188 (paragraph 4): Members of the state highway patrol, in addition to the duties, powers and other authorities hereinbefore given, shall have the authority throughout the state of North Carolina of any police officer in respect to making arrests or any crime committed in their presence and shall have authority to make arrests for any crimes committed on any highway." For a further discussion of this subject see *Motor Vehicle Law in North Carolina*, Institute of Government, 1951, page 270, and *Attorney General's Biennial Report*, vol. 25, page 73.

11. These figures represent violators apprehended by state highway patrolmen who were brought into the jurisdiction of the court, either by citation or actual service of an arrest warrant.

officer in only one type of case, in .1% of the other violations of Chapter 20, presumably cases in which a traffic violation was charged in addition to a violation of the Liquor Laws. For a discussion of the authority of ABC officers, county officers, sheriffs and deputy sheriffs, constables, and others to arrest for motor vehicle offenses see *Motor Vehicle Law in North Carolina*, Institute of Government, 1951.

The complainant was a private individual in .3% of the speeding cases, 2% of the drunk driving cases, .9% of the reckless driving cases, 1.2% of the other violations of Chapter 20, and .4% of the violations of municipal traffic ordinances. The complainant was some other public official in .3% of the reckless driving cases, .1% of the other violations of Chapter 20, and .3% of the violations of municipal traffic ordinances, while the complainant was some other person not included in the preceding categories in .3% of the speeding cases, .3% of the drunk driving cases, .1% of the reckless driving cases, .4% of the other violations of Chapter 20, and .2% of the violations of municipal traffic ordinances. The records did not show who the complainant was in .8% of the speeding cases, 4% of the drunk driving cases, 2.7% of the reckless driving cases, 1.8% of the other violations of Chapter 20, and .9% of the violations of municipal traffic ordinances.<sup>12</sup>

An interesting feature of these statistics concerns who the complainant was when a waiver of appearance was permitted. In 67.3% of the speeding cases in which a waiver of appearance was permitted the complainant was a state highway patrolman, while in 30% of the speeding cases in which a waiver of appearance was permitted the complainant was a municipal policeman, and in 2.7% of the cases in which a waiver was permitted the complainant was a member of the county police, sheriff or deputy sheriff's office, township constable or other complainant. (See Table V-P). Even in drunk driving cases a waiver of appearance was sometimes permitted, and in 106 or 68.4% of the 155 drunk driving cases in which a waiver was permitted the complainant was a state highway patrolman, while in 14.8% of the waiver cases the complainant was a municipal policeman and in 7.7% of the waiver cases the complainant was a sheriff or deputy sheriff.

In 59.5% of the 232 reckless driving cases in which a waiver of appearance was permitted, the complainant was a state highway patrolman, while in 15.9% the complainant was a municipal policeman and in 7.3% the complainant was a sheriff or deputy sheriff. In 85.6% of the cases involving

other violations of Chapter 20 where a waiver of appearance was permitted, the complainant was a state highway patrolman, while in 8.4% of these cases the complainant was a municipal policeman. In 98.2% of the violations of municipal traffic ordinances in which a waiver of appearance was used the complainant was a municipal policeman (See Table V-P).

As will be discussed in the section on Methods of Waiver of Appearance, some courts have devised a system whereby the traffic violator posts a cash bond, with the tacit understanding that the motorist may forfeit the bond and not appear in court. In 81.7% of the speeding cases in the local courts using the cash bond forfeiture system the complainant was a state highway patrolman, in 10.1% of the cases the complainant was a member of the county police, and 5.2% the complainant was a municipal policeman. In 29.6% of the drunk driving cases in which a cash bond was posted and forfeited the complainant was a state highway patrolman, in 4.9% of the cases a municipal policeman, in 12.3% a private individual, and in 51.9% of the drunk driving cases in which the cash bond was posted and forfeited the records did not show who the complainant was. This high percentage of drunk driving cases in which the complainant was not shown is due to the fact that the warrants were not in the records of the court or, if in the records, they were not signed by the complainant. It is to be noted, however, that this situation did not occur in other traffic offenses.

In 51% of the reckless driving cases in which a cash bond was forfeited the complainant was a state highway patrolman, in 37.7% the complainant was a member of the county police, and 6.8% of the reckless driving cases in which a cash bond was forfeited the complainant was a municipal policeman. In 69.5% of the other violations of Chapter 20 in which a cash bond was forfeited the complainant was a state highway patrolman, in 25.6% of the cases he was a member of the county police, and in 1% a member of the municipal police force. In 60% of the violations of municipal traffic ordinances in which a cash bond was forfeited the complainant was a municipal policeman. (See Table V-P).

These statistics on who the complainant was in the motor vehicles cases indicate that in over half of the traffic cases the complainant was a state highway patrolman, and this is consistent in all type traffic offenses except violations of municipal traffic ordinances in which cases municipal policemen are the complaining party in 96.8% of the cases. These statistics also indicate that state highway patrolmen and municipal policemen cooperate with the local courts in the use of the various systems of waiver of appearance.

12. These were usually cases which had been appealed and the warrant sent to the superior court and the lower court records did not otherwise show who the complainant was.



The findings in these three sections tracing the origin of the traffic cases indicates that state highway patrolmen and municipal policemen are the complaining parties in more than 90% of the traffic cases, the warrant is issued by the clerk of the court or a "clerk of the court—policeman" or "JP—policeman" in more than two-thirds of the traffic cases, and the case originates in the court which disposes of it in more than 80% of the traffic cases.

The report so far has dealt with the origin of motor vehicle cases, who issued the warrant and who the complainant was. The study will next examine what happens after the case was brought into the jurisdiction of the court.

## Waiver of Appearance in Motor Vehicle Cases

### Use of the Waiver of Appearance

In more than one-fourth of all motor vehicle cases examined the defendant never appeared in court. Of the 123,856 cases disposed of in 1956 in the 61 inferior courts examined in the criminal court study, the defendant in 28.9% of the total cases waived his appearance or posted a cash bond and forfeited it.<sup>13</sup>

There are many methods by which the courts permit waiver of appearance, but the two basic systems used are: (1) The traffic offender appears before

the clerk of court or other court personnel or JP's designated by the court and pays a fine and/or costs, based on a schedule previously set by the judge, and signs a statement, waiving appearance and pleading guilty in absentia (or authorizing the clerk, solicitor or others to waive appearance and plead guilty in absentia for the offender), and (2) The traffic offender posts a required amount of bond, usually based on a schedule corresponding to the fine and/or costs for that specific offense usually imposed in court, and may or may not sign a statement waiving appearance and pleading guilty in absentia.

The many variations of these two systems and the legality of the systems will be discussed later. These two basic systems are herein referred to as "waiver of appearance" and "cash bond forfeiture" methods of obviating appearance in traffic cases. In 27,695 cases, or in 22.4% of the total motor vehicle cases disposed of in 1956, the defendant used the "waiver of appearance" system. In 8,077 cases, or 6.5% of the total motor vehicle cases disposed of in 1956, the defendant used the cash bond forfeiture system. (See Table V-R and Figure 3).

13. This information was shown by either a written waiver form, letter, or other entry in the records, or notation of a forfeited bond. In a few courts waivers were permitted but no records were kept of the transactions. This, of course, would increase the number and percentage of cases in which the traffic violator did not appear in court.

WAIVER OF APPEARANCE  
IN MOTOR VEHICLE CASES

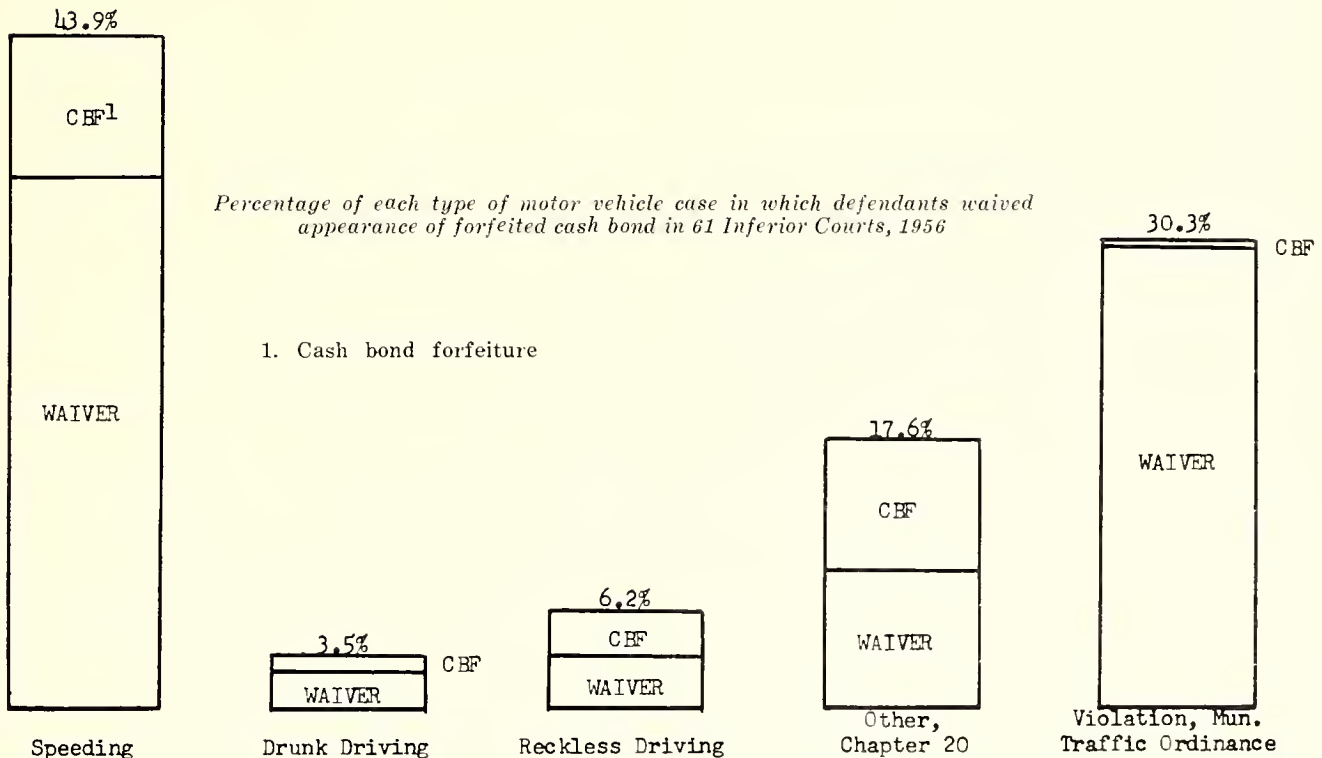


Figure 3

The most frequent use of the waiver and cash bond forfeiture methods occurred in speeding cases. In 36.2% of the total speeding cases disposed of in 1956 the defendant signed waivers and paid fine and/or costs; in 7.7% of the total cases the defendant posted and forfeited cash bond, bringing to a total of 43.9% of the total speeding cases disposed of in 1956 in which defendants did not appear in court.

Even in drunk driving cases some courts permitted the use of waiver and cash bond forfeiture systems to obviate the necessity of defendants appearing in court. In 246 cases, or 3.5% of the total of 6,965 drunk driving cases, the defendant signed a written waiver and paid the fine or costs or posted a bond and forfeited it. In 6.2% of the total reckless driving cases disposed of in 1956 the defendant did not appear. In 17.6% of the cases involving other violations of Chapter 20 the defendant either signed a written waiver and paid costs or posted and forfeited a cash bond. In violations of municipal traffic ordinances the waiver and cash bond forfeiture systems were used in 30.3% of the total cases. (See Table V-R).

Forty-one of the 61 inferior courts examined,<sup>14</sup> had a system of waiver of appearance, five had a system of cash bond forfeiture, and six had a combination of the cash bond forfeiture and waiver system, while nine of the 61 courts did not permit any type waiver of appearance. In speeding cases, 51 of the 61 courts permitted one of the types of waiver of appearance, and in 24 of the 61 courts over 50% of the speeding cases indicated a waiver of appearance, with a high of 94% of the defendants in speeding cases waiving appearance in one court using that system, and 93.4% of the defendants in speeding cases using the cash bond forfeiture system in another court. In drunk driving cases, 25 of the 61 courts studied indicated that waiver of appearance by one of the systems was used, with three courts showing a waiver of appearance was used in over 20% of the drunk driving cases, with a high of 40% of all drunk-driving defendants using waiver in one court and 33 $\frac{1}{3}$ % using the cash bond forfeiture method in another court. (See Table V-S).

In reckless driving cases, 27 of the 61 courts used one of the forms of waiver, with a high of 65% using the written waiver system in a county recorder's court and 31.4% using the cash bond forfeiture method in a police court. In other violations of Chapter 20, 46 courts used one of the forms of

waiver, with a high of 84.9% in a county recorder's court using the written waiver system, and 73.3% using the cash bond forfeiture system in a police court. In violations of municipal traffic ordinances (only 30 of the 61 courts disposed of cases of this type in 1956), ten of the courts permitted some type of waiver of appearance, even though these were violations of local ordinances, often involving local citizens. A high of 91.7% of the municipal traffic violators waived appearance in one municipal recorder's court, and 100% of the violators waived appearance by the cash bond forfeiture method in two county recorder's courts. In eight of the ten courts which used some type of waiver in municipal traffic ordinance cases, over 50% of the defendants waived appearance. For an examination of the number and percentage of cases waived under the systems of waiver and cash bond forfeiture for each type motor vehicle offense, see Table V-R.

#### **Legality of Systems of Waiver of Appearance in Traffic Cases**

Thirty-eight of the 61 inferior courts covered by the criminal court study, in reply to a questionnaire, gave detailed information concerning the system of waiver used in their courts. Twenty-seven of the 38 courts use one of the variations of a written waiver of appearance and payment of fine and/or cost; eight of the 38 courts use a system of cash bond forfeiture with or without the written waiver of appearance; and three of the 38 courts do not permit any type of waiver of appearance. Of the 27 courts which permit a type of written waiver, two stipulate that waiver of appearance is permitted for out-of-state residents only, while six other courts stipulate that waiver of appearance is permitted for "out-of-town" residents only. The requirement that the motorist must be a non-resident before he will be permitted to waive appearance in court was variously expressed, as [the motorist must live] . . . "out of town" . . . "25 miles from town" . . . "remote from the court" . . . "out of the jurisdiction of the court".

The usual type of traffic offenses for which waiver is permitted include speeding less than 70 miles per hour, driving without operator's license, failure to stop at stop sign, improper equipment, or other minor traffic offenses in which the license of the driver is not involved or property damage or injury is not sustained. Some courts permit waiver for more serious offenses, including "drunk driving and anything less," . . . "all traffic offenses except the second offense and drunk driving," . . . "speeding and all offenses below speeding of 70 miles per hour," . . . "all speeding offenses below 80 miles per hour."

How is appearance waived in court? The usual method is for the motorist to sign a written waiver of appearance which the clerk of court or other

14. In one Superior Court, in a county which had no inferior courts, waiver of appearance was permitted by the cash bond forfeiture method. Traffic violators would go before one of the two active JP's in the county and post a cash bond which the JP would remit to the Clerk of Superior Court and the bond would be forfeited at the next term of Superior Court.



court personnel will accept and read in court. However, the replies of the courts variously indicated that "the city attorney," . . . "sheriff or deputy acting as attorney in fact," . . . "an attorney, parent or spouse, or other agent" could also waive the appearance of a traffic offender. The legality of this system under which non-attorneys waive appearance for the offender is questionable. The Attorney-General's Office in several opinions has stated that only an attorney may waive the appearance of a defendant. In a letter opinion of 21 December 1956 the Attorney-General's Office stated that "neither the clerk, the arresting officer, nor any other officer of the court has the power to waive the defendant's presence at the trial." It cites the case of *State v. Dry*, 152 N.C. 813 (1910): "In every criminal prosecution it is the right of the accused to be present throughout the trial. In misdemeanors this right can be waived by the defendant with the consent of the court, through his counsel." The Attorney-General's Office continues to state "from the foregoing it is the view of this office that in a misdemeanor case not punishable by imprisonment, the defendant may with the permission of the court sitting as such, waive personal appearance and appear in court through his counsel but not through some other agent." This opinion of the Attorney-General's Office has been reiterated in letter opinions of 1 April 1957, 17 May 1957, 5 June 1957 and 10 March 1958. In the letter opinion of 10 March 1958 it is stated: "The reason for permitting a waiver in minor traffic violations. . . seems persuasive, but it is thought that legislation on the subject would be necessary in order to validate such procedure."

Legislation has not been enacted validating such a system of waiver of appearance in motor vehicle cases, except in two instances where local act modifications permit the plea of guilty in absentia and waiver of appearance in certain traffic cases in the inferior courts of Franklin and Sampson Counties. Chapters 1209 and 1222 of the 1955 Session Laws allow the plea of guilty in absentia and waiver of appearance in the Franklin County inferior courts in cases involving violations of G.S. 20-129 (Required lighting equipment of vehicles), G.S. 20-141 (Speed restrictions), G.S. 20-141.1 (Restrictions in speed zones near rural public schools), and GS 20-142 (Railroad warning signals must be obeyed), GS 20-143 (Railway Grade Crossings stop requirements), GS 20-158 (Vehicles must stop at certain through highways), and GS 20-181 (Failure to dim headlights). The Franklin County Act authorizes the motorist to appear before the clerk or deputy or assistant clerk of court and there execute a waiver of appearance and authorize the clerk, his deputy or assistant to tender the plea of guilty before the judge of the recorder's court

who is authorized to enter judgment in accordance with the terms of the plea of guilty and waiver of appearance. The judge is authorized to establish a schedule of fines and costs to be imposed for each type offense in which a waiver is permitted.

The Sampson County local act (Chapter 1103, Session Laws of 1955) states:

"The judge of any court having jurisdiction to try charges of violation of the provisions of GS 20-141 (Speed restrictions), and every mayor having such jurisdiction, is hereby authorized to permit any person charged with violating the provisions of G.S. 20-141 and who wishes to enter a plea of guilty to such charge to sign a waiver, executed before any responsible person, waiving personal appearance at the trial on the charge and authorizing the clerk of court or the judge or mayor to enter a plea of guilty on behalf of the person so charged. The execution of such a waiver and the entering of the plea of guilty on the records of the court shall constitute a conviction for all purposes the same as if the defendant had personally appeared before the court and entered a plea of guilty, and the court may pronounce judgement thereon."

There have been no cases contesting the constitutionality of these local acts. Even without legislation authorizing it, the local inferior courts to a large degree continue to permit the use of waiver of appearance. Field worker reports indicate that the system has not been contested and that local officials have found it to be workable and satisfactory to the local court.

Of the 27 courts which use the system of waiver, one replied that it was unsatisfactory, while 25 felt that the system was very satisfactory and one other court replied that it was not entirely satisfactory, but "probably the best system yet tried." Since these replies were received in the month of March 1958, it is evident that the systems of waiver are still being used to a large degree in our inferior courts.

A system of posting a cash bond and forfeiting the bond by non-appearance in court is used in eight of the 38 courts which replied to the questionnaire concerning waiver of appearance. Five of these eight courts require that the defendant also sign a waiver of appearance and enter a plea of guilty in absentia at the time of posting the cash bond. The type of traffic cases in which this system is permitted is generally the same as that permitted in the written waiver and payment of fine and/or cost system described above; that is, minor traffic offenses not involving possible loss of license or property or personal damage, usually speeding cases and minor violations of the rules of the road. Four of the eight courts state that the cash bond forfeiture system is permitted only where the offenders are from out of town. The system usually requires the offender to post a bond in an amount

based on a schedule corresponding to the fine and/or costs for the specific offense, and the offender is sometimes required to sign a statement waiving his appearance and pleading guilty in absentia. In two of the eight courts the defendant is required to post a specified bond amount and once the fine and/or cost is assessed in court it is taken from the bond posted and a refund made by letter to the traffic offender. In one court the defendant is required to post double the amount of the usual fine or cost in the county with a refund being made for the amount in excess of the fine and cost. As fines and forfeitures go into the school fund, in seven of the eight courts using the cash bond forfeiture method, all proceeds go to the county school fund. However in one court the proceeds go to the school fund, but then the county remits to the court the costs in the case. In five of the eight courts once the cash bond forfeiture method is used a nol pros is taken in the case; in two other courts the case is otherwise abated or taken off docket, and the two remaining courts failed to explain clearly their procedure.

Seven of the eight courts using the "cash bond forfeiture method" found it satisfactory although two felt that some improvements were needed, while one court replied that it was unsatisfactory. The usual improvement suggested was a means to permit the general fund rather than the school fund to receive the proceeds.

There have been no direct rulings from the Attorney General's Office on cases concerning the legality of those systems whereby the motorist is permitted to post a cash bond. If it is a system designed to enable his waiver of appearance, as it appears to be, then its legality would seem to be in question (See the Attorney General's rulings and the case of *State v. Dry*, discussed above), for it permits a waiver of appearance executed outside of court and announced by non-lawyer agents in court, when this can be properly effected only by an attorney in open court.

Other variations of the waiver and cash bond forfeiture systems include one whereby the traffic offender appears before a JP or other magistrate, pays a fine and/or costs, based on a schedule of costs, and signs a statement waiving appearance and pleading guilty in absentia. The JP or magistrate, in turn, forwards the fine and/or costs and written waiver to the appropriate court with which he has this arrangement. In at least one court, offenders could pay the stipulated fine and costs based on the schedule and also a stipulated amount for "attorney fees" and sign a statement waiving appearance and pleading guilty in absentia. In this court, it was the practice of the police to waive the offender's appearance. ("Attorney Fees" went into the police fund). Another

court also permitted the law enforcement officers to waive the appearance of the offender but no "attorney fees" were required.

All five of the inferior courts studied in the pilot counties allowed the entry of pleas of guilty in the absence of either the defendant or an attorney appearing in his behalf. In at least three of them a waiver-of-appearance-and-plea-of-guilty form was used, which was executed by the accused at his home or before some court official or justice of the peace. In essence these forms state: "I desire to waive my presence in court and enter a plea of guilty as charged. I am advised by \_\_\_\_\_ that I pay a fine and cost amounting to a total sum of \_\_\_\_\_. I enclose such amount.

(signature)"

In these three courts 54.8% of all motor vehicle cases were disposed of by pleas of guilty in absentia. The following techniques were found to be in use in the pilot county inferior courts: (1) If the motorist is a non-resident of the state he is taken before a justice of the peace or court official who issues a warrant and accepts the plea of guilty as agent of the local court and imposes a standard fine and court costs, which is remitted to the court along with a signed waiver-of-appearance-plea-of-guilty form (Orange and Chatham Counties) (2) If the offense is within the JP's jurisdiction and there is a JP willing to try cases at all hours, the motorist (whether out-of-state or resident of another county in North Carolina) is taken before the JP, who issues a warrant and tries the case. (3) The motorist may be taken before a justice of the peace or court official who issues a warrant, sets the time for appearance in court, and requires a cash bond, which is paid by the motorist with the understanding that it will be forfeited. (4) Same as in (3) above except that a bond is required by the court official or justice of the peace in order to insure either the motorist's presence or his payment of his fine and costs by mail.

Of the 38 courts replying to questionnaire, the three which did not permit the traffic offender to waive his appearance by a written waiver or cash bond gave the following replies as to their procedure: One mayor's court stated that its system was satisfactory as the mayor was available "24 hours each day and 7 days to the week" and all offenders were brought before the mayor immediately for trial, no waiver of appearance permitted. A second court permitted defendants to waive appearance only by attorney, in which cases defendants would post a cash bond and sign a waiver permitting the attorney to plead the defendant guilty as charged. The third court permitted no waivers but stated the system was very unsatisfactory and many complaints had been registered.



### Summary

In the overwhelming majority of our lower courts, in which nearly two-third of the cases involve traffic offenses, over one-fourth of the traffic-case defendants never appear in court. The courts have devised systems of waiver of appearance in an effort to dispose of the heavy flow of traffic cases through its docket. The legality of these systems of waiver of appearance has been questioned. Nevertheless, the courts are continuing to use these systems.

## The Plea and Disposition of Motor Vehicle Cases in the Superior Court

### Disposition before Plea

In 25.3% of all motor vehicle cases in the 32 Superior Courts examined in the criminal court study, the case was disposed of without the defendant entering a plea. In 650 cases or 18.6% of the total motor vehicle cases in Superior Court the case was nol prossed before a plea was entered in the case, in 119 cases or 3.4% of the total motor vehicle cases the case was remanded to a lower court, in .5% of the cases, the case was dismissed, in .5% of the cases no true bill of indictment was found, and in 2.3% of the cases the case was abated. (See Table V-T).

Twenty-two of the 33 violations of municipal traffic ordinances in Superior Court were disposed of before a plea, with 20 cases nol prossed and 2 cases remanded. Only 17.2% of the drunk driving cases in Superior Court were disposed of before plea, as contrasted with 29.6% of the speeding cases, 27.7% of the reckless driving cases, and 31.1% of the other violations of Chapter 20. Except for the statistics on the drunk driving cases and violations of municipal traffic ordinances, the disposition-before-plea figures are relatively consistent in other traffic violations. The case was nol prossed in 21.2% of the speeding cases, 22.9% of the other violations of Chapter 20, 18.8% of the reckless driving cases, in contrast with 13.2% of the drunk driving cases and 66.7% of the violations of municipal traffic ordinances.

The case was remanded in 1.4% of the speeding cases, 2.5% of the drunk driving cases, 6.1% of the reckless driving cases, 5% of the other violations of Chapter 20, and 6.1% of the violations of municipal traffic ordinances. The case was dismissed in .6% of the speeding cases, .1% of the drunk driving cases, .4% of the reckless driving cases, and .8% of the other violations of Chapter 20; while no true bill of indictment was found in .1% of the speeding cases, .7% of the drunk driving cases, .6% of the reckless driving cases, and .4% of the other violations of Chapter 20. The case was abated in 6.2% of the speeding cases, .6% of the drunk driving cases, 1.7% of the reck-

less driving cases, and 1.6% of the other violations of Chapter 20. (See Table V-T).

The above statistics point out that in about one fourth of all motor vehicle cases in the Superior Court the case was disposed of before the defendant entered a plea in the case. The statistics show the high percentage of violations of municipal traffic ordinances in which a disposition is made before plea as contrasted with the much smaller number of drunk driving cases in which this is permitted, indicating that the court is more willing to permit a nol pros or other dismissal of the case in the traffic ordinance violations, than in the more serious offense of drunk driving. This indicates that the seriousness of the offense and the fact of how crowded the docket is at the time has some influence on the determination of whether the case will be disposed of before entry of plea.

### The Plea

The study has shown above that in one-fourth of all motor vehicle cases in the Superior Courts studied the case was disposed of before entry of a plea. Next an examination will be made of the plea in the case and disposition after plea. In 59% of the 2,608 cases in which a plea was entered, the plea was guilty, in 7.9% of the cases the plea was guilty of a lesser offense, in 6.3% of the cases the plea was nolo contendere, in 3.1% the plea was some other admission of guilt, and in 23.5% of all motor vehicle cases the plea was not guilty. A higher percentage of not guilty pleas was entered in drunk driving cases than in other types of motor vehicle offenses (except municipal traffic ordinance violations). A not guilty plea was entered in 32.9% of the drunk driving cases, as contrasted with 13% of the speeding cases, 25.4% of the reckless driving cases, 14.3% of the other violations of Chapter 20, and 45.5% of violations of municipal traffic ordinances. These statistics indicate that only one of eight speeding cases and other violations of Chapter 20 were contested by the entry of a not guilty plea, whereas about one of four reckless driving and one of two violations of municipal traffic ordinance cases were contested and one of three drunk driving cases were contested by the entry of a not guilty plea. (See Table V-U).

The plea was guilty in 71.1% of the speeding cases, 49.1% of the drunk driving cases, 55.5% of the reckless driving cases, 68.4% of the other violations of Chapter 20, and 54.5% of the violations of municipal traffic ordinances. The plea was one of guilty of a lesser offense in 7.1% of the speeding cases, 11.4% of the drunk driving cases, 6.7% of the reckless driving cases, and 3.3% of the other violations of Chapter 20; while the plea was nolo contendere in 3.3% of the speeding cases, 4.1% of the drunk driving cases, 10.2% of the

reckless driving cases, and 10.8% of the other violations of Chapter 20. Some other plea admitting guilt was entered in 5.5% of the speeding cases, 2.3% of the drunk driving cases, 2% of the reckless driving cases, and 3% of the other violations of Chapter 20.

In summary, in almost 3/4 of the speeding cases, 2/3 of the other violations of Chapter 20, slightly over 1/2 of the reckless driving cases and violations of municipal traffic ordinances a plea of guilty was entered in the case, whereas in slightly under 1/2 of the drunk driving cases a plea of guilty was entered. Plea of not guilty and a contest in the case was indicated in five of the 11 violations of municipal traffic ordinances and about 1/3 of the drunk driving cases, while a much lower percentage of other traffic cases was contested by an entry of a plea of not guilty. The study will next examine what happened when the case was contested by the entry of a plea of not guilty.

#### **Disposition of Not Guilty Pleas**

In 57.7% of the motor vehicle cases in which a plea of not guilty had been entered the defendant was convicted, while in 42.3% of the cases the defendant was not convicted. Cases in which the defendant was convicted consisted of findings of guilty in 43% of the cases, findings of guilty of a lesser offense in 8.1% of the cases, while a plea of guilty was entered later (after a previous plea of not guilty) in 3.4% of the cases and a plea of guilty of a lesser offense was entered in 2.9% of the cases. The 42.3% of non-convictions was made up of a finding of not guilty in 25.2% of the cases, a nol pros after entry of a plea of not guilty in 4.7% of the cases, a remand in .9% of the cases, a dismissal in 3.9% of the cases, a non-suit or directed verdict in 6.7% of the cases, and a declaring of a mistrial in .8% of the cases. (See Table V-W). These statistics are fairly consistent for each type motor vehicle offense, except a slightly higher percentage of speeding and drunk driving cases resulted in convictions than did the reckless driving cases, violations of municipal ordinances, and other violations of Chapter 20.

The defendant was convicted in 59.2% of the contested speeding cases, 62.7% of the contested drunk driving cases, 43.7% of the contested reckless driving cases, 50% of the contested violations of Chapter 20, and 40% of the contested violations of municipal traffic ordinances. This indicates that in about 3/5 of the speeding and drunk driving cases the defendant is convicted after a plea of not guilty and contest of the case, while in 1/2 of the other violations of Chapter 20 the defendant was convicted and in about 40% of the reckless driving and municipal ordinance cases the de-

fendant was convicted. It indicates that where the defendant goes through the entire trial process, enters a plea of not guilty and contests the case that in almost 1/2 of the motor vehicle cases he is not convicted. For a complete outline of what happens after an entry of a plea of not guilty in each type offense see Table V-W.

#### **Summary**

Of the 3,492 motor vehicle cases in the Superior Court only 614 went through the trial process to the entry of a plea of not guilty and a contest of the case. Of those 614 cases only 354, or 57.7% of the contested cases and approximately 10% of the original total of 3,492 motor vehicle cases in the Superior Court, resulted in a conviction after an entry of a plea of not guilty. However, in the total motor vehicle cases, pleas of guilty, guilty of a lesser offense, nolo contendere, or other pleas admitting guilt, and findings of guilt or pleas of guilt after the entry of a not guilty plea totaled 2,347, or 67.2% of the total motor vehicle cases. (See Table V-X). The percentage of total convictions is relatively consistent for each type motor vehicle offense, except that in only eight of the 33 violations of municipal ordinances in the Superior Court were convictions obtained. Convictions were obtained as there was a plea admitting guilt or finding of guilt in 66.7% of the speeding cases, 72.6% of the drunk driving cases, 61.9% of the reckless driving cases, 63.8% of the other violations of Chapter 20, and only 24.2% of the violations of municipal traffic ordinances. It should be noted that the total convictions and percentage of convictions as to the total cases is slightly higher than the total cases in which punishment was given. This indicates the fact that in a few cases the defendant was convicted but no punishment imposed.

#### **Punishment Imposed in Motor Vehicle Cases in the Superior Courts, 1956**

In the 3,492 motor vehicle cases disposed of in 1956 in the 32 Superior Courts examined in the criminal court study, the most prevalent form of punishment given was fine and costs. The punishment was either fine and costs (13.2% of the total motor vehicle cases), fine only (.5%), costs only (3.7%), prayer for judgment continued (12.9%)<sup>15</sup>, judgment suspended (1.4%), or other similar punishment (.3%), in 1,114 cases, or 31.9% of the total motor vehicle cases. Imprison-

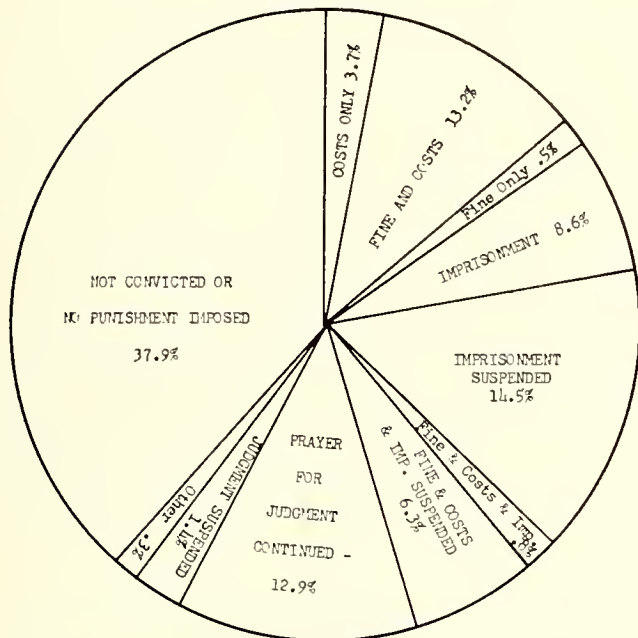
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15. Fines and costs were often imposed when judgment suspended or "prayer for judgment continued" was rendered. This form of punishment was often used as a method of collecting the fine and/or costs and making final disposition of the case.



ment suspended<sup>16</sup> or fine and/or costs and imprisonment suspended was given in 726 cases, or 20.8% of the total motor vehicle cases, while an active imprisonment term was imposed in only 329 cases, or 9.4% of the total motor vehicle cases. The defendant was not convicted or no punishment was given as the case was dismissed, nol prossed, or otherwise disposed of in 1,323 cases, or 37.9% of the total motor vehicle cases. (See Table V-Y and Figure 4).

PUNISHMENT IMPOSED IN MOTOR VEHICLE CASES IN THE SUPERIOR COURT



Percentage of each type punishment imposed in all motor vehicle cases disposed of in 32 Superior Courts, 1956  
Figure 4

In 51.2% of the speeding cases the punishment was either costs only (9.2%), fine and costs (16%), prayer for judgment continued (23.2%), judgment suspended (2.2%), or other similar punishment (.6%). In 11.4% of the speeding cases the punishment was either fine and/or costs and imprisonment suspended (4.9%) or imprisonment suspended (6.5%). An active imprisonment term was imposed in only 2.6% of the 775 speeding cases. The defendant was not convicted or no punishment was given as the case was nol prossed or otherwise dismissed in 34.8% of the speeding cases in Superior Court. (See Table V-Y).

In 23.7% of the 1,337 drunk driving cases, the punishment was either fine only (1%), costs only (.4%), fine and costs (15.3%), prayer for judgment continued (5.8%), judgment suspended (1%), or other similar punishment (.2%). In

16. Where the punishment was imprisonment suspended upon the payment of a fine, the field workers reported the punishment as "imprisonment suspended" and the amount of fine imposed was noted in another record entry. The punishment "fine and/or costs and imprisonment suspended" was recorded only when both forms of punishment, fine and/or costs and imprisonment suspended were imposed.

32.7% of the drunk driving cases the defendant received either fine and costs and imprisonment suspended (9.6%), or imprisonment suspended (23.1%). The defendant received an active imprisonment term in 11.6% of the drunk driving cases. The defendant was not convicted or no punishment was given as the case was nol prossed or otherwise dismissed in 31.9% of the drunk driving cases.

In 27.4% of the 473 reckless driving cases, the defendant received either costs only (1.9%), fine and costs (10.8%), prayer for judgment continued (11.8%), judgment suspended (2.5%), or other similar punishment (.4%). In 15.5% of the reckless driving cases the defendant received either fine and/or costs and imprisonment suspended (4.7%), or imprisonment suspended (10.8%). In 46 reckless driving cases, or 9.7% of the total, the defendant received an active imprisonment term. In 224 reckless driving cases, or 47.4% of the total, the defendant was not convicted or received no punishment as the case was nol prossed or otherwise dismissed. (Fieldworkers reported that law enforcement officers sometimes charge reckless driving when specific evidence as to the exact motor vehicle offenses, such as speeding, is not obtained; and often these cases are nol prossed or the State is unable to convict.)

In 30.6% of the 874 other violations of Chapter 20 tried and disposed of in Superior Court in 1956 the defendant received either fine only (.3%), costs only (4.8%), fine and costs (9.3%), prayer for judgment continued (15.4%), judgment suspended (.7%), or other similar punishment (.1%). The punishment was either imprisonment suspended (11%) or fine and costs and imprisonment suspended (3.3%) in 14.3% of the 874 other violations of Chapter 20. An active imprisonment term was received by the defendant in 12.1% of the other violations of Chapter 20, while the defendant was not convicted or no punishment was given as the case was nol prossed or otherwise dismissed in 43% of the other violations of Chapter 20.

The significant feature in the municipal ordinance traffic cases which appeared in Superior Court was the infrequency of their occurrence; only 33 of such cases were disposed of in 1956 in the 32 Superior Courts studied, and in 25 of these cases the defendant was not convicted or the case was nol prossed or otherwise dismissed. (See Table V-Y).

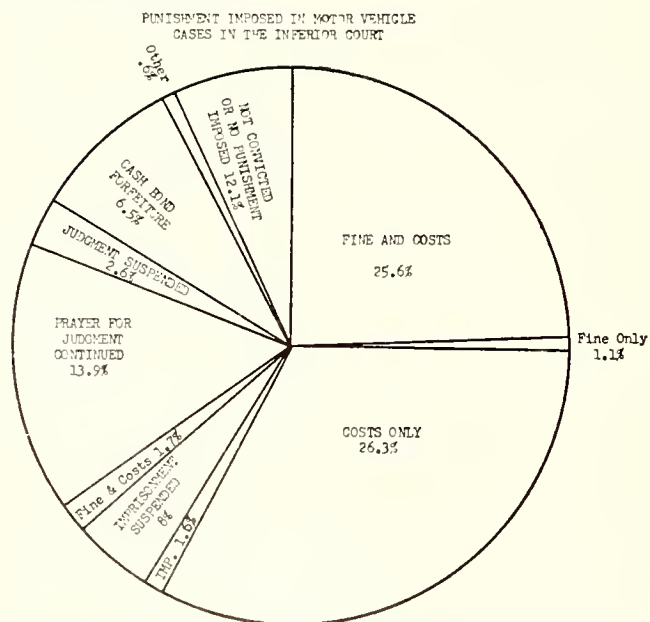
These statistics indicate the most prevalent form of punishment in motor vehicle cases in Superior Court was fine and costs. More severe punishment, as imprisonment suspended and active imprisonment terms, was imposed in over 40% of the drunk driving cases, about 1/4 of the reckless driv-

ing cases and other violations of Chapter 20, and rarely in speeding cases and violations of municipal traffic ordinances. No punishment was given, as the defendant was not convicted or the case was nol prossed or otherwise dismissed in 3/4 of the violations of municipal traffic ordinances, over 40% of the reckless driving cases and other violations of Chapter 20, and about 1/3 of the speeding and drunk driving cases. The next section of this report will compare punishments imposed in motor vehicle cases in the Superior and inferior courts.

### Punishment Imposed in Motor Vehicle Cases in Inferior Courts

#### The Punishment Imposed and Comparison with Punishment Imposed in Superior Court

In the 123,856 motor vehicle cases disposed of in 1956 in the 61 inferior courts examined in the criminal court study, the most prevalent forms of punishment were costs only and fine and costs. The punishment was either costs only (26.3% of the total cases), fine and costs (25.6%), fine only (1.1%), prayer for judgment continued (13.9%), judgment suspended (2.6%), or other similar punishment (.6%), in 86,796 cases, or 70.1% of the total motor vehicle cases. Imprisonment suspended or fine and/or cost and imprisonment suspended was given in 12,031 cases, or 9.7% of the total motor vehicle cases, while an active imprisonment term was imposed in only 1,999 or 1.6% of the total motor vehicle cases. A cash bond was posted by the defendant and then forfeited by non-appearance at trial in 8,055 cases, or 6.5% of the total motor vehicle cases. In 14,975, or 12.1% of the motor vehicle cases, the defendant was not convicted or no punishment was given as the case was nol prossed or otherwise dismissed. (See Table V-Z and Figure 5).



Percentage of each type punishment imposed in all motor vehicle cases disposed of in 61 inferior courts, 1956  
Figure 5

A comparison of the punishment given in motor vehicle cases in inferior courts with the punishment given in the Superior Courts studied indicates that there was a higher rate of conviction in inferior courts than in the Superior Courts. In the Superior Courts the defendant was not convicted or no punishment was given as the case was dismissed, nol prossed or otherwise disposed of in 37.9% of the total motor vehicle cases. (See Table V-Y). In the inferior courts the defendant was not convicted or no punishment was given as the case was nol prossed or otherwise dismissed in only 12.1% of the total motor vehicle cases. (See Table V-Z). In the 32 Superior Courts studied the defendant was not convicted or no punishment was given in 34.8% of the speeding cases, 31.9% of the drunk driving cases, 47.4% of the reckless driving cases, 43% of the other violations of Chapter 20, and 75.8% of the violations of municipal traffic ordinances. In the 61 inferior courts studied the defendant was not convicted or no punishment was given as the case was nol prossed or otherwise dismissed in 6.3% of the speeding cases, 17.5% of the drunk driving cases, 22.5% of the reckless driving cases, 17% of the other violations of Chapter 20, and 11.2% of the violations of municipal traffic ordinances. (See Table V-Z). In view of these statistics, it may be that the lower rate of conviction in the Superior Court affects the number of appeals from inferior courts (81.2% of the cases in Superior Court in counties which had inferior courts were on appeal from those lower courts), thus increasing the case load of the Superior Court and at the same time giving the defendant an opportunity to have his case tried again on the merits. (See Table V-AA and V-BB for a comparison of the punishment given in each offense in the inferior courts and Superior Courts).

In 81.4% of the speeding cases in the 61 inferior courts the punishment was either fine only (.2%), fine and costs (35.4%, cost only (26.9%), prayer for judgment continued (16.2%), judgment suspended (2.6%), or other similar punishment (.2%). In 4.3% of the total speeding cases the punishment was imprisonment suspended (3.7%), or fine and/or cost and imprisonment suspended (.6%). In only 176 cases or .3% of the total speeding cases was an active imprisonment term imposed. In 7.7% of the total speeding cases the defendant posted a cash bond which was forfeited by his non-appearance in court. The defendant was not convicted or no punishment was given as the case was nol prossed or otherwise dismissed in 3,384 speeding cases or 6.3% of the total speeding cases. These punishments imposed in speeding cases in the inferior courts are a little less severe than in the Superior Court, although the conviction rate



was higher in the inferior courts. The most prevalent punishment in the Superior Court in speeding cases was also fine and costs but imprisonment suspended sentences were imposed more often in Superior Court when there was a conviction.

In 27.7% of the drunk driving cases in the inferior courts the punishment was either fine only (.2%), cost only (1.9%), fine and costs (17.4%), prayer for judgment continued (6.1%), or judgment suspended (2.1%). In 43.8% of the drunk driving cases the punishment was either imprisonment suspended (32.4%), or fine and/or costs and imprisonment suspended (11.4%). An active imprisonment term was imposed in 9.8% of the total drunk driving cases. In 81 drunk driving cases, or 1.2% of the total drunk driving cases, the defendant posted a cash bond and forfeited it by non-appearance in court. The defendant was not convicted or no punishment was given as the case was nol prossed or otherwise dismissed in 1,217, or 17.5%, of the drunk driving cases. In the Superior Court the rate of non-conviction in drunk driving cases was higher, and slightly more severe punishments were imposed when convictions were obtained. Although imprisonment suspended sentences were imposed in a lower percentage of the total drunk driving cases in the Superior Court, active imprisonment terms were imposed more often in Superior Court.

In 45.7% of the reckless driving cases, in the inferior courts the punishment was either fine only (.6%), costs only (5.8%), fine and costs (23.5%), prayer for judgment continued (13.1%), judgment suspended (2.6%), or other similar punishment (.1%). In 24.6% of the reckless driving cases the punishment was either imprisonment suspended (20.5%), or fine and/or costs and imprisonment suspended (4.1%). An active imprisonment term was imposed in 325 reckless driving cases, or 3.9% of the total reckless driving cases. The defendant posted a cash bond and forfeited it in 271 cases or 3.3% of the total reckless driving cases. The defendant was not convicted or no punishment was given as the case was nol prossed or otherwise dismissed in 22.5% of the reckless driving cases. Again it is noted that a higher conviction rate and slightly-less severe punishments are imposed in inferior courts than in the Superior Court. In the inferior courts, the percentage of cases in which the defendant is not convicted or no punishment is imposed is higher in reckless driving cases than any other type traffic offense, but still the conviction rate in inferior courts is more than two times higher than the percentage of convictions in the Superior Courts. As pointed out earlier, field workers reported that law enforcement officers will sometimes charge the general offense of reckless driving when specific evidence

of the traffic violation is not obtained, and the State finds it difficult to convict and will more often take a nol pros in these cases.

In 62.5% of the other violations of Chapter 20 tried in the inferior courts the punishment was either fine only (1.2%), costs only (23.2%), fine and costs (19.6%), prayer for judgment continued (14.9%), judgment suspended (3%), or other similar punishment (.6%). In 10.4% of the cases involving other violations of Chapter 20 the punishment was imprisonment suspended (8.9%), or fine and/or costs and imprisonment suspended (1.5%). In only 606 cases, or 1.5% of the total of other violations of Chapter 20, was an active imprisonment term imposed. In 3,524 cases involving other violations of Chapter 20, or 8.6% of the total, a cash bond was posted and forfeited. The defendant was not convicted or no punishment was given as the case was nol prossed or otherwise dismissed in 17% of the other violations of Chapter 20. Punishment for other violations of Chapter 20 in the Superior Court was more severe but the rate of convictions was much lower than in the inferior courts.

In 84.6% of the cases involving violations of municipal traffic ordinances, the punishment in the inferior courts was either fine only (4.8%), costs only (57.7%), fine and costs (11.1%), prayer for judgment continued (6.4%), judgment suspended (1.5%), or other similar punishment (3.1%). In 2.5% of the violations of municipal traffic ordinances the punishment was imprisonment suspended. In 210 cases, or 1.6% of the total violations of the municipal traffic ordinances an active imprisonment term was imposed. In 23 cases or .2% of the total violations of municipal traffic ordinances, a cash bond was posted and forfeited. In 1,541 cases, or 11.2% of the total violations of municipal traffic ordinances, the defendant was not convicted or no punishment was given as the case was nol prossed or otherwise dismissed. Only 33 violations of municipal traffic ordinance were disposed of in Superior Court, and only eight of these resulted in convictions. This indicates that rarely do such cases reach the Superior Court, and in 3/4 of the instances in which they do, the defendant is not convicted.

These statistics show that the most prevalent form of punishment in motor vehicle cases in the inferior courts is costs only and fine and costs. This is generally consistent for all types of motor vehicle offenses except drunk driving and reckless driving cases, in which a large percentage of the punishments imposed included imprisonment suspended sentences. These statistics also show that the conviction rate in the inferior courts is much higher than that in the Superior Courts, that in 37.9% of all motor vehicle cases in the Superior



Court the defendant is not convicted or no punishment imposed as the case was nol prossed or otherwise dismissed, as compared with only 12.1% of the traffic cases in the inferior courts in which the defendant was not convicted or no punishment imposed. These figures indicate that should a defendant in a motor vehicle case receive a trial in Superior Court he may receive a more severe punishment if he is convicted, but his chances, percentage-wise, of not being convicted are much greater than in the inferior courts.

#### **Punishment Compared in Waiver and Non-Waiver Cases**

A study of the punishment given in motor vehicle cases in the 61 inferior courts examined in the criminal court study revealed interesting comparisons between cases in which defendants appeared in court and cases in which defendants waived their appearance and pleaded guilty in absentia. In 92.5% of the 30,163 speeding cases in which the defendant appear he received fine only, costs only, fine and costs, or other similar punishment. The punishment was imprisonment suspended, or fine and/or costs and imprisonment suspended in 6.8% of the speeding cases, and an active imprisonment term was imposed in .6% of the speeding cases. This is in contrast with the punishments in 19,446 cases in which defendants waived appearance. In these cases the traffic offender received fine only, costs only, fine and costs, or other similar punishment in 97.6% of the cases while imprisonment suspended or fine and costs and imprisonment suspended was imposed in only .6% of these cases and there were no cases in which an active imprisonment term was imposed. (See Table V-Z)

It is doubtful as to whether an imprisonment suspended sentence can legally be imposed in cases in which defendants did not appear in court and were not represented by an attorney. See *State v. Taylor*, 89 N.C. 539 (1883): "In misdemeanor cases where the punishment can only be a fine, or in cases where the court can see from the nature of the case and in circumstances that public justice requires no other punishment, the court may, in its discretion, with the consent of the prisoner, dispense with his presence during the trial." See also *State v. Dry*, 152 N.C. 813 (1910). "In every criminal prosecution it is the right of the accused to be present throughout the trial. In misdemeanors this right can be waived by the defendant with the consent of the court, through his counsel."

Of course, the penalty for motor vehicle offenses might include a prison sentence (GS 20-180); however, in following the language of the cases, if the court sees that an imprisonment sentence is not necessary in the case it may permit waiver, which permission must be granted by the court while sitting as a court and while an attorney is

representing the absent defendant. (See the section of this report on Waiver of Appearance for the discussion of the legality of the systems whereby offenders sign waivers of appearance and plead guilty in absentia without being represented by an attorney, and later at a trial the plea of guilty in absentia is entered by someone other than an attorney, and the judge imposes an imprisonment suspended term.) Nevertheless, in 61 courts examined, in .6% of the speeding cases in which waivers were used an imprisonment suspended term was imposed. In at least one court the judge uniformly imposed imprisonment suspended terms in all waiver cases, one field worker reported.

In comparing the punishment in the non-waiver cases in which defendants appeared in court with the punishment given in waiver cases it appears that more severe punishment was meted out where the defendant was actually in court, as in 6.8% of the speeding cases in which defendant was in court, an imprisonment—suspended sentence was imposed as contrasted with only .6% of the speeding cases with waiver of appearances. In .6% of the non-waiver cases an active imprisonment term was imposed, while in no waiver cases was an active imprisonment term imposed.

It would follow that more severe punishment would be given in cases in which defendants were not permitted to waive their appearance for the very reason that it was a more severe type violation, one in which waiver was not permitted. However, even in the courts which permit waiver of appearance in all speeding and reckless driving cases, the study shows that the punishment remains more lenient in the cases in which the defendants did not appear in court. In one county which permitted all offenses including drunk driving to be waived, two of the 20 defendants who appeared in court received suspended imprisonment sentences; whereas, in 188 cases in which defendants waived their appearance they received fine and costs only and there were no cases in which defendants waiving appearance received any other penalty. Also, it must be remembered in using these comparisons that often defendants charged with the same offense, as speeding, will or will not be permitted to waive appearance solely by virtue of whether or not they are non-residents. Therefore, one may validly compare the punishment where the defendants were in court and where defendants waived their appearance in the same type offense.

In the 6,719 drunk driving cases in which defendants appeared in court, defendants received fine only, costs only, fine and costs, or other similar punishment in 27.6% of the cases, while in 44.5% of these cases defendants received imprisonment suspended or fine and/or costs and imprisonment suspended, and in 10.1% of the drunk driving cases



the defendants received an active prison term. In contrast in 52.7% of the 165 drunk driving cases in which appearance was waived defendants received fine only, costs only or other similar punishment; in 38.8% of such cases defendants received imprisonment suspended or fine and/or costs and imprisonment suspended; and in no drunk driving cases in which defendants waived appearance were active prison terms imposed.

In 7,767 reckless driving cases in which defendants appeared in court, the defendant in 46% of the cases received fine only, costs only, fine and costs, or other similar punishment, and in 26% of these cases the defendant received imprisonment suspended or fine and/or costs and imprisonment suspended and in 4.2% of these cases received an active prison term. This is contrasted with 85.8% of the 238 reckless driving cases in which defendant signed a waiver and received a fine only, costs only, fine and costs, or other similar punishment, and 9.2% in which defendant received imprisonment suspended; in no reckless driving cases did defendant receive an active prison term when he had signed a waiver and failed to appear in court.

In other violations of Chapter 20, the defendant in 33,856 cases appeared in court and in 65.7% of the cases he received fine only, costs only, fine and costs, or other similar punishment; in 12.3% of the cases he received imprisonment suspended, fine and/or costs and imprisonment suspended; and in 1.8% of these cases he received an active prison term. Of the 3,727 cases of other violations of Chapter 20, in which the defendant did not appear in court and waived appearance he received fine only, costs only, or other similar punishment in 93.6% of the cases. In 3.6% of the other violations of Chapter 20 in which the defendant did not appear in court, he received imprisonment suspended and fine and/or costs and imprisonment suspended and in no case did the defendant receive an active prison term.

In the 9,579 cases involving violations of municipal traffic ordinances in which defendants appeared in court the defendant received a punishment of fine only, costs only, fine and costs, or other similar punishment in 78.5% of the cases, while in 3.6% the defendant received imprisonment suspended or fine and/or costs and imprisonment suspended, and in 2.2% of municipal traffic cases the defendant received an active prison term. In the 4,141 cases involving municipal traffic offenses in which defendants did not appear in court, the defendant in 98.9% of the cases received fine only, costs only, fine and costs, or other similar punishment, while in only .4% did the defendant receive imprisonment suspended or fine and/or costs and imprisonment suspended. For a complete examination of the punishment in cases in which defendant appeared

in court as contrasted with penalty where he did not appear in court see Table V-Z.

#### Amount of Fines Imposed in Motor Vehicle Cases

In almost one-half of the motor vehicle cases in the 32 Superior Courts and 61 inferior courts examined in the criminal court study the punishment was one which included a fine—either fine only, fine and costs, or fine coupled with imprisonment suspended, judgment suspended or some other punishment. (See Table V-CC and V-DD). A fine was imposed in 41.6% of the motor vehicle cases in the Superior Court, and in 42.3% of the motor vehicle cases in the inferior courts.

The median fine in the Superior Court in motor vehicle cases was \$75 to \$100 while the median fine in the inferior courts was \$10 to \$20. The large disparity between the amount of fines imposed in the Superior Court and in inferior courts in motor vehicle cases is due largely to the type and number of traffic offenses in each court. The greatest number of motor vehicle cases in the inferior courts are speeding cases, and the median fine for speeding cases is \$10 or less, whereas the largest percentage of motor vehicle cases in the Superior Court are drunk driving cases and the median fine for drunk driving cases is \$75 to \$100 in Superior Court. This is the same median fine that is imposed in drunk driving cases in the inferior courts, but the percentage of drunk driving cases to the total motor vehicle cases in the inferior courts is much smaller than it is in the Superior Court. (See Table V-CC and V-DD).

The amounts of the fines for other motor vehicle offenses are relatively consistent in both Superior Courts and inferior courts. The median fine in speeding cases in the inferior courts is \$10 or less, in the Superior Courts, \$20 to \$30. The median fine in drunk driving cases in both the Superior Courts and inferior courts is \$75 to \$100. The median fine in reckless driving cases in both the Superior Courts and inferior courts is \$20 to \$30. The median fine in other violations of Chapter 20 in the inferior court is \$10 to \$20, while in the Superior Court it is \$30. The median fine for violations of municipal ordinances in the inferior courts is \$10 or less, while in the only two cases in Superior Court in which fines were imposed for violations of municipal traffic ordinances, the fines were \$10 or less and \$20 to \$30 respectively.

The amount of the fine in Superior Court was \$10 or less in 2.3% of the motor vehicle cases, \$10 to \$20 in .6% of the cases, \$20 to \$30 in 8.5% of the cases, \$30 to \$50 in 5% of the cases, \$50 to \$75 in .9% of the cases, \$75 to \$100 in 16% of the cases, \$100 to \$150 in 3.4% of the cases, \$150 to \$200 in 3.7% of the cases, \$200 to \$300 in .9% of the cases, \$300 to \$400 in .1% of the cases, \$400



to \$500 in .2% of the cases, and over \$500 in .1% of the cases. No fine was imposed in 58.4% of the motor vehicle cases in the Superior Court.

A fine was imposed in 31.9% of the speeding cases in Superior Court, 59.5% of the drunk driving cases, 34% of the reckless driving cases, 28.5% of the other violations of Chapter 20, and in two of the 33 cases involving violations of municipal traffic ordinances. The percentage of cases receiving each type fine is relatively constant in all motor vehicle cases, except in the drunk driving cases, where a higher fine (\$75 to \$100) is imposed as contrasted with a \$20 to \$30 median fine in the speeding, reckless driving, and other violations of Chapter 20, thus creating a higher median fine for all motor vehicle cases in Superior Court. (See Table V-CC).

Fines were imposed in 46.7% of the speeding cases in inferior courts, 71.9% of the drunk driving cases, 58.9% of the reckless driving cases, 36.5% of the other violations of Chapter 20, and 17.9% of the violations of municipal traffic ordinances. The median fine was \$10 or less in the speeding cases, \$75 to \$100 in the drunk driving cases, \$20 to \$30 in the reckless driving cases, \$10 to \$20 in the violations of Chapter 20, and \$10 or less in the municipal traffic ordinances. (See Table V-DD).

The same median fines listed above were usually imposed in the particular court which permitted waiver of appearance, although there were some exceptions, and some instances in which a more severe punishment was imposed when the defendant appeared in court than when he did not appear. (See the Section of this report on Punishment Compared in Waiver and Non-Waiver Cases). As between the courts which permitted waiver of appearances, however, there was little uniformity in the punishment given and fines imposed in waiver cases. Many courts which permitted defendants to waive appearance required payment of fines and costs, and at least one court even imposed an imprisonment suspended sentence when the waivers were presented to the court. In other courts, however, no fines were imposed, and the traffic violator who waived appearance was only required to pay costs of court.

In at least ten courts which permitted waiver of appearance in speeding cases, no fines were imposed; in 38 courts the fine was \$10 or less; in three courts, the fine was \$10 to \$20; and one field worker reported a minimum fine of \$25 and costs of \$17 in all cases of speeding in excess of 55 but less than 65 miles per hour. Thus in one court a motorist must pay, for example, a \$25 fine and \$17 costs and be required to retain an attorney in order to waive appearance when he was charged with speeding 65 m.p.h. in a 55 m.p.h. zone, and his

neighbor charged with the identical offense in a nearby town is required to pay only costs of court amounting to less than \$10.

Indeed, even in neighboring counties and neighboring towns there is often considerable variation in the amount of fines and/or costs required in the same offense when a waiver of appearance is permitted. The same, of course, is true, when the waiver of appearance is not permitted and the offender is required to come to court. This tends to corroborate the often heard complaint of motorists who have been charged with a speeding offense and upon appearing in court or upon execution of a waiver of appearance were required to pay a fine and/or costs considerably higher than that required by another court for the same offense.

This lack of standard treatment in the motor vehicle cases is quite apparent from an examination of the punishment, fines and costs imposed by the 61 inferior courts for the same offense. Each court has its own system of disposing of traffic cases, its own form of punishment, its own fines and costs, and there is little uniformity and often little similarity in the methods of disposing of the case.

#### **Costs in Motor Vehicle Cases**

##### ***Amount of Costs***

The median amount of costs taxed in motor vehicle cases in the 61 inferior courts examined in the criminal court study was \$10 to \$15 while the median amount of costs taxed in the 32 Superior Courts was \$30 to \$40. Except for those cases involving violation of municipal traffic ordinances, the amount of costs taxed in traffic cases in the Superior Court ran consistently higher than the amount of costs taxed in the inferior courts. (See Table V-EE).

The median costs in the inferior courts in speeding cases was \$10 to \$15; in the Superior Court it was \$25 to \$30. The median costs in drunk driving cases in the Inferior Courts was \$15 to \$20; in the Superior Court it was \$30 to \$40. The median costs in reckless driving cases in the inferior courts was \$10 to \$15; in the Superior Court it was \$30 to \$40. The median costs in other violations of Chapter 20 in the inferior courts was \$10 to \$15; in the Superior Court it was \$25 to \$30. The median costs in violations of municipal traffic ordinances was \$10 to \$15 in the inferior court, while the median costs were \$15 to \$20 in the Superior Courts. Thus, the median costs in traffic cases, except for violations of municipal traffic ordinances, are about twice as high in Superior Courts as in the inferior courts. (See Table V-EE and V-FF).

A complete analysis of the amount of costs in the traffic cases in inferior courts reveals that the costs were \$10 to \$15 in 36% of the speeding cases,



21.4% of the drunk driving cases, 28.1% of the reckless driving cases, 27% of the other violations of Chapter 20 and 53.5% of the violations of municipal traffic ordinances. The costs were \$15 to \$20 in 29.3% of the speeding cases, 27.1% of the drunk driving cases, 24.3% of the reckless driving cases, 23.1% of the other violations of Chapter 20, and only .8% of the violations of municipal traffic ordinances. Thus in about 1/2 of the motor vehicle cases in the inferior courts the costs were within the range of \$10 to \$20 and more than 3/4 of the cases in which costs were taxed came within the range of \$5 to \$25 in the inferior courts. (See Table V-FF).

In the Superior Courts the costs taxed were between \$25 and \$30 in 24.2% of the speeding cases, 6.1% of the drunk driving cases, 14% of the reckless driving cases, 16% of the other violations of Chapter 20 and 9.1% of the violations of municipal traffic ordinances. The costs taxed were between \$30 and \$40 in 22.1% of the speeding cases, 20.3% of the drunk driving cases, 21.1% of the reckless driving cases, 19.3% of the other violations of Chapter 20, and 9.1% of the violations of municipal traffic ordinances. This indicates that except for the violations of municipal traffic ordinances which were tried in the Superior Court the costs taxed were within the range of \$25 to \$40 in more than 1/3 of the traffic cases, and within the range of \$25 to \$50 in about 1/2 of the traffic cases. It is noted that the median costs in the Superior Court are the same in drunk driving and reckless driving cases—\$30 to \$40—and the same in speeding and other violations of Chapter 20—\$25 to \$30; however, they are much lower in violations of municipal traffic ordinances—\$15 to \$20. In the cases in the inferior courts the median costs were \$10 to \$15 in all traffic cases except drunk driving cases, in which the median costs taxed were \$15 to \$20.

These statistics as to the amount of costs taxed were relatively constant for all traffic offenses in the inferior courts except drunk driving cases, in which a higher amount of costs was taxed. In the Superior Courts the amount of costs taxed was highest in drunk driving and reckless driving cases and a little lower in speeding and other violations of Chapter 20, while lower still in violations of municipal traffic ordinances. The number and percentage of cases in which costs were not taxed is approximately the same in both the inferior and Superior Courts, but the range of costs taxed is wider and the amounts higher in Superior Court. In less than .1% of the cases in the inferior courts were the costs more than \$40 whereas in the Superior Courts in about 20% of the cases the costs were in excess of \$40 and in about 2% of the traffic cases in Superior Court the costs were

in excess of \$75. Previous sections of this report have shown that the conviction rate is much lower in the Superior Court than in the inferior court, but that the punishment tends to be more severe in the Superior Court, and this section of the report supports that finding by indicating that the amount of costs are also much higher in the Superior Court.

The amount of costs in inferior courts in cases in which there was a waiver of appearance is comparable to the amount of costs in cases in which the defendant appeared in court, although there are some instances in which the costs were higher when the defendant came to court. However, a court-by-court examination reveals considerable variations in the amount of costs imposed by different courts, both when the defendant appeared in court and when he waived appearance. In many courts the costs in a minor traffic offense is less than \$10, while in other courts, for the same offense, it is as high as \$20 to \$30. This lack of standard costs for the same offenses from court to court, as the variations in the amount of fines for the same offense in different courts, is also a common complaint often heard from the motoring public.

#### **Who Paid the Costs**

The defendant paid the full costs of court in more than 50% of the motor vehicle cases in both the inferior courts and Superior Courts. In Superior Court the defendant paid full costs in 53.7% of the motor vehicle cases; he paid the county's costs or "half costs"<sup>17</sup> in .7% of the cases, his share of the costs in .2% of the cases, while the prosecuting witness paid the cost in .1% of the cases, and the county paid "half costs" in 22.1% of the cases, as the defendant was not convicted or costs were not assessed against him. In 6.8% of the motor vehicle cases in Superior Court the costs were paid from other sources, *e.g.*, in at least one Superior Court cash bonds were accepted in motor vehicle cases with an arrangement whereby the defendant would post a cash bond and forfeit the bond, and the court would take from the forfeited bond the costs before remitting the bond forfeiture as required by statute to the school fund. In 16.6% of the motor vehicle cases, no costs were shown by the records, as the case was nol prossed, or otherwise dismissed, and no costs of court were assessed. (See Table V-GG).

With the exception of the few cases in Superior Court involving violations of municipal traffic ordinances, the statistics are relatively consistent as to who paid the costs in each type motor vehicle of-

17. If the defendant is acquitted or convicted and unable to pay the costs or a nol pros entered, the county pays "half-costs," that is, one-half of the witness fees and fees of law enforcement officers and other court personnel. See GS 6-36.

fense. The defendant paid full costs in 60.6% of the speeding cases, 57.4% of the drunk driving cases, 47.6% of the reckless driving cases, and in 46.7% of the other violations of Chapter 20; whereas in only five of the 33 municipal traffic ordinance cases did the defendant pay full costs. The defendant paid the county's costs in .8% of the speeding cases, .7% of the drunk driving cases, .4% of the reckless driving cases, and .7% of the other violations of Chapter 20. Only six motor vehicle cases involved a sharing of the costs between multiple defendants—two drunk driving cases and four cases involving other violations of Chapter 20; and in one speeding case the prosecuting witness was required to pay all the costs of court.

The county paid the costs of court as the defendant was not convicted or no costs were assessed in 8.3% of the speeding cases, 24.7% of the drunk driving cases, 28.8% of the reckless driving cases, 24.8% of the other violations of Chapter 20, and 72.7% of the violations of municipal traffic ordinances. (In only eight of the 33 violations of municipal traffic ordinances in the Superior Courts were the defendants convicted.) The cost of court were paid from other sources, as from forfeited bonds, in 15% of the speeding cases, 2.9% of the drunk driving cases, 4% of the reckless driving cases, and 7.1% of the other violations of Chapter 20. No costs were taxed as the case was nol prossed or otherwise dismissed and no costs assessed in 15.2% of the speeding cases, 14.1% of the drunk driving cases, 19.2% of the reckless driving cases, 20.3% of the other violations of Chapter 20, and 12.1% of the violations of municipal traffic ordinances.

The statistics regarding who paid costs in motor vehicle cases in the 61 inferior courts reveal comparable facts. The defendant paid full costs in 64.6% of the cases, he paid the governmental unit's costs in 1.2% of the cases, and his share of the costs in .1% of the cases. The prosecuting witness paid all the costs in 1.6% of the cases, and the governmental unit's costs in .2% of the cases, and the governmental unit paid "half-costs" in 10.9% of the cases. It is noted that the governmental unit paid the costs as the defendant was not convicted or no costs assessed in only 1/2 as many cases as in Superior Court, reflecting the much higher conviction rate in the inferior courts. The costs were paid from other sources in .7% of the motor vehicle cases in inferior courts, and no costs were taxed as the case was nol prossed or otherwise disposed without costs being assessed in 20.6% of the cases in inferior court. (See Table V-HH).

The findings indicate that the defendant paid full costs of court in more than one-half of the motor vehicle cases in both the inferior and Superior Courts, and with the exception of the few cases in Superior Court involving violations of municipi-

pal traffic ordinances, the statistics are relatively consistent as to who paid the costs in each type traffic offense. It was noted that in some instances in which cash bonds were forfeited in motor vehicle cases that the costs of court would be deducted from the proceeds before they were forwarded as required by statute to the school fund. This is another problem area for those local courts which use the cash bond system of permitting defendants to waive appearance in traffic cases and yet must remit all proceeds of the forfeited bonds to the school funds. In the disposition of the large number of motor vehicle cases through this waiver technique, the court finds itself denied the costs it has incurred, and some courts, contrary to statute, have first deducted court costs before remitting the proceeds of forfeited bonds to the school fund. Almost every step in the handling of motor vehicle offenses, from the time the warrant is issued until the costs are paid following disposition, discloses many problems and a variety of means by which local courts attempt to solve them.

## **Length of Imprisonment Terms Imposed in Motor Vehicle Cases**

### **Introduction**

Imprisonment was imposed, either as an active sentence or a suspended sentence in 30% of the motor vehicle cases in the Superior Court as compared with only 10.5% of the traffic cases in the inferior courts examined in the criminal court study. The median length of imprisonment term was also higher in the Superior Courts, than in the inferior courts—three to six months as compared to 60 days. Although the composite picture of all motor vehicle offenses indicates more and longer imprisonment terms imposed in Superior Court, an examination of the imprisonment sentences by each offense indicates that a higher percentage of imprisonment terms was imposed in the inferior courts in the drunk driving and reckless driving cases, with a slightly shorter imprisonment term imposed in the lower courts in drunk driving cases and the same median imprisonment term imposed in reckless driving cases. (See Tables V-JJ and V-KK).

### **In Superior Court**

In 30% of the 3,492 motor vehicle cases in Superior Court either active imprisonment terms or imprisonment suspended sentences were imposed as a form of punishment. The median imprisonment term imposed in these motor vehicle cases was three to six months. Imprisonment or imprisonment suspended terms of 30 days or less were imposed in 3.1% of the traffic cases in Superior Court, 30- to 60-day terms were imposed in 3.6% of the cases, 60 to 90 days in 3.3% of the cases, three



to six months in 13.1% of the cases, six months to one year in 5.1% of the cases, one to two years in 1.7% of the cases, and two to five years in .1% of the motor vehicle cases. (For an examination of the number and percentage of cases receiving imprisonment terms as distinguished from suspended sentences, see the section on Punishment in Motor Vehicle Cases in this report).

The statistics on the imprisonment terms were generally consistent for each type of motor vehicle offense, except that in drunk driving cases a slightly higher percentage of cases received imprisonment terms while in speeding cases a much lower percentage of cases received imprisonment terms in Superior Court. In the speeding cases only 10.6% of the total cases received imprisonment or imprisonment suspended terms. In 3.1% of the total speeding cases a term of 30 days or less was imposed, in 2.7% of the speeding cases a term of 30 to 60 days was imposed, while terms of 60 to 90 days were imposed in 1.2% of the speeding cases, three months to six months in 2.5% of the cases, six months to one year in .9% of the cases, one to two years in .3% of the cases, and in none of the speeding cases in Superior Court was an imprisonment term of more than two years imposed. The median imprisonment term imposed in the speeding cases in Superior Court was 30 to 60 days.

In 42.2% of the drunk driving cases in Superior Court an active imprisonment term or a suspended sentence was received by the defendant. The length of imprisonment was 30 days or less in .1% of the cases, 30 to 60 days in 2.5% of the cases, 60 to 90 days in 5.5% of the cases, three to six months in 24.1% of the cases, six months to one year in 7.3% of the cases, one to two years in 1.9% of the cases, and two to five years in one drunk driving case. The median length of imprisonment in drunk driving cases in Superior Court was three to six months.

An imprisonment term was imposed in 25.6% of the reckless driving cases in the Superior Court. The length of imprisonment was 30 days or less in 2.5% of the reckless driving cases, 30 to 60 days in 10.6% of the cases, 60 to 90 days in 3.2% of the cases, three to six months in 5.9% of the cases, six months to one year in 2.5% of the cases, one to two years in .8% of the cases, and in no cases involving reckless driving was the length of imprisonment more than two years. The median length of imprisonment term imposed in reckless driving cases in Superior Court was 30 to 60 days.

In other violations of Chapter 20 an imprisonment term was imposed in 31% of the cases. The length of imprisonment was 30 days or less in 6.3% of the cases, 30 to 60 days in 2.4% of the cases, 60 to 90 days in 2.1% of the cases, three months to six months in 9.5% of the cases, six

months to one year in 7.2% of the cases, one to two years in 3.1% of the cases, and two to five years in .5% of the cases. The median length of imprisonment term imposed in other violations of Chapter 20 in Superior Court was three to six months. Eight of the 33 cases involving violations of municipal traffic ordinances in Superior Court resulted in imprisonment or imprisonment suspended terms. In three of the cases the length of imprisonment was 30 days or less, while in five of the cases the term was three to six months.

In only 10.5% of the 123,856 motor vehicle cases examined in 61 inferior courts studied in the criminal court study were imprisonment terms, either active or suspended, imposed. The median length of imprisonment term imposed in the inferior courts was 60 days. Although the median punishment was considerably less in inferior courts than in the Superior Courts and the percentage of cases in which imprisonment terms were imposed was only one-third as high as in the Superior Court, in the drunk driving and reckless driving cases a slightly higher percentage received imprisonment terms in the lower courts than in the Superior Courts, and the median punishments in drunk driving and reckless driving cases in the inferior courts were about the same as in Superior Court. (See Table V-KK).

#### In Inferior Courts

Of the total motor vehicle cases in the inferior courts the length of imprisonment was 30 days or less in 4.3% of the cases, 60 days in 2.2% of the cases, 90 days in 1.1% of the cases, four months in 1% of the cases, six months in 1.1% of the cases, nine months in .1% of the cases, one year in .6% of the cases, 18 months in .1% of the cases, two years in .1% of the cases, over two years in only five cases or less than .1% of the cases, while some other imprisonment punishment not included in the above categories occurred in .1% of the cases. The median length of imprisonment term imposed in all motor vehicle cases was 60 days.

The median length of imprisonment term imposed in speeding cases was 30 days or less, and in only 4.2% of the total speeding cases was an imprisonment term, either active or suspended, imposed. The length of imprisonment was 30 days or less in 2.7% of the speeding cases, 60 days in .8% of the cases, 90 days in .2% of the cases, four months in .1% of the cases, six months in .2% of the cases, nine months in less than .1% of the cases, one year in six cases or less than .1% of the cases, eighteen months in less than .1% of the cases, two years in less than .1% of the cases, and in no speeding cases was the length of imprisonment in excess of two years. (See Table V-KK).

The median punishment given in drunk driving

cases in the inferior courts was four months, and in 49% of all drunk driving cases in the inferior courts an imprisonment term, either active or suspended, was imposed. The length of imprisonment in the inferior courts in drunk driving cases was 30 days or less in 4.4% of the cases, 60 days in 58% of the cases, 90 days in 9% of the cases, four months in 13.2% of the cases, six months in 9.4% of the cases, nine months in .8% of the cases, one year in 4.8% of the cases, 18 months in .6% of the cases, two years in .2% of the cases, and in no drunk driving cases was the length of imprisonment over two years. (See Table V-KK).

The median length of imprisonment term imposed in reckless driving cases in the inferior court was 60 days, and in 28.7% of the reckless driving cases in the inferior court an imprisonment term, either suspended or active, was imposed. The length of imprisonment sentence imposed in reckless driving cases was 30 days or less in 9.7% of the cases, 60 days in 10.8% of the cases, 90 days in 2.8% of the cases, four months in 1.6% of the cases, six months in 2.4% of the cases, nine months in .3% of the cases, one year in .7% of the cases, 18 months in four cases or less than .1% of the cases, two years in .1% of the cases, and in five cases field workers reported the punishment was in excess of two years. (See Table V-KK).

In the other violations of Chapter 20 an imprisonment term, either active or suspended, was imposed in 11.3% of the cases. The median length of imprisonment in these cases was 30 days or less. The length of imprisonment term imposed was 30 days or less in 5.9% of the cases, 60 days in 2.3% of the cases, 90 days in .8% of the cases, four months in .4% of the cases, six months in 1% of the cases, nine months in .1% of the cases, one year in .7% of the cases, 18 months in .1% of the cases, and two years in 11 cases or less than .1% of the cases. (See Table V-KK).

In 2.9% of the violations of municipal traffic ordinances tried in inferior courts an imprisonment term, either active or suspended, was imposed. Of these 393 cases which received active or suspended imprisonment sentences 356 of the cases received 30 days or less, while 20 of the

cases received 60 days and 17 cases received 90 days. In no situation involving violations of municipal traffic ordinances was an imprisonment term in excess of 90 days imposed.

It is interesting to note that even in situations where defendants did not appear in court, having signed a written waiver of appearance and a plea of guilty in absentia, that sometimes the defendants received an imprisonment term, sentence suspended. In 105 speeding cases in which a waiver of appearance was signed, or .5% of the cases involving waiver of appearance, prison terms were imposed, with .4% of the waiver cases receiving 30 days or less, and .1% of the waiver cases receiving 60 days. For a discussion of the legality of imposing imprisonment suspended terms in waiver cases, see the section on Waiver of Appearance and the section on Punishment in this report. The same situation prevailed in drunk driving, reckless driving, and other violations of Chapter 20 and violations of municipal traffic ordinances, with a small percentage of the defendants who signed a waiver of appearance receiving imprisonment suspended terms. This result obtained when a local court had an arrangement whereby the judge's punishment even in waiver-of-appearance cases was imprisonment suspended, and the defendant upon execution of his written waiver of appearance and plea of guilty in an absentia "accepted" the punishment to be imposed in the case.

#### Summary

These statistics indicate that in three times as many cases in Superior Court as in the inferior courts imprisonment terms either active or suspended were imposed, and the median length of imprisonment in Superior Court was longer than in the inferior courts. However, in the drunk driving and reckless driving cases imprisonment terms were given more often in lower courts than in the Superior Courts and the median punishment was about the same. Another significant feature of these statistics is the fact that even in cases involving written waivers of appearance imprisonment sentences are sometimes imposed. This is another practice used in the disposition of motor vehicle cases which is of doubtful legality.



TABLE V-A

TOTAL—ALL CASES DISPOSED OF  
IN 32 SUPERIOR COURTS, 1956

	Cases	Percentage of Total Cases
Murder	171	1.5%
Manslaughter	117	1.0%
Rape, Carnal Knowledge	133	1.1%
Robbery	254	2.2%
Assault (Felony)	553	4.7%
Arson, Felonious	31	.3%
Burglary, Break. & Enter.	1188	10.9%
Larceny (Felony)	740	6.4%
Embezzlement	99	.8%
False Pretenses	97	.8%
Forgery, Uttering	657	5.7%
Crime Aganst Nature	93	.8%
Other Felony	481	4.2%
Assault, (Misdemeanor)	613	5.3%
Trespass, Malicious Inj.	114	1.0%
Non-Support	465	4.0%
Liquor (Ch. 18)	614	5.3%
Public Drunkenness	376	3.3%
Speeding	775	6.7%
Drunk Driving	1337	11.6%
Reckless Driving	473	4.1%
Other Ch. 20	874	7.6%
Municipal Ord. (Vehicle)	33	.3%
Municipal Ord. (Other)	57	.4%
Worthless Check	203	1.7%
Larceny (Misd.)	342	2.9%
Other Misdemeanor	642	5.5%
Complaint & Peace Warrant	9	.1%
U.R.E.S.A. Case*	3	.03%
No Offense Stated	17	.1%
Total All Cases	11,561	
Total Felonies	4,614	39.9%
Total Non-Motor Vehicle Misdemeanors	3,438	29.7%
Total Motor Vehicle Cases	3,492	30.3%

\*Uniform Reciprocal Enforcement Support Act

TABLE V-B

## PENDING CASES IN 32 SUPERIOR COURTS

Offense	Total Cases	% of Total
Murder	40	1.5%
Manslaughter	52	2.0%
Rape, Carnal Knowledge	22	0.8%
Robbery	29	1.1%
Assault (felony)	128	4.9%
Arson, felonious burning	14	0.5%
Burglary, break and enter	146	5.6%
Larceny (felony)	135	5.2%
Embezzlement	46	1.8%
False Pretenses	32	1.2%
Forgery, uttering	80	3.1%
Crime Against Nature	20	0.8%
Other Felony	77	2.9%
Assault (misdemeanor)	155	5.9%
Trespass, Malicious Injury	19	0.7%
Non-Support (including "bastardy")	256	9.8%
Liquor (Chapter 18)	188	7.2%
Public Drunkenness	63	2.4%
Speeding	114	4.4%
Drunk Driving	441	16.9%
Reckless Driving	94	3.6%
Other Chapter 20	195	7.5%
Municipal Ordinance (vehicle)	5	0.2%
Municipal Ordinance (other)	11	0.4%
Worthless Check	27	1.0%
Larceny (misdemeanor)	47	1.8%
Other Msdemeanor	144	5.5%
Complaint & Peace Warrant	1	0.03%
URES A Case*	30	1.1%
No Offense Shown	2	0.07%
Total All Cases	2,613	100%
Total Felonies	821	31.4%
Total Non- Motor Vehicle Misdemeanors	941	36.0%
Total Motor Vehicle Cases	849	32.5%

\*Uniform Reciprocal Enforcement Support Act Case.

TABLE V-C

TOTAL CASES AND MOTOR VEHICLE OFFENSES IN 32 SUPERIOR COURTS - 1956

SUPERIOR COURT	TOTAL ALL CASES FELONIES		% of Non-Motor Vehicle		% of Offenses Not Shown		% of Speeding		% of Drunk Driving		% of Reckless Driving		% of Total Violations Chapt. 20		% of Other Municipal Offenses		TOTAL MV Cases	% of Total
	114	13	11.4%	29	25.4%	0	14	12.3%	32	28.1%	14	12.3%	12	10.5%	0	72		
Ashe	173	72	41.6%	61	35.3%	0	0	0	31	17.9%	2	1.2%	7	4.0%	0	40	23.1%	
Beaufort	535	269	50.3%	188	35.1%	0	2	4.8%	54	10.1%	8	1.5%	13	2.4%	1	78	14.6%	
Buncombe	57	30	52.6%	10	17.5%	2	3.5%	1	9	15.8%	2	3.5%	3	5.3%	0	15	26.3%	
Burke	298	119	39.9%	93	31.2%	0	8	2.7%	26	8.7%	9	3.0%	43	14.4%	0	86	28.9%	
Cabarrus	66	13	19.7%	19	28.8%	0	4	6.1%	18	27.3%	4	6.1%	8	12.1%	0	34	51.5%	
Carteret	49	19	38.8%	8	16.3%	0	0	0	18	36.7%	0	0	4	8.2%	0	22	44.9%	
Cherokee	157	79	50.3%	46	29.3%	4	2.5%	2	17	10.8%	4	2.5%	5	3.2%	0	28	17.8%	
Cleveland	215	132	61.4%	48	22.3%	1	.5%	4	17	7.9%	4	1.9%	9	4.2%	0	34	15.8%	
Columbus	690	380	55.1%	197	28.6%	0	12	1.7%	58	8.4%	13	1.9%	30	4.3%	0	113	16.4%	
Cumberland	26	12	46.2%	8	30.8%	0	0	0	3	11.5%	1	3.8%	2	7.7%	0	6	23.1%	
Dare	349	109	31.2%	168	48.1%	2	.6%	9	21	6.0%	9	2.6%	31	8.9%	0	70	20.1%	
Davidson	382	23	6.0%	75	19.6%	0	107	28.0%	76	19.9%	31	8.1%	70	18.3%	0	284	74.3%	
Davie	166	45	27.1%	92	55.4%	0	3	1.8%	17	10.3%	6	3.6%	3	1.8%	0	29	17.5%	
Duplin	450	148	32.9%	185	41.1%	0	25	5.5%	71	15.8%	8	1.8%	13	2.9%	0	117	26.0%	
Edgecombe	749	428	57.1%	167	22.3%	0	20	2.7%	38	5.1%	20	2.7%	71	9.5%	5	154	20.6%	
Forsythe	122	57	46.7%	34	27.9%	0	8	6.6%	13	10.7%	5	4.1%	5	4.1%	0	31	25.4%	
Granville	1328	668	50.3%	364	27.4%	0	28	2.1%	152	11.4%	26	2.0%	84	6.3%	6	296	22.3%	
Guilford	516	64	11.7%	93	17.0%	1	.2%	160	29.3%	122	22.4%	25	4.6%	0	388	74.1%		
Haywood	78	32	41.0%	18	23.1%	0	2	2.6%	23	29.4%	2	2.6%	1	1.3%	0	28	35.9%	
Hertford	220	89	40.4%	84	38.2%	0	8	3.6%	21	9.5%	13	5.9%	5	2.4%	0	47	21.4%	
Johnston	122	11	9.0%	69	56.6%	0	1	.8%	19	15.6%	18	14.7%	4	3.3%	0	42	34.4%	
Jones	1526	688	45.1%	420	27.5%	0	58	3.8%	120	7.9%	80	5.2%	154	10.1%	6	418	27.4%	
Mecklenburg	122	10	8.3%	41	33.6%	6	4.9%	22	18.0%	22	18.0%	8	6.6%	0	65	53.3%		
Mitchell	532	308	57.9%	143	26.9%	0	6	1.1%	27	5.1%	28	5.3%	20	3.7%	0	81	15.2%	
New Hanover	432	57	13.2%	76	17.6%	0	152	35.2%	40	9.3%	33	7.6%	73	16.9%	1	299	69.2%	
Folk	153	65	42.5%	50	32.7%	0	5	3.3%	17	11.1%	9	5.8%	7	4.6%	0	38	24.8%	
Richmond	460	172	37.4%	198	43.0%	0	5	1.1%	45	9.8%	21	4.6%	17	3.7%	2	90	19.6%	
Rockingham	54	36	66.7%	14	25.9%	0	1	1.9%	2	3.7%	0	0	1	1.8%	0	4	7.4%	
Stanley	1030	318	31.8%	314	30.5%	0	58	5.6%	178	17.3%	54	5.2%	66	6.4%	12	368	35.7%	
Wake	39	16	41.0%	19	48.7%	0	2	5.1%	1	2.6%	1	2.6%	0	0	0	4	10.3%	
Warren	321	102	31.8%	107	33.3%	1	.3%	48	14.9%	29	9.0%	15	4.7%	0	111	34.6%		
Wilkes																		
TOTAL ALL COURTS	11,561	4,614	39.9%	3,436	29.7%	17	.1%	775	6.7%	1,337	11.6%	473	4.1%	874	7.6%	33	3,492	30.3%



**TABLE V-D**

MOTOR VEHICLE OFFENSES IN SUPERIOR COURT IN COUNTIES HAVING NO INFERIOR COURTS (1956)

County	% of To-Non-Motor Vehicle		% of To-Offenses Not		% of To-Drunk		% of To-Reckless Driving		% of To-Violations of To-Mun. Traf. - % of To-Total Mo- % of To-		Other Violations of To-Mun. Traf. - % of To-Total Mo- % of To-						
	tal Cases	tal Cases	tal Cases	tal Cases	tal Cases	tal Cases	tal Cases	tal Cases	tal Cases	tal Cases	tal Cases	tal Cases					
Davie*	23	6.0%	75	19.6%	0	107	28.8%	76	19.9%	31	8.1%	70	18.3%	0	284	71.3%	
Jones	122	9.8%	69	56.6%	0	1	.8%	19	15.6%	18	14.7%	4	3.3%	0	42	34.4%	
Mitchell	122	10.8%	41	33.6%	6-	22	18.9%	22	18.8%	8	6.6%	13	10.7%	0	65	53.3%	
Polk	132	57	13.2%	76	17.6%	0	152	35.2%	40	9.3%	33	7.6%	73	16.9%	1	299	69.2%

Mean(Average) of Motor Vehicle Cases in These Superior Courts - 57.8%

MOTOR VEHICLE OFFENSES IN SUPERIOR COURT IN COUNTIES HAVING ONE OR MORE MUNICIPAL COURTS WITHOUT AGGREGATE COUNTY-WIDE JURISDICTION - (1956)

County	% of To-Non-Motor Vehicle		% of To-Offenses Not		% of To-Drunk		% of To-Reckless Driving		% of To-Violations of To-Mun. Traf. - % of To-Total Mo- % of To-		Other Violations of To-Mun. Traf. - % of To-Total Mo- % of To-						
	tal Cases	tal Cases	tal Cases	tal Cases	tal Cases	tal Cases	tal Cases	tal Cases	tal Cases	tal Cases	tal Cases	tal Cases					
Ashe	114	13	11.4%	29	25.4%	0	14	12.3%	32	28.1%	14	12.3%	12	10.5%	0	72	63.2%
Haywood*	546	64	11.7%	93	17.8%	1	160	29.3%	122	22.4%	25	4.6%	81	14.8%	0	388	71.1%
Wilkes	321	102	31.8%	107	33.3%	1	18	14.9%	29	9.8%	15	14.7%	19	6.8%	0	111	34.6%

Mean(Average) - 56.3%

MOTOR VEHICLE OFFENSES IN SUPERIOR COURT IN COUNTIES HAVING AN INFERIOR COURT OR MUNICIPAL COURT WITH AGGREGATE COUNTY-WIDE JURISDICTION

County	% of To-Non-Motor Vehicle		% of To-Offenses Not		% of To-Drunk		% of To-Reckless Driving		% of To-Violations of To-Mun. Traf. - % of To-Total Mo- % of To-		Other Violations of To-Mun. Traf. - % of To-Total Mo- % of To-							
	tal Cases	tal Cases	tal Cases	tal Cases	tal Cases	tal Cases	tal Cases	tal Cases	tal Cases	tal Cases	tal Cases	tal Cases						
Beaufort	173	72	41.6%	61	35.3%	0	0	31	17.9%	2	1.2%	7	4.8%	0	40	23.1%		
Buncombe	535	269	50.3%	188	35.1%	0	2	.4%	54	10.1%	8	1.5%	13	2.4%	1	2%	78	14.6%
Burke	57	30	52.6%	10	17.5%	2	3.5%	1	1.8%	9	15.8%	2	3.5%	3	5.3%	0	15	26.3%
Gabarrus	298	119	39.9%	93	31.2%	0	8	2.7%	26	8.7%	9	3.0%	43	14.4%	0	86	28.9%	
Gartret	66	13	19.7%	19	28.8%	0	4	6.1%	18	27.3%	4	6.1%	8	12.1%	0	34	51.5%	
Cherokee	49	19	38.8%	8	16.3%	0	0	-	18	36.7%	0	-	4	8.2%	0	22	44.9%	
Cleveland	157	79	50.3%	46	29.3%	4	2.5%	2	1.3%	17	10.8%	4	2.5%	5	3.2%	0	28	17.8%
Columbus	215	132	61.4%	48	22.3%	1	.5%	4	1.9%	17	7.9%	4	1.9%	9	4.2%	0	34	15.8%
Cumberland	690	380	55.1%	197	28.6%	0	12	1.7%	58	8.4%	13	1.9%	30	4.3%	0	113	16.4%	
Dare	26	12	46.2%	8	30.8%	0	0	-	3	11.5%	1	3.8%	2	7.7%	0	6	23.1%	
Davidson	349	109	31.2%	168	48.1%	2	.6%	9	2.6%	21	6.8%	9	2.6%	31	8.9%	0	70	20.1%
Duplin	166	45	27.1%	92	55.4%	0	-	3	1.8%	17	10.3%	6	3.6%	3	1.8%	0	29	17.5%
Edgecombe	450	148	32.9%	185	41.1%	0	25	5.5%	71	15.8%	8	1.8%	13	2.9%	0	117	26.8%	
Forsyth	749	428	57.1%	167	22.3%	0	20	2.7%	38	5.1%	20	2.7%	71	9.5%	5	154	20.6%	
Granville	122	57	46.7%	34	27.9%	0	8	6.6%	13	10.7%	5	4.1%	5	4.1%	0	31	25.4%	
Gulford	1328	668	50.3%	364	27.4%	0	28	2.1%	152	11.4%	26	2.8%	84	6.3%	6	296	22.3%	
Hertford	78	32	41.8%	18	23.1%	0	2	2.6%	23	29.4%	2	2.6%	1	1.3%	0	28	35.9%	
Johnston	220	89	40.4%	84	38.2%	0	8	3.6%	21	9.5%	13	5.9%	5	2.4%	0	47	21.4%	
Mecklenburg	1526	688	45.1%	420	27.5%	0	58	3.8%	120	7.9%	80	5.2%	154	10.1%	6	418	27.4%	
New Hanover	532	308	57.9%	143	26.9%	0	6	1.1%	27	5.1%	28	5.3%	20	3.7%	0	81	15.2%	
Richmond	153	65	42.5%	50	32.7%	0	5	3.3%	17	11.1%	9	5.8%	7	4.6%	0	38	24.8%	
Rockingham	460	172	37.4%	198	43.8%	0	5	1.1%	45	9.8%	21	4.6%	17	3.7%	2	90	19.6%	
Stanly	54	36	66.7%	14	25.9%	0	1	1.9%	2	3.7%	0	-	1	1.8%	0	4	7.4%	
Wake	1030	348	33.8%	314	30.5%	0	58	5.6%	178	17.3%	54	5.2%	66	6.1%	12	368	35.7%	
Warren	39	16	41.0%	19	48.7%	0	2	5.1%	1	2.6%	1	2.6%	0	-	0	4	10.3%	

Mean(Average) - 23.7%

\*Since 1956 Lower Courts with County-wide Jurisdiction have been established in these counties.

TABLE V-E  
ORIGIN OF CASES IN THE SUPERIOR COURTS—1956

	Total	Remand from Supreme Ct.	Appeal from JP or Mayor	Appeal from Lower Court	Transf(Jury) JP or Mayor	Transf(Jury) Lower Court	Bl. over fr. JP or Mayor	Bl. over fr. Hd. over fr. Lower Court	Orig. in Grand Jury	Information	Records Do Not Show
SPEEDING Percentage of Total	775	1 .1%	28 3.6%	226 29.2%	0	45 5.8%	468 60.4%	3 .4%	4 .1%	0	0
DRUNK DRIVING Percentage of Total	1337	0	4 .3%	781 58.4%	2 .1%	222 16.6%	306 22.9%	15 1.1%	4 .3%	0	3 .2%
RECKLESS DRIVING Percentage of Total	473	0	3 .6%	306 64.7%	0	21 4.4%	135 28.5%	1 .2%	4 .9%	1 .2%	2 .4%
OTHER VIOLATIONS OF CHAPTER 20 Percentage of Total	874	2 .2%	17 1.9%	505 57.8%	4 .5%	64 7.3%	247 28.1%	25 2.8%	2 .3%	0	8 .1%
VIOLATIONS OF MUNICIPAL TRAFFIC ORDINANCES Percentage of Total	33	0	2 6.1%	29 87.9%	0	1 3.0%	1 3.0%	0	0	0	0
TOTALS Percentage of Total	3492	3 .1%	54 1.5%	1847 52.9%	6 .2%	353 10.3%	1157 33.1%	44 1.2%	14 .4%	1 .1%	13 .3%

<sup>1</sup> Although a JP or mayor does not have jurisdiction in drunk driving and reckless driving cases, the records indicated a JP or mayor had attempted to exercise jurisdiction in four drunk driving and three reckless driving cases and these cases were appealed to the superior court, while two other drunk driving cases were transferred to superior court on request for a jury trial.



TABLE V-F

PILOT COUNTY SUPERIOR COURTS, DISPOSED OF MOTOR VEHICLE CASES:

	Chatham		Durham		Orange		All	
	No. Cases	% Tot.	No. Cases	% Tot.	No. Cases	% Tot.	No. Cases	% Tot.
Drunk Driving	36	18.0	101	8.2	32	16.0	169	10.3
Reckless Driving	4	2.0	51	4.1	5	2.5	60	3.7
Speeding	12	6.0	30	2.4	14	7.0	56	3.4
Other Ch. 20 Viol.	7	3.5	107	8.6	10	5.0	124	7.6
Mun. Ord.	—	—	12	1.0	—	—	12	.7
<b>TOTAL</b>	<b>59</b>	<b>29.5</b>	<b>301</b>	<b>24.3</b>	<b>61</b>	<b>30.5</b>	<b>421</b>	<b>25.7</b>

TABLE V-G

PILOT COUNTY SUPERIOR COURTS, PENDING MOTOR VEHICLE CASES:

	Chatham		Durham		Orange		All	
	No. Cases	% Tot.	No. Cases	% Tot.	No. Cases	% Tot.	No. Cases	% Tot.
Drunk Driving	12	30.0	47	16.7	27	32.5	86	21.2
Reckless Driving	4	10.0	13	4.6	6	7.2	23	5.7
Speeding	3	7.5	—	—	14	16.9	17	4.2
Other Ch. 20 Viol.	—	—	29	10.3	6	7.2	35	8.6
Mun. Ord.	—	—	—	—	—	—	—	—
<b>TOTALS</b>	<b>19</b>	<b>47.5</b>	<b>89</b>	<b>31.6</b>	<b>53</b>	<b>63.9</b>	<b>161</b>	<b>39.8</b>

TABLE V-H

TOTAL—ALL CASES DISPOSED OF IN 61 INFERIOR COURTS—1956

	Cases	Percentage of Total Cases
Murder	86	.04%
Manslaughter	79	.04%
Rape, Carnal Knowledge	135	.07%
Robbery	181	.1%
Assault (Felony)	993	.5%
Arson, Fel. Burning	33	.02%
Burglary, Break. & Ent.	1026	.5%
Larceny (Felony)	761	.4%
Embezzlement	67	.04%
False Pretenses	133	.06%
Forgery, Uttering	574	.3%
Crime Against Nature	109	.06%
Other Felony	618	.3%
Assault (Misdemeanor)	10,922	5.5%
Trespass (Malicious Inj.)	2282	1.1%
Non-Support (Inc. Bastardy)	2099	1.0%
Liquor (Ch. 18)	6679	3.4%
Public Drunkenness	30,332	15.2%
Speeding	53,765	26.9%
Drunk Driving	6965	3.5%
Reckless Driving	8276	4.1%
Other Ch. 20	41,107	20.6%
Mun. Ord. (Vehicle)	13,743	6.9%
Mun. Ord. (Other)	2992	1.5%
Worthless Check	1643	.8%
Larceny (Misdemeanor)	3154	1.6%
Other Misdemeanor	10,317	5.2%
Complaint & Peace Warrant	33	.02%
U.R.E.S.A. Case*	17	.01%
No Offense Stated	584	.3%
<b>Total All Cases</b>	<b>199,705</b>	
<b>Total Felonies</b>	<b>4795</b>	<b>2.4%</b>
<b>Total Non-Motor Vehicle Misdemeanors</b>	<b>70,470</b>	<b>35.3%</b>
<b>Total Motor Vehicle Cases</b>	<b>123,856</b>	<b>61.9%</b>

\*Uniform Reciprocal Enforcement Support Act

TABLE V-J

PENDING CASES IN 50 INFERIOR COURTS

	Total Cases	Percentage of All Pending Cases
Murder	1	.01
Manslaughter	3	.08
Rape, Carnal Know.	6	.1
Robbery	10	.2
Assault (Felony)	36	.6
Arson, Fel. Burning	1	.01
Burglary, Break. & Ent.	15	.3
Larceny (Fel.)	18	.3
Embezzlement	8	.1
False Pretenses	16	.3
Forgery, Uttering	12	.2
Crime Against Nature	0	0
Other Felony	8	.1
Assault (Misd.)	316	5.6
Trespass (Mal. Inj.)	51	.9
Non-Support (Inc. Bastardy)	162	2.9
Liquor (Chap. 18)	240	4.3
Public Drunkenness	575	10.2
Speeding	1052	18.6
Drunk Driving	495	8.8
Reckless Driving	367	6.5
Other Chap. 20	1448	25.7
Mun. Ord. (Veh.)	155	2.7
Mun. Ord. (Other)	80	1.4
Worthless Check	155	2.7
Larceny (Misd)	82	1.5
Other Misdemeanor	317	5.6
Comp. & P. Warrant	4	.1
U.R.E.S.A. Case	6	.1
No Offense	2	.08
<b>Total All Cases</b>	<b>5641</b>	
<b>Total Felonies</b>	<b>134</b>	<b>2.4</b>
<b>Total Non-Motor Veh. Misdemeanors</b>	<b>1988</b>	<b>35.2</b>
<b>Total Motor Vehicle Cases</b>	<b>3517</b>	<b>62.3</b>

**TABLE V-K**  
**TOTAL CASES AND MOTOR VEHICLE OFFENSES IN 61 INFERIOR COURTS—1956**

INFERIOR COURT	TOTAL		% of Non-Motor Vehicle		% of Offenses Total Not Shown		Total Speeding		% of Drunk Driving		% of Reckless Driving		% of Other Violations Chapter 20		% of Municipal Offenses Total		% of TOTAL MV CASES		
	ALL CASES	Felonies	Total	Vehicle	Total	Not Shown	Total	Speeding	Total	Drunk	Total	Driving	Total	Violations	Total	Municipal	Total	MV CASES	Total
Asheville Police Court	8,380	300	3.6%	5,200	62.0%	30	.1%	1,210	11.9%	210	2.5%	260	3.1%	560	6.7%	580	6.9%	2,950	34.0%
Aurora Municipal Recorder's Court	139	1	.7%	78	56.1%	1	.7%	11	7.9%	8	5.8%	7	5.1%	33	23.7%	0		59	42.5%
Apex Municipal Recorder's Court	1,443	15	1.0%	210	14.6%	15	1.0%	474	32.8%	63	1.1%	51	3.5%	594	41.2%	21	1.5%	1,203	83.4%
Behaven Municipal Recorder's Court	478	5	1.0%	232	48.5%	0		53	11.1%	19	4.0%	52	10.9%	117	24.5%	0		241	50.4%
Reidsville Municipal Recorder's Court	1,476	12	.8%	584	39.6%	0		396	26.8%	96	6.5%	88	6.0%	300	20.3%	0		880	59.6%
Greensboro Municipal Recorder's Court	4,160	130	2.9%	710	16.6%	0		1,360	30.5%	290	6.5%	70	1.6%	1,970	47.3%	0		3,590	80.5%
Burke County Criminal Court	2,532	66	2.6%	598	23.7%	12	.5%	1,458	45.7%	204	8.1%	114	5.7%	360	14.2%	0		1,866	73.7%
Garretts County Recorder's Court	2,870	120	4.2%	730	25.1%	10	.3%	1,205	42.0%	160	5.6%	185	6.4%	160	16.1%	3		2,010	70.0%
Polk County Recorder's Court	644	2	.3%	318	54.0%	2	.3%	152	23.6%	36	5.6%	70	10.9%	30	4.7%	4	.6%	292	45.4%
Rocky Mount Recorder's Court	920	16	1.8%	288	31.4%	4	.1%	178	19.3%	50	5.4%	74	8.0%	308	33.5%	2	.2%	612	66.4%
Charlotte Municipal Recorder's Court	1,152	15	1.3%	195	16.9%	0		315	27.1%	51	4.4%	57	4.9%	516	44.8%	3	.3%	942	81.8%
Cherokee County Recorder's Court	19,980	1,010	5.1%	7,160	35.8%	10	.2%	4,810	24.1%	250	1.3%	400	2.0%	2,060	10.2%	4,250	21.3%	11,770	58.9%
Waynes County Recorder's Court	700	8	1.1%	175	25.0%	0		275	39.3%	93	12.3%	28	4.0%	121	17.3%	0		517	73.9%
Wayne Municipal Recorder's Court	368	6	1.6%	172	46.8%	0		70	19.0%	18	4.9%	29	7.9%	73	19.8%	0		190	51.6%
Cleveland County Recorder's Court	3,990	110	3.5%	1,630	40.9%	80	2.0%	790	19.8%	170	4.2%	220	5.5%	960	24.1%	0		2,140	53.6%
Polk County Recorder's Court	383	0		23	6.0%	1	.3%	281	73.4%	13	3.4%	7	1.8%	58	15.1%	0		359	93.7%
Rocky Mount Recorder's Court	2,904	24	.8%	968	33.3%	24	.8%	618	22.3%	264	9.1%	208	7.2%	760	26.2%	8	.3%	1,888	65.1%
Greensboro Mayor's Court	832	12	1.4%	260	31.3%	0		288	31.6%	24	2.9%	52	6.3%	188	22.5%	8	1.0%	560	67.3%
Cumberland County Recorder's Court	11,720	250	2.1%	2,950	17.5%	60	.5%	5,030	42.9%	520	4.4%	360	3.1%	3,430	29.3%	20	.2%	9,360	79.9%
Ware County Recorder's Court	512	2	.3%	100	18.5%	0		214	39.5%	140	7.1%	140	7.4%	116	26.9%	0		440	81.2%
Rocky Mount Recorder's Court	2,667	7	.3%	614	24.1%	7	.3%	1,568	58.8%	91	3.4%	91	3.4%	252	9.4%	7	.3%	2,009	75.3%
Municipal Recorder	235	3	1.3%	85	36.2%	3	1.3%	140	17.0%	14	6.0%	23	9.7%	66	28.1%	1	.1%	114	61.2%
Public Recorder	1,600	5	.3%	505	31.6%	0		565	35.3%	165	10.3%	165	10.3%	195	12.2%	0		1,090	68.1%
Edcombe County Recorder's Court	3,870	42	1.1%	594	15.3%	18	.5%	2,634	68.1%	114	2.9%	148	1.2%	420	10.9%	0		3,216	83.1%
Fair Bluff Municipal Recorder	76	5	6.6%	35	46.1%	0		18	23.7%	6	7.9%	2	2.6%	8	10.5%	2	2.6%	36	47.3%
Waynesville Recorder	5,650	160	2.8%	3,250	57.7%	0		600	10.7%	200	3.6%	190	3.4%	970	17.2%	260	4.6%	2,220	39.5%
Waynesville Recorder's Court	1,106	18	1.6%	226	20.6%	0		386	31.9%	96	9.7%	130	11.8%	248	22.1%	0		860	77.8%
Garner Municipal Recorder's Court	1,908	8	.4%	360	18.9%	8	.4%	448	23.5%	60	3.1%	132	6.9%	968	45.5%	24	1.3%	1,532	80.3%
Granville County Recorder's Court	872	52	5.9%	292	32.3%	4	.5%	336	38.5%	22	2.5%	36	4.1%	140	16.2%	0		534	61.3%
Guilford Municipal Recorder's Court	17,060	330	1.9%	6,980	40.9%	30	.2%	4,890	28.7%	480	2.8%	710	4.2%	3,630	21.2%	10	.1%	9,720	57.0%
Hamlet Municipal Recorder's Court	950	16	1.7%	312	36.0%	8	.8%	194	20.1%	94	9.9%	96	10.1%	200	21.1%	0		584	61.5%
Waynes County Police Court	49	0		26	53.1%	0		8	16.3%	7	11.3%	3	6.1%	5	10.2%	0		23	46.9%



Hertford County Recorder's Court	585	7	1.2%	200	31.1%	3	.5%	112	21.3%	87	11.9%	29	5.0%	117	20.0%	0	20.0%	375	61.2%	
High Point Municipal Recorder's Court	9,890	270	2.7%	3,110	31.7%	10	.1%	3,250	32.9%	330	3.3%	280	2.8%	1,390	11.1%	1,190	12.1%	6,110	65.2%	
High Point Municipal Recorder's Court	569	15	2.6%	265	46.6%	1	.2%	122	21.4%	38	6.7%	42	7.4%	86	15.1%	0	28%	28%	50.6%	
High Point Municipal Recorder's Court	1,570	5	.3%	115	9.2%	0	.3%	1,195	76.1%	5	.3%	30	1.9%	190	12.2%	0	1,120	90.1%	90.1%	
Kernersville Municipal Recorder	1,118	0		136	9.4%	1	.3%	888	61.3%	21	1.6%	10	2.8%	356	21.6%	0	1,308	90.3%	90.3%	
Kings Mountain Recorder's Court	790	22	2.8%	512	61.8%	0		52	6.6%	50	6.3%	21	3.0%	128	16.2%	2	.3%	256	32.1%	
Leaksville Municipal Recorder's Court	1,107	75	5.3%	702	49.9%	6	.4%	156	11.1%	102	7.3%	186	13.2%	190	12.8%	0	621	41.1%	41.1%	
Leaksville Municipal Recorder's Court	12,160	260	2.1%	3,010	25.0%	80	.7%	2,650	21.8%	300	2.5%	810	6.7%	5,020	11.2%	0	8,790	72.2%	72.2%	
Leaksville Municipal Recorder's Court	911	28	3.1%	290	31.7%	2	.2%	122	13.3%	81	9.2%	56	6.2%	290	11.7%	12	4.6%	591	65.0%	
North Wilkesboro Mayor's Court	738	11	1.9%	366	49.6%	0		66	8.9%	56	7.6%	21	3.3%	156	21.1%	56	7.6%	358	48.5%	
New Hanover County Recorder's Court	9,590	310	2.2%	3,780	40.0%	20	.7%	1,520	15.7%	300	3.2%	570	5.9%	1,510	15.8%	1,580	16.5%	5,170	57.1%	
Oxford's Court	1,176	1	.3%	681	58.2%	0		158	11.3%	28	2.4%	61	5.1%	108	9.2%	120	10.2%	188	11.5%	
Orange County Recorder's Court	15,190	190	1.3%	4,850	31.9%	10	.3%	3,010	20.0%	130	1.2%	130	2.8%	3,120	20.5%	3,110	22.0%	10,110	66.5%	
Reidsville Municipal Recorder's Court	2,655	10	1.5%	1,295	48.7%	5	.2%	835	31.5%	100	3.8%	80	3.0%	270	10.2%	30	1.1%	1,315	49.6%	
Richmond Special County Court	750	16	2.1%	132	17.6%	2	.3%	391	52.5%	50	6.7%	10	5.3%	116	15.5%	0	600	80.0%	80.0%	
Rocky Mount Municipal Recorder's Court	1,128	18	1.3%	876	63.4%	0		96	6.7%	66	1.6%	30	2.2%	210	16.8%	72	5.0%	501	35.3%	
Selma Municipal Recorder's Court	1,278	12	.9%	435	31.1%	0		108	31.9%	42	3.3%	99	7.7%	282	22.1%	0	831	65.0%	65.0%	
Seaboard Municipal Recorder's Court	1,182	30	2.0%	510	31.4%	0		-522	35.2%	69	4.7%	90	6.1%	261	17.6%	0	912	63.6%	63.6%	
Stanly County Recorder's Court	2,092	32	1.5%	876	41.9%	0		581	27.9%	188	9.0%	120	5.7%	280	13.1%	12	.6%	1,191	56.6%	
Thomasville Municipal Recorder	2,990	50	1.8%	1,280	42.8%	50	1.8%	900	30.0%	70	2.2%	150	5.0%	150	15.1%	10	1.3%	1,610	53.8%	
Wake Forest Municipal Recorder's Court	1,929	30	1.6%	363	18.8%	6	.3%	561	29.2%	63	3.3%	72	3.7%	828	12.9%	3	.2%	1,530	79.3%	
Warren County Recorder's Court	811	4	.5%	215	25.6%	1	.5%	119	19.8%	42	5.0%	57	6.8%	100	11.8%	0	618	73.1%	73.1%	
Watauga County Recorder's Court	1,011	21	2.0%	369	35.3%	3	.3%	339	32.5%	30	2.9%	57	5.5%	222	21.2%	3	.3%	651	62.1%	
Waynesville Police Court	1,119	12	1.1%	909	81.1%	9	.8%	36	3.2%	69	6.2%	12	3.8%	12	3.8%	0	189	16.9%	16.9%	
Wendell Municipal Recorder's Court	2,052	8	.4%	268	13.1%	0		596	29.0%	72	3.5%	100	1.9%	1,008	19.1%	0	1,776	86.5%	86.5%	
West Jefferson Mayor's Court	192	0		93	48.4%	0		12	6.3%	28	11.6%	16	8.3%	36	18.8%	7	3.6%	99	51.6%	51.6%
Wikesboro Mayor's Court	1,572	8	.5%	318	22.1%	1	.3%	821	52.1%	52	3.3%	121	7.9%	196	12.5%	16	1.0%	1,212	77.1%	77.1%
Winn-Salem's Court	19,870	570	2.9%	9,270	46.7%	60	.3%	3,090	15.5%	1,70	2.1%	520	2.6%	3,870	19.5%	2,030	10.1%	9,970	50.1%	50.1%
Wilmington Municipal Recorder's Court	738	12	1.6%	159	21.5%	0		150	20.3%	12	5.8%	66	8.9%	309	11.9%	0	567	76.8%	76.8%	
TOTAL ALL COURTS	199,995*	1,873	2.1%	70,570	35.3%	696	.1%	53,765	26.9%	6,965	3.5%	8,276	1.1%	11,107	20.6%	13,713	6.9%	123,856	61.9%	61.9%

\*There is a difference of less than .1% between these statistics and the figures in Table V-H and this difference does not affect any percentages. It is due to the use of two different IBM machine computations of the raw data; one computation for 61 court totals, and one computation for individual court totals. IBM machinery, in processing such a large number of units (some 200,000 units in these tables) will, in rare instances, fail to record a unit.

**TABLE V-L**  
**PILOT COUNTY INFERIOR COURTS DISPOSED OF MOTOR VEHICLE CASES:**

	Drunk Driving		Reckless Driving		Speeding		Other Ch. 20		Mun. Ord.		Totals	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Durham Recorder	310	2.8	440	3.9	1650	14.6	2570	22.8	780	6.9	5750	51.0
Orange Co. Rec.	76	4.0	128	6.8	728	38.6	460	24.4	4	.2	1396	73.9
Chapel Hill Rec.	70	4.2	65	3.9	435	26.3	360	21.8	145	8.8	1075	65.2
Chatham Co. Crim.	51	7.0	41	5.6	415	57.0	82	11.3	---	---	589	80.9
Siler City Rec.	60	7.2	48	5.8	558	67.4	64	7.7	---	---	730	88.2
All Courts	567	3.5	722	4.4	3786	23.1	3536	21.6	929	5.7	9540	58.3

**TABLE V-M**

ORIGIN OF MOTOR VEHICLE CASES IN COUNTIES HAVING NO INFERIOR COURTS (1956)

	Total	Remand, Supr. Ct.	Appeal, JP/Mayor	Appeal, Lower Ct.	Trans.(Jury) JP/Mayor	Trans.(Jury) Lower Ct.	Bd. Over JP/Mayor	Bd. Over Lower Ct.	Orig. w/ Grand Jury	Infor- mation	Not Shown by Records
Davie*	284	1	5				277		1		
Jones	42						41			1	
Mitchell	65						62		3		
Polk	299		1				292		4		2
Totals, these cts.	690	1	6				672		8	1	2
% of Totals		(.1%)	(.9%)				(97.4%)		(1.2%)	(.1%)	(.3%)

ORIGIN OF MOTOR VEHICLE OFFENSES IN SUPERIOR COURT IN COUNTIES HAVING ONE OR MORE MUNICIPAL COURTS WITHOUT AGGREGATE COUNTY-WIDE JURISDICTION (1956)

	Total	Remand, Supr. Ct.	Appeal, JP/Mayor	Appeal, Lower Ct.	Trans.(Jury) JP/Mayor	Trans.(Jury) Lower Ct.	Bd. Over JP/Mayor	Bd. Over Lower Ct.	Orig. w/ Grand Jury	Infor- mation	Not Shown by Records
Ashe	72			3			50	17	2		
Haywood*	388		2	17			368		1		
Wilkes	111		34	16			61				
Totals, these cts.	571		36	36			479	17	3		
% of Totals			(6.3%)	(6.3%)			(83.9%)	(3.0%)	(.5%)		



TABLE V-M (Contd.)

ORIGIN OF MOTOR VEHICLE OFFENSES IN SUPERIOR COURT IN COUNTIES HAVING AN INFERIOR COURT OR MUNICIPAL COURT WITH AGGREGATE COUNTY-WIDE JURISDICTION (1956)

	Total	Remand, Supr. Ct.	Appeal, JP/Mayor	Appeal, Lower Ct.	Trans.(Jury) JP/Mayor	Trans.(Jury) Lower Ct.	Bd. Over Lower Ct.	Bd. Over JP/Mayor	Orig. Grand Jury	w/ Infor- mation	Not Shown by Records
Beaufort	10		3	25		12					
Buncombe	78		1	75		1		1			
Burke	15		1	14							
Cabarrus	86			86							
Carteret	34			25		4		5			
Cherokee	22			19			3				
Cleveland	28			23							5
Columbus	34		1	33							
Cumberland	113			111		2					
Dare	6			4		2					
Davidson	70			68							2
Duplin	29			28			1				
Edgecombe	117			47		69		1			
Forsyth	154			148				3			3
Granville	31			28		2		1			
Guilford	296	2	2	178	6	100		8			
Hertford	28		1	13		14					
Johnston	47			43		1			2		1
Mecklenburg	418			346		66		6			
New Hanover	81		3	77				1			
Richmond	38			38							
Rockingham	90			60		28	2				
Stanly	4			4							
Wake	368			314		52		2			
Warren	4			4							
Totals, these cts.	2231	2	12	1811	6	353	6	27	3		11
% of Totals		(.1%)	(.5%)	(81.2%)	(.3%)	(15.8%)	(.3%)	(1.2%)	(.1%)		(.5%)
TOTAL, ALL COURTS	3492	3	54	1847	6	353	1157	44	14	1	13
% of Totals		(.1%)	(1.5%)	(52.9%)	(.2%)	(10.3%)	(33.1%)	(1.2%)	(.4%)	(.1%)	(.3%)

\*Since 1956 Lower Courts with County-wide Jurisdiction have been established in these counties.

TABLE V-N

ORIGIN OF MOTOR VEHICLE CASES IN 60<sup>1</sup> INFERIOR COURTS

Offense	Orig. in % of Total		Appeal From JP		% of Total		Transf. From Mayor		% of Total		Appealed from Rel. Ct. Total		Transf. from Juv. Dom. Rel. Ct.		% of Total		Bound Over From JP		% of Total		Bound Over From Mayor		% of Total		Records Do Not Show Total				
	Total	This Ct.	Total	From JP	Total	From JP	Total	From Mayor	Total	From Mayor	Total	Rel. Ct.	Total	Juv. Dom. Rel. Ct.	Total	From JP	Total	From Mayor	Total	Other	Total	From JP	Total	From Mayor	Total	Do Not Show	Total		
Speeding	50,761	42,844	84.6%	22	.1%	2	.1%	120	.2%	7,324	14.4%	17	.1%	3	.1%	429	.8%												
Total Non-Waiver <sup>2</sup>	27,191	22,899	84.2%	22	.1%	2	.1%	6	.1%	3,918	14.4%	15	.1%	5	.1%	326	1.2%												
Total Waiver <sup>3</sup>	15,112	15,901	81.7%					17	.1%	3,406	18.0%	2	.1%			86	.4%												
Total CBF <sup>4</sup>	4,458	4,044	91.2%					97	2.3%							17	.1%												
Drunk Driving	6,449	5,079	78.8%	1	.1%	2	.1%			1,082	16.8%	43	.7%	10	.2%	242	3.8%												
Total Non-Waiver	6,213	4,889	78.7%	1	.1%	2	.1%			1,037	16.7%	42	.7%	10	.2%	242	3.9%												
Total Waiver	155	111	71.6%																										
Total CBF	81	79	97.5%																										
Reckless Driving	7,733	6,441	83.3%	15	.2%	21	.27%			899	11.2%	19	.2%	1	.1%	264	3.4%												
Total Non-Waiver	7,236	5,998	82.9%	15	.2%	21	.3%			846	11.7%	19	.3%	1	.1%	264	3.6%												
Total Waiver	232	219	94.4%																										
Total CBF	265	224	84.5%																										
All Other Chapter 20	37,245	29,793	80.0%	19	.1%	53	.1%	20	.1%	3,858	10.1%	87	.2%	121	.3%	2,392	6.4%												
Total Non-Waiver	30,012	26,025	86.7%	19	.1%	43	.1%	20	.1%	3,234	10.8%	87	.3%	121	.4%	1,631	5.4%												
Total Waiver	3,698	3,127	84.6%																										
Total CBF	3,535	611	18.1%																										
Municipal Ordinance	11,744	11,534	98.2%	10	.1%	20	.2%	29	.3%	20	.3%	20	.2%			128	1.0%												
Total Non-Waiver	7,590	7,393	97.3%																										
Total Waiver	4,136	4,126	99.8%	10	.2%																								
Total CBF	15	15	100.0%																										
TOTAL ALL MOTOR VEHICLE CASES	113,829	95,691	83.9%	66	.1%	95	.1%	232	.2%	13,183	11.6%	166	.1%	135	.1%	3,455	3.0%												

<sup>1</sup>In one other court examined in the Criminal Court Study, the records were filed in different locations without cross-reference and in such a manner that to have obtained origin information would have been prohibitive in expense and time consumed.

<sup>2</sup>"Non-Waiver" refers to cases in which defendants did not waive appearance but appeared in court.

<sup>3</sup>"Waiver" refers to cases in which defendants executed a written waiver of appearance.

<sup>4</sup>"CBF" refers to cash bond forfeitures.



TABLE V-O

WHO ISSUED THE WARRANT IN MOTOR VEHICLE CASES IN 60<sup>1</sup> INFERIOR COURTS (1956)

Offense	Total Cases	This Court	% of Total	Clerk This Ct. Police- men	% of Total	JP	% of Total	JP-Police- man	% of Total	Mayor	% of Total	Other	% of Total	Not Shown by Record	% of Total
Speeding	50,761	15,599	30.7%	9,732	19.2%	7,300	14.4%	12,270	24.2%	69	0.1%	5,409	10.6%	382	0.8%
Total Non-Waiver <sup>2</sup>	27,191	8,982	33.0%	7,002	25.8%	4,169	15.3%	3,582	13.2%	55	0.2%	3,123	11.5%	278	1.0%
Total Waiver <sup>3</sup>	19,412	5,524	28.5%	2,728	14.0%	2,724	14.0%	6,280	32.4%	14	.1%	2,090	10.7%	52	0.3%
Total CBF <sup>4</sup>	4,158	1,093	26.3%	2	.0%	407	9.8%	2,408	57.9%			196	4.7%	52	1.3%
Drunk Driving	6,449	1,592	24.8%	1,098	17.0%	1,294	20.1%	1,468	22.7%	143	2.2%	625	9.7%	229	3.5%
Total Non-Waiver	6,213	1,533	24.7%	1,083	17.4%	1,210	19.5%	1,418	22.8%	135	2.2%	605	9.7%	229	3.7%
Total Waiver	155	45	29.0%	15	9.7%	74	47.7%			8	5.2%	13	8.4%		
Total CBF	81	14	17.3%			10	12.4%	50	61.7%			7	8.6%		
Reckless Driving	7,733	2,205	28.5%	1,507	19.5%	1,130	14.6%	2,004	25.9%	68	.9%	627	8.1%	192	2.5%
Total Non-Waiver	7,236	2,063	28.5%	1,454	20.1%	1,026	14.2%	1,818	25.1%	66	.9%	619	8.6%	190	2.6%
Total Waiver	232	107	46.1%	53	22.9%	62	26.7%			2	.9%	8	3.4%		
Total CBF	265	35	13.2%			12	15.8%	186	70.2%					2	.8%
All Other Chapter 20	37,245	12,036	32.3%	6,886	18.5%	3,318	8.9%	11,513	30.9%	132	.4%	2,643	7.1%	717	1.9%
Total Non-Waiver	30,012	9,743	32.5%	6,145	20.5%	2,839	9.5%	8,153	27.2%	102	.3%	2,383	7.9%	647	2.1%
Total Waiver	3,698	1,924	52.0%	711	20.0%	368	10.0%	358	9.7%	30	.8%	253	6.8%	24	.7%
Total CBF	3,535	369	10.4%			111	3.2%	3,002	84.9%			7	.2%	46	1.3%
Municipal Ord. Vehicle	11,741	3,367	28.7%	790	6.7%	79	.7%	6,075	51.7%	10	.1%	1,305	11.1%	115	1.0%
Total Non-Waiver	7,590	3,194	42.1%	694	9.2%	77	1.0%	2,210	29.1%	10	.1%	1,295	17.1%	110	1.4%
Total Waiver	4,136	167	4.0%	96	2.3%	2	.1%	3,865	93.4%			3	.1%	3	.1%
Total CBF	15	6	40.0%							7	46.7%			2	13.3%
TOTAL ALL MOTOR VEHICLE CASES	113,929	34,799	30.5%	20,013	17.6%	13,121	11.5%	33,330	29.3%	422	.4%	10,609	9.3%	1,635	1.4%

<sup>1</sup> In one other court examined in the Criminal Court Study, the records were filed in different locations without cross-reference and in such a manner that to have obtained origin information would have been prohibitive in expense and time consumed.

<sup>2</sup> "Non-Waiver" refers to cases in which defendants did not waive appearance but appeared in court.

<sup>3</sup> "Waiver" refers to cases in which defendants executed a written waiver of appearance.

<sup>4</sup> "CBF" refers to cash bond forfeitures.

TABLE V-P

THE COMPLAINT IN MOTOR VEHICLE CASES IN 60 INFERIOR COURTS

Offense	Total	Private Indi- vidual	% of Total	Public Official	% of Total	Man. Police	% of Total	County Police	% of Total	Sheriff or Dpt. Sheriff	% of Total	S. H. Pa- trolman	% of Total	Game Warden	% of Total	A.B.C. Officer	% of Total	Other	% of Total	Not Shown	% of Total
Speeding	50,761	135	.3%	15	.0%	15,698	30.9%	690	1.1%	213	.5%	32,738	64.5%	19	.0%	4	.0%	118	.3%	106	.8%
Total Non-Waiver	27,191	108	.4%	13	.0%	9,637	35.1%	204	.8%	191	.7%	16,272	59.8%	17	.1%	4	.1%	43	.2%	277	1.0%
Total Waiver	19,442	27	.1%	2	.0%	5,833	30.0%	66	.3%	18	.2%	13,066	67.3%	2	.0%	4	.0%	105	.5%	20	.1%
Total CBF	4,188					218	5.2%	120	10.1%	4	.0%	3,100	81.7%					109	2.6%		
Drunk Driving	6,449	129	2.0%			2,605	10.1%	134	2.0%	182	2.8%	2,968	16.0%	16	.2%	4	.0%	21	.3%	264	4.0%
Total Non-Waiver	6,213	115	1.9%			2,578	11.5%	134	2.2%	169	2.7%	2,838	15.7%	16	.3%	4	.1%	21	.3%	222	3.6%
Total Waiver	155	4	2.6%			23	14.8%			12	7.7%	106	68.1%								
Total CBF	81	10	12.3%			4	4.9%			1	1.2%	24	29.6%							42	51.9%
Reckless Driving	7,733	72	.9%	23	.3%	3,150	10.7%	452	5.8%	220	2.8%	3,500	15.3%	10	.1%	1	.0%	7	.1%	207	2.7%
Total Non-Waiver	7,236	68	.9%	5	.1%	3,095	12.8%	346	4.8%	203	2.8%	3,227	14.6%	10	.1%	1	.0%	4	.1%	195	2.7%
Total Waiver	232	4	1.7%	18	7.8%	37	15.9%	6	2.6%	17	7.3%	138	59.5%					3	1.3%	12	4.5%
Total CBF	265					18	6.8%	100	37.7%			135	51.0%								
All Other Chapter 20	37,215	423	1.2%	39	.1%	13,312	35.8%	2,079	5.6%	509	1.4%	19,863	53.3%	15	.0%	32	.1%	137	.4%	689	1.8%
Total Non-Waiver	30,012	409	1.4%	31	.1%	12,988	13.3%	1,427	3.8%	450	1.5%	11,235	47.1%	15	.0%	28	.1%	59	.2%	558	1.9%
Total Waiver	3,698	4	.1%	8	.2%	310	8.1%	47	1.2%	51	1.2%	3,171	85.6%			4	.1%	78	2.1%	10	.3%
Total CBF	3,535	10	.3%			34	1.0%	905	25.6%	8	.2%	2,457	69.5%							121	3.4%
Municipal Ordinance	11,741	50	.5%	37	.3%	11,368	96.8%	4	.1%	5	.1%	135	1.1%	4	.1%			28	.2%	104	.9%
Total Non-Waiver	7,590	36	.5%	37	.5%	7,307	96.1%	4	.1%	5	.1%	109	1.4%					10	.1%	92	1.3%
Total Waiver	4,136	10	.2%			4,052	98.2%					26	.6%	4	.1%			18	.4%	10	.2%
Total CBF	15	4	26.6%			9	60.0%													2	13.3%
TOTAL ALL MOTOR VEHICLE CASES	113,929	809	.7%	114	.1%	46,163	10.1%	3,354	3.0%	1,159	1.0%	1,009	.9%	64	.1%	37	.1%	341	.3%	1,675	1.5%



TABLE V-R

PERCENTAGE OF WAIVERS OF APPEARANCE AND CASH BOND FORFEITURES IN MOTOR VEHICLE CASES IN 61 INFERIOR COURTS, 1956

Offense	Total Cases	Total Waivers	% of Total Cases	Total CBF*	% of Total	Total CBF & Waivers	% of Total	Total Appearing in Court	% of Total
Speeding	53,765	19,446	36.2%	4,156	7.7%	23,602	43.9%	30,163	56.1%
Drunk Driving	6,965	165	2.3%	81	1.2%	246	3.5%	6,719	96.5%
Reckless Driving	8,276	238	2.9%	271	3.3%	509	6.2%	7,767	93.8%
Violations other Chapter 20	41,107	3,727	9.0%	3,524	8.6%	7,251	17.6%	856	82.4%
Violations Municipal Traffic Ordinances	13,743	4,141	30.1%	23	.2%	4,164	30.3%	9,579	69.7%
All Motor Vehicle Cases	123,856	27,695	22.4%	8,077	6.5%	35,772	28.9%	88,084	71.1%

TABLE V-S

WAIVER OF APPEARANCE AND CASH BOND FORFEITURES IN MOTOR VEHICLE CASES IN 61 INFERIOR COURTS

	Total Courts Using Waiver or CBF* Systems	High Percentage of Waiver Cases in a Court using Waiver System (% of Total Cases using Waiver)	High Percentage of CBF Cases in a Court using CBF System (% of Total Cases using CBF)	Total Courts in which Defendant used Waiver or CBF in over 50% of Cases	Total Courts in which Defendant used Waiver or CBF in over 20% of Cases
Speeding	51	94.0%	93.4%	24	41
Drunk Driving	25	40.0%	33.3%		3
Reckless Driving	27	65.0%	31.4%	1	9
Other Violations of Chapter 20	46	84.9%	73.3%	8	17
Violations of Mun. Traffic Ordinances	10	91.7%	100.0%	8	8

TABLE V-T

DISPOSITION BEFORE PLEA IN MOTOR VEHICLE CASES IN 32 SUPERIOR COURTS (1956)

Offense	Total	No. Pressed	% of Total	Remanded	% of Total	Dismissed	% of Total	No. True Bill Found	% of Total	Abated	% of Total	Other	% of Total	No. Disposition Before Plea	% of Total
Speeding	775	164	21.2%	11	1.4%	5	.6%	1	.1%	48	6.2%			546	70.4%
Drunk Driving	1,337	177	13.2%	33	2.5%	2	.1%	9	.7%	8	.6%	1	.1%	1,107	82.5%
Reckless Driving	473	89	18.8%	29	6.1%	2	.4%	3	.6%	8	1.7%			342	72.3%
Other Violations of Chapter 20	874	200	22.9%	44	5.0%	7	.8%	4	.4%	15	1.6%	2	.2%	602	68.9%
Violations of Mun. Traffic Ordinances	33	20	66.7%	2	6.1%									11	27.2%
TOTAL ALL OFFENSES	3,492	650	18.6%	119	3.4%	16	.5%	17	.5%	79	2.3%	3	.1%	2,608	74.7%

TABLE V-U

THE PLEA IN MOTOR VEHICLE CASES IN 32 SUPERIOR COURTS (1956)

	Total Pleas	Guilty Pleas	% of Total Pleas	To-Lesser Offense	% of Total	Not Guilty	% of Total	Nolo Contendere	% of Total	Other	% of Total
Speeding	546	388	71.1%	39	7.1%	71	13.0%	18	3.3%	30	5.5%
Drunk Driving	1107	543	49.1%	126	11.4%	365	32.9%	47	4.1%	26	2.3%
Reckless Driving	342	190	55.5%	23	6.7%	87	25.4%	35	10.2%	7	2.0%
Other Violations of Chapter 20	602	412	68.4%	20	3.3%	86	14.3%	65	10.8%	19	3.0%
Violations of Mun. Traffic Ordinances	11	6	54.5%			5	45.5%				
TOTAL MOTOR VEHICLE CASES	2608	1537	59.0%	208	7.9%	614	23.5%	165	6.3%	82	3.1%



**TABLE V-W**

DISPOSITION OF NOT GUILTY PLEAS IN MOTOR VEHICLE CASES IN SUPERIOR COURT (1956)

Pleas of Not Guilty	No. of Pleas	% of Total	Dismissed	% of Total	Found Guilty	% of Total	Found Guilty	% of Total	Found Guilty	% of Total	Plead Guilty Later	% of Total	Plead Guilty Later	% of Total	Not Rejected Verdict	% of Total	Dismissed	% of Total	Other	% of Total
Speeding	71	1.1%	5	7.0%	30	42.3%	19	26.8%	9	12.7%	1	.1%	2	2.8%	2	2.8%	2	2.8%		2.8%
Drunk Driving	365	3.3%	6	1.6%	170	46.6%	99	27.1%	33	9.0%	17	4.7%	9	2.5%	17	4.7%	1	.3%		.3%
Reckless Driving	87	6.9%	2	2.3%	28	32.2%	24	27.6%	5	5.7%	1	1.1%	4	4.6%	16	18.1%	1	1.1%		1.1%
Other Violations of Chapter 20	86	11.6%	3	3.5%	34	39.5%	13	15.1%	3	3.5%	2	2.3%	3	3.5%	5	5.8%	1	1.2%	1	1.2%
Violations of Mun. Traffic Ordinances	5	10.0%	2	40.0%	2	40.0%	2	40.0%	2	40.0%	1	20.0%	1	20.0%						
<b>TOTAL</b>	<b>614</b>	<b>4.7%</b>	<b>24</b>	<b>3.9%</b>	<b>264</b>	<b>43.0%</b>	<b>155</b>	<b>25.2%</b>	<b>50</b>	<b>8.1%</b>	<b>21</b>	<b>3.4%</b>	<b>18</b>	<b>2.9%</b>	<b>41</b>	<b>6.7%</b>	<b>5</b>	<b>.8%</b>	<b>1</b>	<b>1.2%</b>

**TABLE V-X**

TOTAL CONVICTIONS

Total Cases	Total Plead Guilty	Total Found Guilty	Total Found Guilty	Total Found Guilty	Total Found Guilty	Total Found Guilty	Total Found Guilty	Total Found Guilty	Total Found Guilty	Total Found Guilty	Total Found Guilty	Total Found Guilty	Total Found Guilty	Total Found Guilty	Total Found Guilty	Total Found Guilty	Total Found Guilty	Total Found Guilty	Total Found Guilty	Total Found Guilty
Speeding	775	368	18	30	9	1	2	517	66.7%	258	33.3%									
Drunk Driving	1,337	543	47	170	33	17	9	971	72.6%	366	27.4%									
Reckless Driving	473	190	35	28	5	1	4	293	61.9%	180	38.1%									
Other Violations of Chapter 20	874	412	20	65	3	2	3	558	63.8%	316	36.2%									
Violations of Mun. Traffic Ordinances	33	6	2	2	2	2	8	24.2%	25	75.8%										
<b>TOTALS</b>	<b>3,492</b>	<b>1,539</b>	<b>165</b>	<b>82</b>	<b>264</b>	<b>21</b>	<b>18</b>	<b>2,347</b>	<b>67.2%</b>	<b>1,145</b>	<b>32.8%</b>									

**TABLE V-Y**

PUNISHMENT IMPOSED IN MOTOR VEHICLE CASES IN SUPERIOR COURT

Offense	Fine Only		Costs Only		% of Total		Imprisonment		% of Imprisonment		Fine & Costs Imprisonment		% of Total		Prayer for Judgment Suspended		% of Total		Judgment Suspend		% of Total		Cash Bond Forfeiture		% of Total		Not Convicted or no Punishment Shown		
	Total	Only	Total	Only	Total	Only	Total	Only	Total	Only	Total	Only	Total	Only	Total	Only	Total	Only	Total	Only	Total	Only	Total	Only	Total	Only	Total	Only	
<b>TOTAL Motor Vehicle Cases</b>	3,492	16	4.5%	129	3.7%	161	13.2%	302	8.6%	507	14.5%	27	.8%	219	6.3%	119	12.9%	19	1.1%	10	.3%	1,323	37.9%						
Speeding	775			71	9.2%	120	16.0%	18	2.3%	50	6.5%	2	.3%	38	4.9%	180	23.2%	17	2.2%	5	.6%	270	34.8%						
Drunk Driving	1,337	13	1.0%	5	.4%	205	15.3%	142	10.6%	309	23.1%	14	1.0%	129	9.6%	77	5.8%	11	1.0%	2	.2%	127	31.9%						
Reckless Driving	473			9	1.9%	51	10.8%	39	8.2%	51	10.9%	7	1.5%	22	4.7%	56	11.8%	12	2.5%	2	.4%	224	47.1%						
Other Violations of Chapter 20	876	3	.3%	12	1.4%	81	9.3%	101	11.6%	96	11.0%	1	.1%	29	3.3%	135	15.1%	6	.7%	1	.1%	376	43.0%						
Municipal Ordinance (Vehicle)	33			2	6.1%	1	3.0%	2	6.1%					1	3.0%	1	3.0%	1	3.0%			25	75.8%						

**TABLE V-Z**

PUNISHMENT IMPOSED IN MOTOR VEHICLE CASES IN THE INFERIOR COURTS

Offense	Fine Only		Costs Only		% of Total		Imprisonment		% of Imprisonment		Fine & Costs Imprisonment		% of Total		Prayer for Judgment Suspended		% of Total		Judgment Suspend		% of Total		Cash Bond Forfeiture		% of Total		Not Convicted or no Punishment Shown			
	Total	Only	Total	Only	Total	Only	Total	Only	Total	Only	Total	Only	Total	Only	Total	Only	Total	Only	Total	Only	Total	Only	Total	Only	Total	Only	Total	Only		
<b>TOTAL Motor Vehicle Cases</b>	123,856	1,317	1.1%	32,530	26.3%	31,750	25.6%	1,603	1.6%	9,911	8.0%	56	.1%	2,090	1.7%	17,239	13.9%	3,190	2.6%	770	.6%	14,975	12.1%	8,055	6.5%					
Speeding	53,765	82	.2%	14,137	26.5%	18,987	35.1%	151	.3%	1,988	3.7%	25	.0%	316	.6%	8,733	16.2%	1,006	2.6%	100	.2%	3,383	6.3%	4,156	7.7%					
Drunk Driving	6,265	17	.2%	133	2.1%	1,209	19.1%	666	9.0%	2,256	32.1%	16	.2%	793	11.1%	120	1.8%	119	1.7%			1,217	17.5%	81	1.2%					
Reckless Driving	8,276	50	.6%	478	5.8%	1,917	23.5%	325	3.9%	1,699	20.5%	5	.0%	613	7.4%	1,083	13.1%	218	2.6%	6	.1%	1,861	22.5%	271	3.3%					
Other Violations of Chapter 20	7,767	32	.4%	162	2.1%	1,785	23.0%	666	8.6%	2,229	28.6%	16	.2%	756	9.7%	1,271	16.1%	117	1.5%			1,203	15.5%	81	1.0%					
Municipal Ordinance (Vehicle)	165			17	10.3%	67	40.6%			27	16.5%			37	22.5%	1	.6%	2	1.2%											
Total	81			17	6.9%	67	27.2%			27	11.0%			37	15.0%	1	.6%	2	1.2%											
Total Motor Vehicle Cases	216			17	6.9%	67	27.2%			27	11.0%			37	15.0%	1	.6%	2	1.2%											
Other Chapter 20	11,107	512	4.6%	9,555	23.2%	8,078	19.6%	601	1.5%	3,650	8.9%	5	.0%	613	1.6%	1,116	11.9%	1,217	3.0%	211	2.0%	6,972	17.0%	3,524	8.6%					
Total Non-Waiver	33,856	192	1.5%	7,965	23.5%	6,465	19.1%	601	1.8%	3,516	10.5%	5	.0%	615	1.8%	5,203	17.1%	1,184	3.5%	231	.7%	6,866	20.3%	3,524	8.6%					
Total Waiver	3,727	20	.5%	1,590	42.7%	1,633	43.0%			10	.3%			28	.8%	2,3	5.7%	33	.9%			106	2.8%	3,524	8.6%					
Total CBF	3,524	20	.5%	1,590	42.7%	1,633	43.0%			10	.3%			28	.8%	2,3	5.7%	33	.9%			106	2.8%	3,524	8.6%					
Total Waiver & CBF	7,251	17.6%		3,180	21.9%	3,266	22.5%			20	1.1%			38	1.1%	2,33	2.9%	33	.5%			106	1.5%	3,524	8.6%					
Municipal Ordinance	13,703	656	4.8%	7,927	57.7%	7,159	51.4%	200	1.5%	348	2.5%	10	.1%	879	6.4%	200	1.5%	1,512	11.2%	23	.2%	4,258	31.2%	2,251	16.5%					
Total Non-Waiver	9,579	611	6.4%	3,963	41.5%	3,407	35.6%	200	2.1%	332	3.5%	10	.1%	879	9.2%	196	2.0%	1,518	15.8%	23	.2%	4,258	44.5%	2,251	23.6%					
Total Waiver	4,111	12	.3%	3,960	95.9%	322	7.8%			16	.4%																			
Total CBF	23			3,970	95.6%	312	7.4%			16	.4%																			
Total Waiver & CBF	4,134	12	.3%	3,970	95.6%	312	7.4%			16	.4%																			



**TABLE V-AA**  
PUNISHMENT GIVEN IN MOTOR VEHICLE CASES IN 32 SUPERIOR COURTS — 1956

	Fine Only, Costs Only, Fine & Costs, PJC, Judgment Suspended,		Imprisonment Suspended, Fine and/or Costs and		Active Prison Term	% of Total	% of Total	Not Convicted, No Punishment Given	% of Total
	Total	Other	Total	Suspended					
Speeding Cases	775	397	88	11.4%	20	2.6%	270	34.8%	
Drunk Driving Cases	1,337	316	438	32.7%	156	11.6%	427	31.9%	
Reckless Driving Cases	473	130	73	27.4%	46	9.7%	224	47.4%	
Other Violations of Chapter 20	874	268	125	30.6%	105	12.1%	376	43.0%	
Violations of Municipal Traffic Ordinances	33	5	1	3.0%	2	6.1%	25	75.8%	
Total All Motor Vehicle Cases	3,492	1,114	726	31.9%	329	9.4%	1,323	37.9%	

**TABLE V-BB**  
PUNISHMENT IMPOSED IN MOTOR VEHICLE CASES IN 61 INFERIOR COURTS — 1956

	Fine Only, Costs Only, Fine & Costs, PJC, Judgment Suspended,		Imprisonment Suspended, Fine and/or Costs and		Active Prison Term	% of Total	Cash Bond Forfeiture	% of Total	Not Convicted, No Punishment Imposed	% of Total
	Total	Other	Total	Suspended						
Speeding	53,765	43,745	2,304	4.3%	176	0.3%	4,156	7.7%	3,384	6.3%
Drunk Driving	6,965	1,936	3,049	27.7%	682	9.8%	81	1.2%	1,217	17.5%
Reckless Driving	8,276	3,782	2,037	45.7%	325	3.9%	271	3.3%	1,861	22.5%
Other Violations of Chapter 20	41,107	25,712	4,293	62.5%	606	1.5%	3,524	8.6%	6,972	17.0%
Violations of Municipal Traffic Ordinances	13,743	11,621	348	84.6%	210	1.6%	23	0.2%	1,541	11.2%
Total All Motor Vehicle Cases	123,856	86,796	12,031	70.1%	1,999	1.6%	8,055	6.5%	14,975	12.1%

**TABLE V-CC**

AMOUNT OF FINES IN MOTOR VEHICLE OFFENSES IN SUPERIOR COURTS

Offense	\$10 or less		\$10-\$20		\$20-\$50		\$50-\$75		\$75-\$100		\$100-\$150		\$150-\$200		\$200-\$500		\$500+		Total	% of Total	No. Fines Imposed	% of Total					
	Total	% of Total	Total	% of Total	Total	% of Total	Total	% of Total	Total	% of Total	Total	% of Total	Total	% of Total	Total	% of Total	Total	% of Total									
Speeding Cases	775	43	5.54	15	1.94	92	11.9%	47	6.14	10	1.3%	27	3.5%	6	.8%	7	.9%			528	68.14%						
Drunk Driving Cases	1,337	7	.64	1	.14	33	2.5%	67	5.0%	9	.7%	18	1.4%	36	2.7%	102	7.6%	15	1.1%	4	.3%	6	.4%	512	40.5%		
Reckless Driving Cases	473	14	3.04	2	.4%	74	15.6%	34	7.24	8	1.74	20	4.24	5	1.14	2	.4%	2	.4%			312	66.04%				
Other Violations of Chapter 20	874	17	1.9%	3	.4%	98	11.2%	25	2.94	3	.3%	27	2.94	4	.4%	53	6.14	12	1.4%	4	.4%	3	.3%	695	71.5%		
Violations of Municipal Traffic Ordinance	33	1	3.04	1	3.04	1	3.04	1	3.04	1	3.04	1	3.04	1	3.04	1	3.04	1	3.04	1	3.04	1	3.04	1	3.04	31	93.94%
TOTAL MOTOR VEHICLE CASES	3,492	82	2.34	21	.64	298	8.5%	173	5.04	30	.9%	558	16.04	117	3.44	129	3.74	29	.9%	4	.14	10	.24	3	.14	2,038	58.14%

**TABLE V-DD**

AMOUNT OF FINES IN MOTOR VEHICLE CASES IN INFERIOR COURTS

Offense	\$10 or less (median)		\$10-\$20		\$20-\$50		\$50-\$75		\$75-\$100		\$100-\$200		\$200-\$500		\$500+		Total	% of Total	No. Fines Imposed	% of Total	
	Total	% of Total	Total	% of Total	Total	% of Total	Total	% of Total	Total	% of Total	Total	% of Total	Total	% of Total	Total	% of Total					
Speeding	53,765	15.821	29,444	11.3%	1,764	3.3%	924	1.7%	218	.4%	210	.4%	74	.1%	11	.02%	28,654	53.3%			
Total Non-Waiver	30,163	10.606	3,269	10.8%	1,228	4.1%	786	2.6%	192	.64	232	.8%	74	.2%	11	.04%	13,765	15.6%			
Total Waiver	19,416	5.199	2,790	14.3%	536	2.8%	138	.7%	26	.1%	8	.04%					10,749	55.3%			
Total CEF	1,156	16	.4%														1,110	99.6%			
Total Waiver & CEF	23,602	5,215	22.1%	2,790	11.8%	536	2.3%	138	.6%	26	.1%	8	.03%				14,889	63.1%			
Drunk Driving	6,965	151	2.2%	42	.6%	277	4.0%	375	5.1%	132	2.0%	3,064	11.0%	828	11.9%	136	2.0%	4	.1%	1,956	28.1%
Total Non-Waiver	6,719	142	2.1%	37	.5%	260	3.9%	369	5.5%	132	2.0%	2,969	11.2%	818	12.2%	134	2.0%	4	.1%	1,854	27.6%
Total Waiver	165	9	5.5%	5	3.0%	17	10.3%	6	3.6%			95	57.6%	2	1.2%		21	12.7%			
Total CEF	81																81	100.0%			
Total Waiver & CEF	246	9	3.7%	5	2.0%	17	6.9%	6	2.4%			95	38.6%	2	.9%		102	41.5%			
Reckless Driving	8,276	883	10.7%	920	11.1%	1,732	20.9%	893	10.8%	123	1.5%	230	2.8%	23	.3%	42	.5%	3,430	41.1%		
Total Non-Waiver	7,767	849	10.1%	884	11.1%	1,605	20.7%	887	11.4%	119	1.5%	230	3.0%	23	.3%	42	.5%	3,128	40.3%		
Total Waiver	238	34	14.3%	36	15.1%	127	53.4%	6	2.5%	4	1.7%						31	13.0%			
Total CEF	271																271	100.0%			
Total Waiver & CEF	509	34	6.7%	36	7.1%	127	25.0%	6	1.2%	4	.8%						302	59.3%			
All Other Chapter 20	44,107	6,278	15.3%	923	2.2%	5,602	13.6%	1,136	2.8%	104	.3%	262	.6%	633	1.5%	64	.2%	2	.0%	26,103	63.5%
Total Non-Waiver	33,856	5,021	14.8%	669	2.0%	5,150	15.2%	1,126	3.3%	104	.3%	256	.8%	626	1.8%	64	.2%	20,838	61.5%		
Total Waiver	3,727	1,257	33.7%	254	6.8%	142	11.9%	10	.3%			6	.2%	7	.2%		1,751	17.0%			
Total CEF	3,524																3,514	99.7%			
Total Waiver & CEF	7,251	1,257	17.3%	254	3.5%	152	6.2%	10	.1%	6	.1%	7	.1%				5,265	72.6%			
Municipal Ordinance	13,713	2,213	16.1%	79	.6%	112	.9%	24	.2%								11,285	82.1%			
Total Non-Waiver	9,579	2,403	22.0%	79	.8%	110	1.1%	24	.3%								7,263	75.8%			
Total Waiver	4,111	110	3.4%	2	.05%												3,999	96.6%			
Total CEF	23																23	100.0%			
Total Waiver & CEF	4,164	110	3.4%	2	.05%												4,022	96.6%			
TOTAL MOTOR VEHICLE CASES	123,856	25,376	20.5%	8,023	6.5%	9,487	7.7%	3,352	2.7%	577	.5%	3,796	3.1%	1,558	1.3%	253	.2%	6	.0%	71,428	57.7%



**TABLE V-EE**

AMOUNT OF COSTS IN MOTOR VEHICLE CASES IN 32 SUPERIOR COURTS

	\$5 or less		% of Total \$5 - \$10		% of Total \$10 - \$15		% of Total \$15 - \$20		% of Total \$20 - \$25		% of Total \$25 - \$30		% of Total \$30 - \$40		% of Total \$40 - \$50		% of Total \$50 - \$75		% of Total \$75 - \$100		% of Total \$100 or Over			
	Total	%	Total	%	Total	%	Total	%	Total	%	Total	%	Total	%	Total	%	Total	%	Total	%	Total	%		
Speeding	775	2.1%	76	9.8%	4	.5%	7	.9%	20	2.6%	18 <sup>(median)</sup>	24.2%	171	22.1%	19	6.3%	27	3.5%	15	1.9%	6	.8%	0	0
Drunk Driving	1,337	3.6%	99	7.4%	21	1.6%	23	1.7%	31	2.3%	81	6.1%	214 <sup>(median)</sup>	30.3%	186	13.9%	135	10.1%	79	5.9%	35	2.6%	10	.7%
Reckless Driving	473	1.3%	15	3.2%	8	1.7%	12	2.5%	12	2.5%	66	14.0%	100 <sup>(median)</sup>	21.1%	19	4.0%	22	4.6%	18	3.8%	2	.4%	1	.2%
Other Chapter 20	874	2.4%	54	6.2%	27	3.1%	26	3.0%	24	2.7%	110 <sup>(median)</sup>	16.0%	169	19.3%	53	6.1%	27	3.1%	7	.8%	6	.7%	6	.7%
Violations of Man. Traffic Ordinances	33	.1%	4	12.1%	2	6.1%	4	12.1%	2	6.1%	3	9.1%	1	3.0%	0	0	1	3.0%	0	0	0	0	0	0
TOTALS	3,102	8.7%	218	7.1%	62	2.1%	72	2.6%	89	2.9%	178	13.7%	714 <sup>(median)</sup>	24.3%	337	9.7%	212	6.1%	119	3.4%	49	1.4%	17	.5%

**TABLE V-FF**

AMOUNT OF COSTS IN MOTOR VEHICLE CASES IN INFERIOR COURTS

	\$4 or less		% of Total \$4 - \$8		% of Total \$8 - \$10		% of Total \$10 - \$15		% of Total \$15 - \$20		% of Total \$20 - \$25		% of Total \$25 - \$30		% of Total \$30 - \$40		% of Total \$40 - \$50		% of Total \$50 - \$75		% of Total \$75 - \$100		% of Total \$100 or Over		
	Total	%	Total	%	Total	%	Total	%	Total	%	Total	%	Total	%	Total	%	Total	%	Total	%	Total	%	Total	%	
Speeding	53,812	3.7%	378	.7%	533	1.0%	3,298	6.1%	19,393 <sup>(median)</sup>	26.0%	15,789	29.3%	2,606	4.8%	358	.7%	35	.1%	4	.0%	0	0	0	0	0
Drunk Driving	6,938	1.0%	68	1.0%	111	1.6%	171	2.5%	1,181	21.1%	1,828 <sup>(median)</sup>	27.1%	810	12.1%	260	3.7%	103	1.5%	24	.3%	4	.1%	4	.1%	
Reckless Driving	8,218	1.2%	109	1.3%	105	1.2%	361	4.4%	2,318 <sup>(median)</sup>	28.1%	2,006	24.3%	536	6.5%	85	1.0%	31	.4%	13	.2%	7	.1%	7	.1%	
Other Chapter 20	10,949	1.6%	364	.9%	1,421	3.5%	2,962	7.3%	10,929 <sup>(median)</sup>	27.0%	9,162	23.1%	1,199	2.9%	201	.5%	52	.1%	9	.0%	0	0	0	0	
Violations of Man. Traffic Ordinances	13,732	2.0%	309	2.3%	837	6.1%	2,167	15.8%	7,318 <sup>(median)</sup>	53.5%	107	.8%	80	.6%	10	.1%	0	0	0	0	0	0	0	0	
TOTALS	123,679	1.8%	1,228	1.0%	3,307	2.7%	8,959	7.2%	11,536 <sup>(median)</sup>	33.6%	29,242	23.6%	5,251	4.2%	914	.7%	221	.2%	17	.0%	11	.1%	11	.1%	

TABLE V-GG

WHO PAID COSTS IN MOTOR VEHICLE CASES IN 32 SUPERIOR COURTS (1956)

	Total Cases	Def. Full Costs	% of Total	Def. County's Costs	% of Total	Def. His Share	% of Total	Pros. Witness All	% of Total	Pros. Witness County's Total	% of Total	County	% of Total	Other Sources <sup>1</sup>	% of Total	No Costs Taxed	% of Total
Speeding	775	470	60.6%	6	.8%			1	.1%			64	8.3%	116	15.0%	118	15.2%
Drunk Driving	1,337	768	57.4%	10	.7%	2	.1%					330	24.7%	39	2.9%	188	14.1%
Reckless Driving	473	225	47.6%	2	.4%							136	28.8%	19	4.0%	91	19.2%
Other Chapter 20	874	408	46.7%	6	.7%	4	.5%					217	24.8%	62	7.1%	177	20.3%
Municipal Ordinance (Vehicle)	33	5	15.2%									24	72.7%			4	12.1%
TOTAL MOTOR VEHICLE CASES	3,492	1,876	53.7%	24	.7%	6	.2%	1	.1%			771	22.1%	236	6.8%	578	16.6%

<sup>1</sup>In at least one county which had no inferior courts, cash bonds were accepted in motor vehicle cases and defendants not required to appear in Superior Court. At the next term of Superior Court, the bonds would be forfeited and the costs would be taken from proceeds before the forfeited amount was forwarded to the school fund.



TABLE V-HH

WHO PAID COSTS IN MOTOR VEHICLE CASES IN INFERIOR COURTS (1956)

	Total	Def. Full Costs	% of Total	Def. Govt's Unit's Cost	% of Total	Def.'s Share	% of Total	Pros. Witness All	% of Total	Pros. Wit. Govt's Unit's Cost	% of Total	Govt. Unit	% of Total	Other	% of Total	No. Costs Taxed	% of Total
Speeding	53,765	36,470	67.8%	234	.4%	40	.1%	1,494	2.8%	100	.2%	3,136	5.8%	52	.1%	12,239	22.8%
Total Non-Waiver	30,163	23,836	79.0%	224	.7%	30	.1%	1,479	4.9%	97	.3%	2,309	7.7%	52	.2%	2,136	7.1%
Total Waiver	19,446	12,620	65.0%	10	.1%	10	.1%	15	.1%	3	.0%	263	1.4%			6,525	.0%
Total CBF	4,156	14	.3%									564	13.6%			3,578	86.1%
Total Waiver & CBF	23,602	12,634	53.5%	10	.05%	10	.05%	15	.06%	3	.01%	827	3.5%			10,103	42.8%
Drunk Driving	6,965	4,781	68.6%	30	.4%	11	.2%	293	4.2%	36	.5%	872	12.5%	8	.1%	934	13.4%
Total Non-Waiver	6,719	4,679	69.6%	30	.4%	7	.1%	293	4.4%	36	.5%	860	12.8%	8	.1%	806	12.0%
Total Waiver	165	102	61.8%			4	2.4%					6	3.6%			53	32.1%
Total CBF	81											6	7.4%			75	92.6%
Total Waiver & CBF	246	102	41.5%			4	1.6%					12	4.9%			128	52.0%
Reckless Driving	8,276	5,915	71.5%	35	.4%	11	.1%	14	.2%	96	1.2%	1,317	15.9%	17	.2%	871	10.5%
Total Non-Waiver	7,767	5,688	73.2%	20	.3%	11	.1%	14	.2%	96	1.2%	1,247	16.1%	17	.2%	674	8.7%
Total Waiver	238	223	93.7%	5	2.1%							70	25.8%			10	4.2%
Total CBF	271	4	1.5%	10	3.7%							70	25.8%			187	69.0%
Total Waiver & CBF	509	227	44.6%	15	2.9%							70	13.8%			197	38.7%
All Other Chapter 20	44,107	26,917	65.5%	492	1.2%	93	.2%	122	.3%	21	.1%	5,974	14.5%	620	1.5%	6,868	16.7%
Total Non-Waiver	33,856	23,555	69.6%	476	1.4%	93	.3%	122	.4%	16	.05%	5,495	15.3%	550	1.6%	3,849	11.4%
Total Waiver	3,727	3,320	89.1%	16	.4%					3	.1%	47	1.3%	70	1.9%	271	7.3%
Total CBF	3,524	42	1.2%							2	.05%	732	20.8%			2,748	78.0%
Total Waiver & CBF	7,251	3,362	46.1%	16	.2%					5	.1%	779	10.7%	70	1.0%	3,019	41.6%
Municipal Ordinance	13,743	5,879	42.8%	740	5.4%	20	.1%	100	.7%			2,174	15.8%	222	1.6%	4,608	33.5%
Total Non-Waiver	9,579	5,625	58.7%	740	7.7%	20	.2%	100	1.0%			2,174	22.7%	220	2.3%	700	7.3%
Total Waiver	4,144	246	5.9%											2	.05%	3,893	94.0%
Total CBF	23	8	34.8%													15	65.2%
Total Waiver & CBF	4,164	254	6.1%											2	.05%	3,908	93.9%
TOTAL MOTOR VEHICLE CASES	123,856	79,962	64.6%	1,531	1.2%	175	.1%	2,023	1.6%	253	.2%	13,473	10.9%	919	.7%	25,520	20.6%

TABLE V-JJ

LENGTH OF IMPRISONMENT GIVEN IN MOTOR VEHICLE CASES IN THE SUPERIOR COURT (1956)

Total No. of Cases	30 Days or Less		30-60 Days		60-90 Days		90 Days to 6 Months		1 to 2 Years		2 to 5 Years		% of Total		No Imprisonment Given	% of Total	Imprisonment Given	% of Total	
	Total	% of Total	Total	% of Total	Total	% of Total	Total	% of Total	Total	% of Total	Total	% of Total	Total	% of Total					
775	24	3.1%	21	2.7%	9	1.2%	19	2.5%	7	.9%	2	.3%	693	89.4%	82	10.6%			
1,337	13	1.0%	33	2.5%	73	5.5%	322	24.1%	97	7.3%	25	1.9%	773	57.8%	564	42.2%			
473	12	2.5%	50	10.6%	15	3.2%	28	5.9%	12	2.5%	4	.8%	352	74.4%	121	25.6%			
874	55	6.3%	21	2.4%	18	2.1%	63	7.2%	27	3.1%	4	.5%	603	69.0%	271	31.0%			
Violations of Chapter 20							(median) 83	9.5%											
Violations of Mun. Traffic Ordinances	33	9.1%	3	9.1%	5	15.2%	5	15.2%	25	72.7%	8	24.3%	25	72.7%	8	24.3%			
TOTALS	3,192	107	3.1%	125	3.6%	115	3.3%	457	13.1%	179	5.1%	58	1.7%	2,416	70.0%	1,016	30.0%		

TABLE V-KK

LENGTH OF IMPRISONMENT IN MOTOR VEHICLE CASES IN INFERIOR COURT (1956)

Total or Less	10 Days		10-30 Days		30-60 Days		60-90 Days		90 Days to 6 Months		6 Months to 1 Year		1 to 2 Years		2 to 5 Years		% of Total		No Imprisonment Given	% of Total	
	Total	% of Total	Total	% of Total	Total	% of Total	Total	% of Total	Total	% of Total	Total	% of Total	Total	% of Total	Total	% of Total	Total	% of Total			
53,765	1,075	2.0%	74	.1%	126	.2%	58	.1%	23	.0%	0	.0%	11	.02%	4	.01%	2,219	4.1%	51,546	95.8%	
30,156	1,391	4.6%	13	1.1%	126	1.1%	58	.5%	10	.0%	6	.0%	11	.1%	4	.0%	2,111	7.0%	28,045	93.0%	
19,507	81	.4%	21	1.1%	13	.7%	13	.7%	6	.4%	3	.2%	6	.3%	2	.1%	19,102	99.5%	4,095	100.0%	
6,965	308	4.4%	107	5.8%	627	9.0%	917	13.2%	57	.8%	333	4.8%	14	.2%	51	.7%	3,110	44.6%	3,855	55.4%	
6,719	292	4.3%	107	6.1%	611	9.1%	917	13.6%	51	.8%	313	5.0%	14	.2%	51	.8%	3,171	50.2%	3,548	49.8%	
167	16	9.6%	13	7.8%	13	7.8%	13	7.8%	6	3.6%	6	3.6%	6	3.6%	6	3.6%	39	23.3%	128	76.6%	
800	800	100%	800	100%	800	100%	800	100%	800	100%	800	100%	800	100%	800	100%	800	100%	800	100%	
7,767	778	10.0%	894	11.5%	236	3.0%	136	1.8%	23	.3%	62	.8%	9	.1%	10	.1%	2,378	30.6%	5,989	77.1%	
238	22	9.2%	23	9.7%	23	9.7%	23	9.7%	23	9.7%	23	9.7%	23	9.7%	23	9.7%	22	9.2%	216	90.8%	
271	271	100%	271	100%	271	100%	271	100%	271	100%	271	100%	271	100%	271	100%	271	100%	271	100%	
41,107	2,121	5.2%	999	2.4%	386	.9%	176	.4%	25	.1%	286	.7%	11	.03%	2	.01%	4,618	11.2%	36,489	88.7%	
33,856	2,295	6.8%	927	2.7%	324	1.0%	186	.6%	25	.1%	286	.8%	11	.03%	2	.01%	4,538	13.3%	29,318	86.7%	
3,739	106	2.8%	2	.05%	2	.05%	2	.05%	2	.05%	2	.05%	2	.05%	2	.05%	110	2.9%	3,629	97.1%	
3,312	20	.6%	20	.6%	20	.6%	20	.6%	20	.6%	20	.6%	20	.6%	20	.6%	20	.6%	3,192	99.1%	
Violations of Municipal Traffic Ordinance	13,713	356	2.6%	20	.1%	17	.1%	11	.1%	11	.1%	11	.1%	11	.1%	11	.1%	393	2.9%	13,320	97.1%
Total Non-Malver	9,579	310	3.5%	20	.2%	17	.2%	11	.1%	11	.1%	11	.1%	11	.1%	11	.1%	377	3.9%	9,202	96.1%
Total Malver	4,161	16	.4%	16	.4%	16	.4%	16	.4%	16	.4%	16	.4%	16	.4%	16	.4%	16	.4%	4,145	99.6%
Total CIF	23	23	100%	23	100%	23	100%	23	100%	23	100%	23	100%	23	100%	23	100%	23	100%	23	100%
TOTAL MOTOR VEHICLE CASES	123,856	5,260	4.3%	2,681	2.2%	1,332	1.1%	1,297	1.0%	1,150	.9%	667	.6%	106	.1%	15	.0%	13,048	10.5%	110,808	89.5%



## PART VI

# JURY TRIALS IN CRIMINAL CASES IN INFERIOR COURTS

By Bernard Harrell

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## The Right to Jury Trial in Inferior Courts

In North Carolina the right of trial by jury in criminal cases is guaranteed by the Constitution except where the legislature has, in cases of petty misdemeanors, provided for trial by other means (N.C. Constitution, Article I, Sec. 13). In enacting general laws relative to the establishment of courts inferior to the Superior Court, the legislature in most instances, has provided for jury trials in criminal cases. The lone exception is municipal-county courts (G.S. 7-240, 241, and 242), where no specific provision is made for jury trials. The statutory provisions for jury trials in inferior courts are: G.S. 7-204 (municipal recorder's courts); G.S. 7-228 (county recorder's courts); G.S. 7-287 (general county courts); G.S. 7-394 (county criminal courts); and G.S. 7-423 (special county courts). Subsequent to the enactment of the general laws relating to establishment of these inferior courts, and subsequent to the establishment over a period of years of inferior courts thereunder, the legislature has, from time to time, by local modification abrogated the jury trial provisions in some of the inferior courts established under general laws. Special act courts—those created by special act of the legislature—may or may not have jury trial provisions, depending upon the act creating the particular court.

At the present time in North Carolina there are two hundred and fifty-six inferior courts exclusive of justice of the peace courts and mayors' courts having JP jurisdiction. Of these, 186 were established under general laws enacted by the legislature. The remaining 70 were established by special acts of the legislature. Only sixty of the 256 inferior courts, established by either general law or special act, have statutory provision for jury trials in criminal cases.

Of the 61 inferior courts included in the criminal court study (excluding the pilot-study courts), 20 have statutory provisions for jury trials. Seven of these are special act courts; the remaining 13 are general law courts. The records of these 20 courts revealed that only 17 actually held jury trials in criminal cases during 1956. The other three courts, although having the statutory provisions for jury trials, did not have any criminal cases tried by jury during 1956—either because no juries were requested or because local custom dictated disposition by other means.

In inferior courts which have no provisions for trial by jury, and in inferior courts which have such provisions but do not as a matter of practice hold jury trials, requests for jury trials in criminal cases are handled in one of two ways: (1) by transferring the case to the Superior Court where jury trial is available; (2) by entering a plea of not guilty and trying the case—subject to defendant's right of appeal to the Superior Court.

The number of persons comprising the jury in inferior courts may either be six or twelve. Municipal recorder courts, county recorder courts, and special county courts are authorized by statute to have a jury consisting of six persons. General county courts and county criminal courts have provisions under general laws for 12-man juries. Special act court juries may consist of either six or twelve persons, depending on the act creating the court. In addition, the legislature may, by local modification or special act, change the number of persons comprising the jury in any inferior court. Of the 60 inferior courts in North Carolina which have statutory provisions for jury trials, 50 are required to have a jury of six persons, and ten have provisions requiring a jury of 12 persons. In the 17 inferior courts of the criminal court study which had jury trials in criminal cases in 1956, 12 had a jury comprised of six persons; five had juries comprised of 12 persons.

Unlike jury trials in the Superior Courts, jury trials in inferior courts are granted only upon demand by the defendant or the State; in the absence of such demand, the defendant is deemed to have waived his right to trial by jury. In addition, the defendant requesting trial by jury in an inferior court may be required to post what is known as a "jury tax" or "jury deposit." By statute, jury deposits are necessary in all inferior courts except general county courts and special county courts. The purpose of the jury deposit seemingly is to cover the expense of the jury trial. Questionnaire returns from 12 of the 17 inferior courts show that the amounts required as jury deposits vary from court to court as follows: \$42.00 in Cherokee County Recorder's Court (six-man jury); \$36.00 in Fuquay Springs Municipal Recorder's Court (six-man jury); \$18.00 in Thomasville Municipal Recorder's Court (six-man jury); \$15 in Cabarrus County Recorder's Court (six-man jury); \$7.00 in High Point Municipal Recorder's Court (12-man jury); \$3.00 in Benson, Selma, and Smithfield municipal recorders' courts (six-man juries). Three inferior courts, Warren County Recorder's Court, Burke County Criminal Court and the Leaksville Municipal Recorder's Court do not require jury deposits in criminal cases. In the Leaksville court, the sum of fifty cents is assessed for every criminal case and the defendant who was

tried by jury must pay extra costs if convicted. No deposit as such is required.

The sums of money paid into courts as jury deposits are dealt with in different manners by different courts. Some courts return the jury deposit if the case against defendant is nol prossed or dismissed. Some courts return the deposit if defendant changes his mind and enters a plea of guilty. Other courts retain the deposit regardless of the outcome of the case, or leave the matter within the discretion of the judge. Jury deposits in the Cherokee County Recorder's Court, Fuquay Springs Municipal Recorder's Court, Smithfield Municipal Recorder's Court, Cabarrus County Recorder's Court, Cleveland County Recorder's Court, High Point Municipal Recorder's Court and Benson Municipal Recorder's Court are retained by the court regardless of the outcome of the case. Only one court, the Selma Municipal Recorder's Court, returns the jury deposit if defendant is found not guilty, or pleads guilty, or the case is dismissed or nol prossed. One other court, Thomasville Municipal Recorder's Court, leaves the matter of the return of jury deposits within the discretion of the judge, if the case is decided in some manner before going to the jury.

The frequency of jury trial sessions in inferior courts varies from court to court and is usually dependant upon the custom of the particular court or the number of cases awaiting jury trial. Questionnaire returns from 12 of the 17 courts in which jury trials were conducted during 1956 showed that six courts held jury sessions every three months; three held jury sessions monthly; one held a jury session when enough jury cases accumulated to make a session not longer than two days in duration; one held jury trials every day in the month except Saturdays, Sundays and Mondays; one held a civil jury session one month and a criminal jury session the succeeding month. It is the feeling of some of the lower court personnel that the infrequency of jury sessions leads to delay or results in requests for jury trials for the sole purpose of delay. This opinion was expressed in interviews with such personnel.

### **The Extent of Use of Jury Trials in Inferior Courts**

Defendants in criminal cases tried in the Superior Court resorted to jury trial almost ten times as frequently as did defendants in criminal cases tried in inferior courts.

For purposes of comparison of the numbers and percentages of cases tried by jury in the inferior and Superior courts, this report has adopted the unit of count employed in the minute docket study conducted in the 100 Superior Courts of the state.

The "courtroom"<sup>18</sup> unit employed in the minute docket phase of the criminal court study as a unit of count is designed to show what was actually called as a unit for disposition and treated as one case by the court (regardless of the number of defendants and charges against them); the "charge" units<sup>19</sup> employed for the minute docket tabulations counted as a unit each charge against each defendant.

During 1956, the 100 Superior Courts of the state disposed of 21,667 "courtroom" units. Of these, 2,949 (or 13.6%) were cases which went to the jury for determination and were disposed of finally by jury verdict. Additionally, in 958 other such "cases," juries were empaneled but the cases were disposed of prior to jury verdict by a belated plea of guilty, guilty of some lesser offense, or by dismissal, nonsuit, etc.

Included in the 21,667 "courtroom" units were a total of 29,878 charges or "charge" units (the number of charge units is greater because of an occasional unit of business having either multiple defendants or multiple charges). The number of "charge" units which were disposed of finally by jury verdict was 2,505 or 11.97% of the total charge units disposed of during 1956. Considering both the "courtroom" and "charge" units, it is seen that about 1 of every 8 cases (12.00%) in the Superior Courts was disposed of by jury verdict. By contrast, only slightly more than 1 of every 100 cases in inferior courts was tried by jury. In the 17 inferior courts studied which had jury trials during 1956, only 577 of the 37,673 cases disposed of were jury trial cases (see table VI-A).

### **Type of Offenses Tried by Jury in Inferior Courts**

Jury trials were conducted in the Superior Courts for every type of criminal case during 1956. In the 17 inferior courts, however, jury trials were limited to only 12 criminal offenses. The total number of cases in these 17 courts in these 12 categories of criminal offenses was 18,723 (see table VI-B). Fifteen thousand three hundred and forty-four of these cases (82%) were disposed of other than by not guilty pleas—the remaining 3,379 (18%) were the "contested" cases in which the determination of guilt or innocence was made either by judge or by jury. Two thousand eight hundred and two of the "contested" cases were tried by judge alone whereas, 557 were tried by jury, an approximate ratio of eight tried by judge to every two tried by jury. The 557 jury trials represented 1.53% of all

18. For fuller explanation of this unit see Part II, *Prosecution of the Criminal Dockets in the Superior Courts of North Carolina*.

19. For fuller explanation of this unit see Part II, *supra*.



the cases disposed of in the 17 courts, 3.08% of the 18,723 cases falling within the 12 types of cases tried by juries in the 17 courts, and 17.07% of the contested cases (see table VI-B).

During 1956, jury trials in criminal cases in the 17 inferior courts occurred in only 12 categories of misdemeanor cases; (1) assaults, (2) trespass and malicious injury, (3) non-support, (4) liquor violation (G.S. Ch. 18), (5) public drunkenness, (6) speeding, (7) drunk driving, (8) reckless driving, (9) other motor vehicle offenses under Chapter 20, (10) worthless checks, (11) larceny and, (12) the category of "other misdemeanors." The motor vehicle offenses, *i.e.*, drunk driving, reckless driving, speeding, and other violations under Chapter 20, accounted for about two-thirds of all the cases tried by jury in the 17 inferior courts. There were jury trials in 189 drunk driving cases, the largest single offense category tried by jury in the 17 inferior courts; this was almost one-third of all the cases tried by jury in these courts. The next largest number of jury trials in any one misdemeanor case category was in the reckless driving cases, with 69 jury trials (see table VI-B). In terms of percentages (based on the total number of cases within an offense category), a greater percentage of the larceny cases were tried by jury. Of 164 larceny cases disposed of in the 17 inferior courts, 29 (17.68%) were disposed of by jury verdict. The next largest percentage of jury trials within an offense category occurred in the drunk driving cases. One hundred and eighty-nine of the 1,959 drunk driving cases were tried by jury; this was slightly more than one out of every eight cases, or 12.95%.

### **Rate of Convictions Compared in Trials by Jury and Judge**

Contrary to the belief expressed by some judicial and law enforcement officials, the percentage of convictions in jury trials in inferior courts is only slightly less than the percentage of convictions in trials by the judge. Indeed, as far as the records in the 17 inferior courts having jury trials reveal, convictions in certain types of criminal offenses tried by jury were higher than convictions in cases tried by the judge. In assaults, trespass and malicious injury, non-support, worthless checks, larceny and the category of "other misdemeanor" cases the percentage of convictions by jury was higher than when the same types of cases were tried by judge. In the following offenses the percentage of convictions in trials by the judge was higher than the conviction rate when a jury trial was had: (1) violations of the liquor laws (Chapter 18), (2) public drunkenness, (3) speeding, (4) reckless driving and (5) drunk driving.

The overall percentage of convictions in jury

trials was 69.67%, as compared with 76.01% in cases tried by judges. Numerically, the jury returned verdicts of guilty in 402 of 577 cases, whereas the judge convicted in 2,130 of 2,802 cases.

Of special interest in comparing percentages of convictions as between judge and jury is the rate of convictions in motor vehicle cases. In the speeding cases the jury convicted 83.33% (which exceeds the overall rate of convictions in jury trials by 13%) as compared to 90.06% by the judge. In reckless driving cases the jury convicted 64.17% (which is 5 1/2% below the overall percentage of convictions by jury trials) to 64.85% convictions by the judge—a difference of less than 1%. The rate of convictions in reckless driving cases tried by judge ran 11% below the overall rate of convictions in cases tried by judge alone. In the drunk driving cases, the percentage of conviction by jury was 76.19% (7.52% above the overall percentage) as compared with 84.47% by judge (see table VI-B).

### **The Judgments or Form of Punishment in Cases Tried by Judge and by Jury**

Since the judgement or form of punishment in criminal cases is imposed by the judge regardless of how the case is tried (whether by judge or by jury) it would seem that the judgments imposed in cases tried by judge and in those tried by jury would be essentially the same. The results of the criminal court study in the 17 inferior courts having jury trials revealed that, although for the cases taken as a whole the judgments are substantially the same, there are some significant differences. Furthermore, in particular types of offenses there is a striking difference between the judgments imposed in cases tried by judge and in those tried by jury.

The significant differences in the judgments imposed in cases tried by judge and in those tried by jury occurred where the judgment imposed only a fine or costs of court upon convicted defendants. Of 2,130 convictions in cases tried by the judges alone (in the 17 inferior courts having jury trials), the judgments in 24 of these was that the defendant pay a fine only. This number (24 cases) represented 1.12% of all convictions in cases tried by the judge alone. A judgment imposing the costs of court only was rendered in 189 cases tried by judge (8.87% of the total convictions in cases tried by the judge). By contrast, none of the defendants convicted in the cases tried by juries received as punishment a judgment that they pay a fine only. Likewise, in only 22 of 402 convictions (5.47%) did the defendants tried by the jury trials receive, as judgment in the case, a punishment of costs of court alone.

A cumulative analysis of these two forms of punishment (fine only and costs of court only)



shows that 10% of the convicted defendants in cases tried by the judge received one of these two forms of punishment, while only 5% of the convicted defendants in cases tried by juries were punished in such a manner. The conclusion which might well be drawn is that the judgments imposed in jury-tried cases tend to be slightly harsher than the judgments imposed in judge-tried cases.

The figures presented in table VI-C show by offense the types of judgments rendered in cases tried by judge and in those tried by jury, the number of convictions falling into each different type of judgment and the percentage of the total convictions in each type offense which received a particular type of judgment. The overall comparison of the type of judgments rendered in judge-convicted cases and in jury-convicted cases shows the following: receiving fines only, 24 or 1.12% of the judge-convicted cases, as compared with 0.00% of the jury-convicted cases; receiving costs of court only, 189 or 8.87% of the judge-convicted cases as compared with 22 or 5.47% of the jury-convicted cases; receiving both fine and costs of court, 304 or 14.27% of the judge-convicted cases, as compared to 55 or 13.68% of the jury-convicted cases; receiving imprisonment 243 or 11.40% of the judge-convicted cases, as compared to 39 or 9.70% of the jury-convicted cases; receiving imprisonment suspended, 676 or 31.73% of the judge-convicted cases as compared to 132 or 32.83% of the jury-convicted cases; receiving fine and/or costs of court and imprisonment, 16 or .75% of the judge-convicted cases as compared to 15 or 3.73% of the jury-convicted cases; receiving fine and/or cost of court and imprisonment suspended 172 or 8.07% of the judge-convicted cases as compared to 31 or 7.71% of the jury-convicted cases; receiving "prayer for judgment continued," 203 or 9.53% of the judge-convicted cases and 22 or 5.47% of the jury-convicted cases; receiving "judgment suspended," 45 or 2.11% of the judge-convicted cases and 30 or 7.46% of the jury-convicted cases. The judgments "prayer for judgment continued" and "judgment suspended" almost always contained conditions that the defendant pay costs or a fine and costs and to a lesser extent other conditions as well. As can be seen from this comparison, the types of punishment imposed in jury-convicted and judge-convicted cases do not materially vary except in those types of judgments discussed previously (see table VI-C).

The comparison of judgments in specific criminal offenses shows a more striking difference between the judgments rendered in jury-convicted and those in judge-convicted cases. For example, in drunk driving convictions 90 of 144, or 62.50%, of the defendants convicted by juries received judgments of suspended imprisonment. By comparison,

in 129 or 283 convictions by a judge the judgment took the form of imprisonment suspended—a percentage of 45.58%. On the other hand, the percentage of active jail or road sentences in the judge-convicted cases was 5.65% as compared to .69% in the jury-convicted cases (see Table VI-C).

In reckless driving cases, 18.50% of those convicted by a judge received imprisonment suspended, whereas none of those convicted by a jury received such judgment. However, the percentage of active sentences of imprisonment imposed in jury-convicted cases was 11.62% as compared to 7.09% in the judge-convicted cases. Another striking difference in the reckless driving cases was in the number of convictions which received fine, costs of court and imprisonment suspended. Over 23% of the jury-convicted cases received such judgments in the reckless driving cases, whereas none of the judge-convicted cases received such judgments.

In evaluating these differences in judgments it should be borne in mind that the percentages are based upon only 17 courts. Thus the difference in sentencing habits of any one judge might have profound effect upon the overall picture. The percentages do, however, tend to show that there are wide differences where specific categories of criminal cases are compared.

### **Costs of Court in Contested Cases in Inferior Courts**

The additional costs taxed in cases tried by juries in inferior courts to cover the expense of impaneling a jury and paying jury expenses results in considerably higher costs per case. Table VI-D compares costs of court taxed against convicted defendants; this table contains categories of costs of court, starting at \$4.00 and ranging to over \$50.00. As the table reveals, in over 65% of the cases tried by judge alone the costs of court ranged from \$10.00 to \$20.00. The median costs in the cases tried by a judge fell in the \$15 to \$20 range. In the cases tried by jury, median costs fell in the \$20 to \$25 range.

Commencing at the lowest range of court costs and comparing the costs in cases tried by judge with those tried by jury the following results are seen: paying costs ranging from \$4.00 to \$10.00—6.45% of the cases tried by judge and 9.52% of the cases tried by jury; paying costs ranging from \$10.00 to \$15.00—31.39% of the cases tried by judge and 13.33% of the cases tried by jury; paying costs ranging from \$15.00 to \$20.00—34.97% of the cases tried by judge and 21.58% of the cases tried by jury; paying costs ranging between \$20.00 and \$25.00—17.42% of the cases tried by judge and 27.30% of the cases tried by jury; paying costs ranging from \$25.00 to \$30.00—6.27% of the

cases tried by judge and 5.07% of the cases tried by jury; paying costs ranging from \$30 to \$40—0.00% of the cases tried by judge and 3.80% of the cases tried by jury. The average costs in cases tried by jury was approximately \$5.00 to \$10.00 higher than the average costs in cases tried by the judge.

By specific offenses, the median costs of court was highest in the motor vehicle cases and in cases involving violations of the liquor laws tried by jury. In drunk driving cases, over 65% of the defendants paying costs were assessed amounts ranging between \$20.00 and \$50.00. In this same category 46% of the cases tried by judge had costs ranging between \$20.00 and \$50.00. In the reckless driving cases 75% of the cases tried by jury carried costs ranging from \$20.00 to \$50.00; this compares with 30% of the cases tried by judge which had similar costs of court assessed. Costs of court in the liquor violations shows that 50% of the jury-tried cases and 65% of the judge-tried cases paid costs ranging from \$20.00 to \$40.00. In almost every type offense tried by both judge and jury in inferior courts the costs assessed in jury trials was higher than in the cases tried by judge alone. (See Table VI-D).

If the amount of the jury deposit or "tax" required of the accused in advance of trial were added to the costs taxed in jury cases, a much greater difference in the amounts paid by the defendants convicted by juries would be evident. As has been previously seen, jury deposits in the 17 inferior courts having jury trials vary from a low of \$3.00 to a high of \$42.00. This deposit or "tax" is over and above the usual costs of court, and is not included in the figures shown in table VI-D.

### **Comparison of Fines Imposed in Inferior Courts in Cases Tried by Jury and in Cases Tried by a Judge**

In the previous section (concerning costs of court) it was seen that costs of court in cases tried by jury in inferior courts was, as might be expected, higher than in cases tried by the judge alone. In analyzing and comparing the amounts of fines imposed in inferior courts in contested cases (those tried either by a judge or jury) a similar conclusion is reached. The difference in fines imposed in cases tried by judge and in those tried by jury is more striking than the differences found in costs of court. The total figures and the percentages presented in Table VI-E show that in more than 50% of the cases tried by jury, where fines were imposed, the amounts of fines ranged from \$76 to \$200.00; whereas in the cases tried by judge alone only 34% paid fines within the \$76.00 to \$200.00 range (see Table VI-E). In the upper range of fines—those exceeding \$200.00—

8.7% of the jury-tried cases and only 3.8% of the judge-tried cases had fines imposed in such amount. Consistent with the figures showing fines to be higher in the jury-tried cases, it is noted that more than 55% of the fines imposed in the judge-tried cases were below \$50.00 in amount. (See Table VI-E).

The median fine in cases tried by jury was between \$76.00 and \$100.00 (39.4% of the fines imposed in the jury-tried cases fell in this range). Furthermore, more than one-half of the fines imposed in jury-tried cases were above \$76.00 and ranged up to over \$200.00. By comparison, the median fine in the judge-tried cases was in the \$21.00 to \$30.00 range (23.4% of the fines imposed in the judge-tried cases fell within this range).

The highest fines imposed in both the judge-tried and jury-tried cases occurred in drunk driving cases where 66.4% of the jury-tried and 62.2% of the judge-tried cases had fines which were in the range \$76.00 to \$100.00. As can be seen in Table VI-E, a substantial percentage of the fines imposed in drunk driving cases were in the ranges of \$101.00 to \$150.00, and \$151.00 to \$200.00.

It should be noted that in more than 10% of the jury-tried cases the fines imposed exceeded the amount of \$200.00; in the judge-tried cases only 3.05% of the fines imposed exceeded such an amount, although in no jury-tried cases were the fines in the highest registers: \$301.00 to \$400.00, \$401.00 to \$500.00, and over \$500.00. As shown by table VI-E, a few of the fines imposed in judge-tried liquor and drunk driving cases were in these uppermost ranges. However, the overall distribution of fines imposed in jury tried cases is higher on the scale than are fines in judge-tried cases.

In conclusion, it can be said that the defendant who desires a jury trial in all likelihood will have to pay, if convicted, a higher fine than if he had been tried and convicted by a judge alone.

### **Length of Imprisonment in Cases Tried by Judge and in Cases Tried by Jury**

In a previous section of this report, the section dealing with the types of judgments imposed in cases tried by judge and in those tried by jury, the form of judgments imposed in cases tried by judge and in those tried by jury was discussed. The table (Table VI-D) supplementary to that section shows that some form of imprisonment was imposed in 1,107 of the cases tried by the judge alone and in 217 of the cases tried by a jury. These figures include the imposition of active sentences of imprisonment as well as the sentences of imprisonment suspended upon any of a number of conditions. They include also those active and suspended sentences which were in addition to other



punishment, e.g., fine and or cost and imprisonment suspended, fine and or cost and imprisonment.

This section is concerned with the "quantum" or length of the jail or road sentences imposed, whether they were suspended or not and whether they were in addition to other punishment.

The terms of imprisonment imposed in cases tried by a jury, when taken as a whole, were longer than the sentences of imprisonment imposed in the cases tried by judge. The median term of imprisonment in the cases tried by a jury was 4 months in duration; more than 25% of the cases tried by jury, in which the record revealed the length of imprisonment, fell into the 4-month terms. The median term of imprisonment in the cases tried by judge, on the other hand, was 60 days in length. Two hundred and ninety-six of the 1,064 judge-tried cases, in which the terms of imprisonment were shown, fell into "30 day or less" category—this was the mode in judge-tried cases and was a percentage of 27.8% of the total cases in which the length of the term was shown (see Table VI-F); the term most frequently imposed in jury-tried cases was four months (28.3%). Furthermore, in over 50% of the terms of imprisonment in the judge-tried cases the duration of the sentences was 60 days or less; whereas, in the jury-tried cases only 26% of the terms of imprisonment were for 60 days or less.

It will be noted in Table VI-F that the number and percentage of terms of imprisonment which fell into the longer terms of imprisonment (those 9 months in duration or longer) occurred in the judge-tried cases. This is probably due to the fact that the number of jury-tried cases available for comparison was limited to 17 inferior courts which had jury trials during 1956. Nevertheless, the median length of imprisonment in the jury-tried cases was greater than in the judge-tried cases.

In comparing the length of terms of imprisonment imposed in specific case categories, it will be noted that the median term of imprisonment imposed in the jury-trial cases, consistent with the overall picture, was greater than in the judge-tried cases. In the drunk driving cases the median length of imprisonment and the term most frequently imposed for both the judge-tried and jury-tried cases was 4 months in duration. However, it will further be noted that 54% of the jury-tried cases fell in this category compared with only 24% of the judge-tried cases. In both reckless driving and speeding cases the median length of imprisonment terms was greater in the jury-tried cases; in reckless driving cases the judge-tried median was 60 days; in jury-tried cases, 6 months; in speeding cases, the median imprisonment in jury-tried cases was 60 days; in judge-tried cases, 30 days or less. In other offense

categories having sufficient cases as a basis of comparison, the same result is apparent. (See Table VI-F).

The conclusions to be drawn from the above discussion is that the defendant choosing to have his case tried by jury in the lower courts, if he is convicted, probably will receive a longer term of imprisonment than if his case had been tried by the judge sitting as the jury. The attitude of the trial judges in the inferior courts could well account for this difference in the length of imprisonment.

### **Availability of Jury Trial in Lower Courts—Effect on Superior Court Dockets**

In inferior courts which do not have the statutory provision for jury trials, and in those few courts which do not allow jury trials (even though they have the necessary statutory authority) the cases in which jury trials are requested are usually transferred to the Superior Courts for jury trial. During 1956, in the 35 counties of the criminal court study (including the three pilot counties), 820 cases were transferred from inferior courts to the Superior Courts for jury trial. These cases represented 6.21% of all cases disposed of by the 35 Superior Courts during 1956. All of these cases were misdemeanor cases which would ordinarily be tried by the inferior courts.

Although the total number of such cases may form a relatively small portion of the total cases in the Superior Courts, their addition to the dockets of the Superior Courts does place a further burden on the work-loads of the courts. But for the 17 courts which did have jury trial during 1956, 577 other cases would have been transferred to the Superior Courts for trial. Were these 577 cases added to the dockets of the Superior Courts the overall case load of the Superior Courts would be increased by 4.37%. The aggregate of those cases transferred for jury trial (820) and those cases which had jury trials below (577) would be more than 10% of the cases disposed of in the Superior Courts of the thirty-five counties during 1956.

### **Summary**

1. In inferior courts having jury trials the rules and practices governing the jury (such as jury deposits, frequency of jury sessions and the number of persons comprising the jury) vary greatly from one court to another.

2. Jury trials in inferior courts are utilized to a much lesser extent than jury trials in Superior Courts. A very small percentage (1.56%) of all the cases in inferior courts holding jury trials are tried by jury. In the Superior Courts, however, one of every 8 cases disposed of is tried by jury.

3. The types of criminal cases tried by juries

in inferior courts are limited to a few categories of criminal cases, usually the more serious misdemeanors. The motor vehicle cases represent a large portion of all the cases which are tried by juries in inferior courts.

4. A comparison of the rate of convictions in cases tried by judge and in those tried by jury in inferior courts shows a slighter difference than might be supposed. In some offenses the rate of convictions in jury-tried cases is higher than in the judge-tried cases. However, the overall conviction rate of judge-tried cases is higher than in the jury-tried cases.

5. The judgments or form of punishment in jury-tried cases and in judge-tried cases does not differ significantly. Taken as a whole, however, judgments imposed in jury-tried cases are slightly harsher.

6. The "quantum" of punishment imposed in jury-convicted cases, whether the punishment be fine, or costs, or a sentence of imprisonment in some form, or a combination of any or all of these, is harsher than in cases tried and convicted by the judge alone. Generally, a defendant choosing to have a jury trial runs the risk of a more severe punishment.

TABLE VI-A  
NUMBER AND PERCENTAGE OF JURY TRIALS  
IN 17 LOWER COURTS DURING 1956

Court	Total % Jury		Total
	No. Cases	Trials	
Benson Municipal Recorder's Court	1476	20	1.35
Burke County Criminal Court	2532	54	2.13
Cabarrus County Recorder's Court	2870	40	1.39
Cherokee County Recorder's Court	700	9	1.28
Clayton Municipal Recorder's Court	368	10	2.71
Cleveland County Recorder's Court	3990	90	2.25
Columbus County Recorder's Court	2904	40	1.66
Duplin General County Court	1600	15	.93
Fuquay Municipal Recorder's Court	1206	12	.99
High Point Municipal Recorder's Court	9890	140	1.41
Johnston County Recorder's Court	569	11	1.93
Kenly Municipal Recorder's Court	1570	10	.63
Leaksville Municipal Recorder's Court	1407	33	2.34
Seima Municipal Recorder's Court	1278	33	2.58
Smithfield Municipal Recorder's Court	1482	9	.60
Themasville Municipal Recorder's Court	2990	50	1.67
Warren County Recorder's Court	841	11	1.30
TOTALS	37,673	577	1.53%



TABLE VI-B

JURY TRIALS IN CONTESTED CRIMINAL CASES  
(Based on Criminal Cases Abstracted in 17 Courts)

Offenses	No. Cases	Cases Disposed of other than by Plea of		Not Guilty Pleas	Not Guilty Pleas Tried by Jury	% Cases within Offense	Number Convicted by Jury	% Convicted by Jury	Not Guilty Pleas Tried by Judge	% of Total Cases within Offense	No. Cases Convicted by Judge	% Convicted by Judge
		No. Cases	Not Guilty									
ASSAULT	773 (7)**	115	358	28	24	3.62%	24	85.71%	330	42.69%	196	59.39%*
TRESPASS; MAL. INJ.	6 (1)	1	5	1	1	16.66%	1	100.00%	4	66.66%	2	50.00%
NON-SUPPORT	255 (3)	105	150	12	9	4.70%	9	75.00%	138	54.11%	102	73.18%
LIQUOR (Ch. 18)	1243 (9)	763	480	59	19	4.74%	19	32.02%	449	36.12%	360	80.17%
PUBLIC DRUNK	1569 (4)	1358	211	31	21	1.97%	21	67.71%	180	11.47%	128	71.11%
SPEEDING	8174 (11)	7786	388	66	55	.80%	55	83.33%	322	3.93%	290	90.06%
RECKLESS DRIVING	1307 (10)	888	419	69	43	5.27%	43	64.17%	350	26.77%	227	64.85%
DRUNK DRIVING	1459 (13)	935	524	189	144	12.95%	144	76.19%	335	22.96%	283	84.47%
OTHER CH. 20	2719 (7)	2260	459	43	17	1.58%	17	39.53%	116	15.29%	316	75.96%
WORTHLESS CHECKS	85 (2)	62	23	11	11	12.94%	11	100.00%	12	14.11%	10	83.33%
LARCENY	164 (3)	107	57	29	29	17.68%	29	100.00%	28	17.07%	24	85.71%
OTHER MISDEMEANOR	969 (4)	664	305	39	29	4.02%	29	75.35%	266	27.45%	192	72.18%
TOTAL	18,723	15,344	3,379	577	402	3.08%	402	69.67%	2,802	14.96%	2,130	76.01%

\*60 assault cases not processed on condition defendants pay the cost.

\*\*Parenthesis indicate the number of courts which had jury trials in the specific type of criminal case.





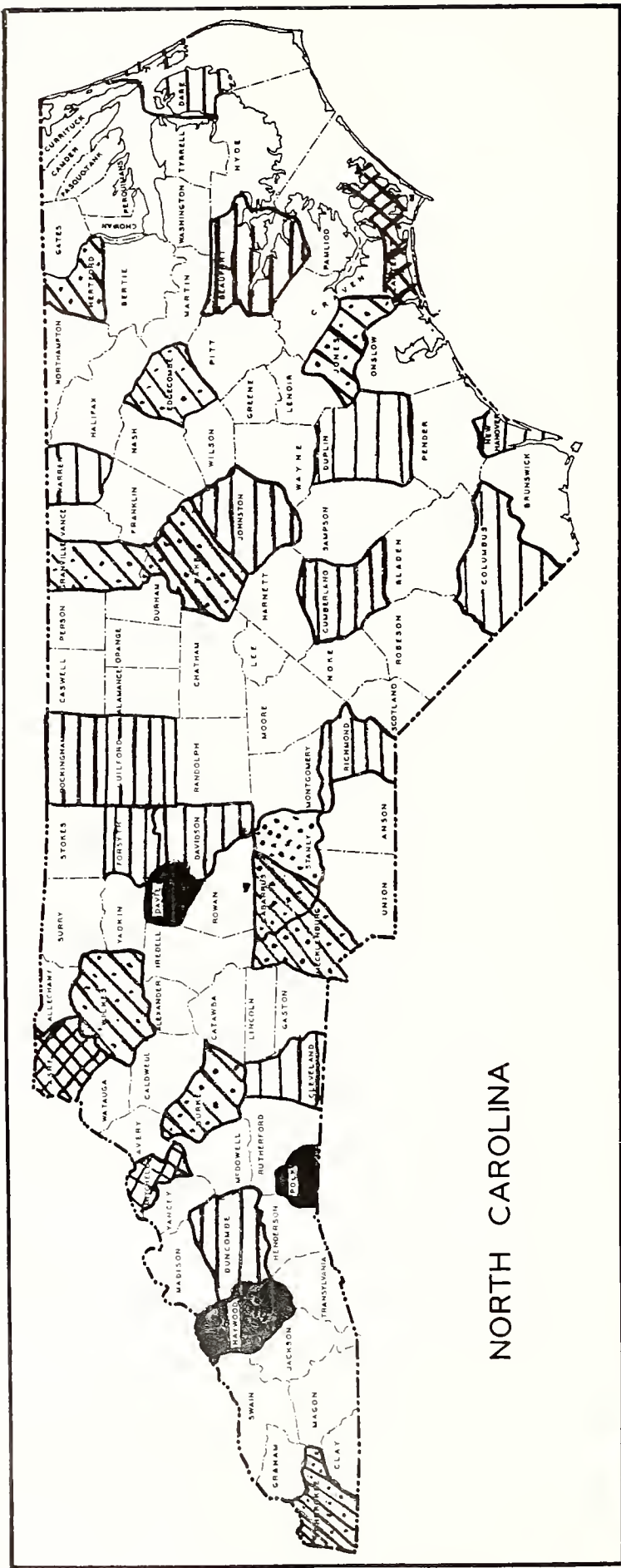
TABLE VI-D

COMPARISON OF COSTS OF COURT TAXED TO CONVICTED DEFENDANTS  
(Based on Criminal Case Abstracts in 17 Courts)

	Total No. Paying Costs		\$4 to \$10		\$10 to \$15		\$15 to \$20		\$20 to \$25		\$25 to \$30		\$30 to \$40		\$40 to \$50		Over \$50	
	Judge	Jury	Judge	Jury	Judge	Jury	Judge	Jury	Judge	Jury	Judge	Jury	Judge	Jury	Judge	Jury	Judge	Jury
ASSAULT	147	25	36	10	50	22	12	25	1	10	2	4						
TRESPASS	2	1	24.5%	40.0%	34.0%	1	17.0%	33.3%	1	4.0%	8.0%	2.7%				1		
NON-SUPPORT	60	3				45	9	15.0%										
LIQUOR	206	10				14	5	75.0%										
PUBLIC DRUNK	93	23				12	30	23.3%										
SPEEDING	262	50				30	10	50.0%										
DRUNK DRIVING	275	115				5.8%	32.2%	32.2%										
RECKLESS DRIVING	195	20				11.8%	13.5%	13.5%										
CHAPTER 20	161	22				8.1%	20.0%	20.0%										
WORTHLESS CHECKS	23	0				2.2%												
LARCENY	134	29				1.5%												
OTHER MISDEMEANOR	146	19				5.0%												
TOTAL	1704	317	110	30	535	42	68	297	86	107	18	59	61	12	3.8%			
			6.4%	9.5%	31.4%	13.3%	23.6%	17.4%	27.3%	6.3%	5.7%	3.5%	19.3%					







- Over 2/3 of cases disposed of in 1956 were Motor Vehicle cases.
- 1/2 to 2/3 were motor vehicle cases.
- 1/4 to 1/2 were motor vehicle cases.
- 1/10 to 1/4 were motor vehicle cases.
- Less than 1/10 were motor vehicle cases.

Incidence of motor vehicle cases in 32 Superior Courts, 1956