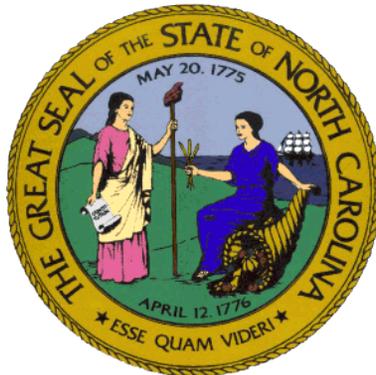


THE 26TH JUDICIAL DISTRICT OF NORTH CAROLINA

# A QUICK GUIDE TO THE COURT



**The Trial Court  
Administrator's Office**

**THE 26TH JUDICIAL DISTRICT  
OF NORTH CAROLINA**

Mecklenburg County Courthouse  
832 East Fourth Street  
Suite 4420  
Charlotte, North Carolina 28202

Phone: 704-686-0260  
Fax: 704-686-0340



## **Mecklenburg County Court System**

[www.nccourts.org/County/Mecklenburg/Default.asp](http://www.nccourts.org/County/Mecklenburg/Default.asp)

## MISSION STATEMENT



To provide fair and accessible justice to the community is the fundamental mission of the Court and its justice partners in Mecklenburg County.

We are committed to working collaboratively with the community to prevent and solve problems to enhance the quality of life for all.

In the state's largest and most complex judicial district, we administer, deliver and uphold justice with a commitment to the fundamental values and principles of:

Fairness  
Justice  
Integrity  
Respect  
Wisdom  
Cooperation  
Quality  
Community Responsibility

## District Court Mecklenburg County

The District Court is divided into 42 district court districts. The jurisdiction of the District Court is extensive and may be divided into four categories: criminal, civil, juvenile, and magisterial.

The criminal jurisdiction of the District Court Division includes preliminary "probable cause" hearings in felony cases, and virtually all misdemeanor and infraction cases. The District Court also has jurisdiction to accept guilty pleas in certain felony cases. Trials in criminal and infraction cases are by district court judges; no trial by jury is available for such cases. Appeals are to the superior court for trial de novo before a jury.

In addition, the district courts share concurrent jurisdiction with the superior courts in general civil cases. However, the District Court is the "proper" division for general civil cases where the amount in controversy is \$10,000 or less. Civil cases in District Court may be tried before a jury; appeals are to the Court of Appeals

All civil cases involving claims for money damages of \$15,000 or less are subject to court-ordered, non-binding arbitration. Certain property disputes, family law matters, estates, special proceedings, and class actions are excluded from court-ordered arbitration. If a case is not resolved at arbitration, it may be appealed and heard before a judge or jury.

The court's jurisdiction also extends to all juvenile proceedings, mental health hospital commitments, and domestic relations cases. Juvenile proceedings concern children who are delinquent, undisciplined, abused, neglected, or dependent. These proceedings are initiated by petition, and the hearing conducted by the judge may be less formal than in adult cases. Juveniles alleged to be delinquent are entitled to have the court appoint counsel for them.

Magistrates are also judicial officers of the District Court Division. In criminal cases, magistrates issue arrest and search warrants, conduct initial appearances, and determine conditions of pretrial release. For some relatively minor offenses they may accept guilty pleas, impose punishment and conduct trials. In civil cases, they preside over the trial of small claims (\$5,000 or less).

*Superior Court Mecklenburg County*

The Superior Court is the trial court of general jurisdiction in North Carolina. The counties are grouped into 46 superior court districts, which in turn are grouped into eight divisions. One or more superior court judges are elected for each superior court district.

The Superior Court is the proper division for the trial of civil actions in which the amount in controversy exceeds \$10,000. It is also the proper division, without regard to the amount in controversy, for certain special proceedings, condemnation actions and proceedings, corporate receiverships, review of decisions of administrative agencies, and where the principal relief sought is injunctive or declaratory to establish the validity of a statute, ordinance or regulation, or enforcement or declaration of any claim of constitutional right. In addition, the Superior Court Division, through the clerk of superior court, has exclusive original jurisdiction for probate of wills and for administration of decedent's estates.

As to criminal jurisdiction, the Superior Court has original jurisdiction in all felony cases and in some misdemeanor cases. Most misdemeanors are tried first in the District Court, from which a conviction may be appealed to the Superior Court for trial de novo by a jury. Both criminal and civil cases in superior court are tried before a twelve-person jury.

The North Carolina Constitution requires superior court judges to rotate between districts, or "ride circuit." Each superior court judge holds court for at least six months in a superior court district. The rotation method was developed to avoid any favoritism that might result from always having the same judges hold court where they live, where they might be personally familiar with and interested in the cases brought before the court.



*MEET YOUR COURT OFFICIALS*



**The Honorable Robert P. Johnston**  
Senior Resident Superior Court Judge

*The Senior Resident Superior Court Judge has the most seniority of the superior court judges in the district and is responsible for carrying out various administrative duties.*

**Education:** J.D., Stanford University, Palo Alto, CA; B.A., Carleton College, Northfield, Minnesota

**Experience:** Superior Court Judge since 1991; District Court Judge, 1982-1990; private practice, 1975-1982

**Community Involvement:** Past President, Mecklenburg Bar Foundation; Member, Courts Commission; Colonel, United States Army Reserve (Ret.);



**The Honorable Lisa C. Bell**  
Chief District Court Judge

*The Chief Justice of the Supreme Court of North Carolina designates one of the District Court Judges as Chief District Court Judge, and this judge has administrative duties, including assigning the judges to sessions of court.*

**Education:** J.D., University of North Carolina, School of Law; B.A., Wake Forest University

**Experience:** District Court Judge in Family Court since 1998; appointed Chief District Court Judge of District 26 effective January 1, 2009. Prior to her election in 1998, Judge Bell was in private practice as a Family Lawyer and Attorney Advocate with the Children's Law Center.



**Peter S. Gilchrist**  
District Attorney

*The District Attorney is an attorney who is elected for a four-year term by the voters within the district he or she serves. District attorneys are not allowed to engage in the private practice of law. The primary duty of the district attorney is to represent the state and see that appropriate justice is applied. The district attorney represents the state in all criminal and some juvenile matters. In addition, the district attorney is responsible for preparing the criminal trial docket and advising law enforcement officers in the district.*

**Education:** Charlotte, North Carolina Public Schools; Woodberry Forest School, Orange, Virginia, 1958; University of North Carolina at Chapel Hill, A.B. English, 1962; Duke University School of Law, L.L.B., 1965; Special Student in Accounting with Courses at The University of North Carolina, Duke University, Queens College

**Experience:** Assistant Solicitor 26th Judicial District, June 1970 - December 1974; Financial Officer - Groundhog Mountain Corporation, October 1969 - May 1970; Legislative Liaison for Charlotte Chamber of Commerce, 1969 Session of General Assembly, January 1969 - June 1969; Solicitor - Mecklenburg County Domestic Relations Court July, 1968 - December 1968; Tax Senior, Arthur Andersen & Co. September 1965 - July 1968



**Kevin P. Tully**  
Public Defender

*The Public Defender represents persons charged with criminal offenses who cannot afford to hire a private attorney. The Senior Resident Superior Court Judge appoints the Public Defender for a term of four years. Defendants assigned by the court are represented by the Public Defender's Office at the State's expense. Attorneys in the Public Defender's Office handle misdemeanor and felony trials and represent defendants on motions for appropriate relief. The Public Defender also represents persons who are facing involuntary commitment for mental illness, alcohol problems or drug abuse, as well as juveniles who are charged as delinquents.*

**Education:** University of North Carolina at Chapel Hill School of Law in 1989.

**Experience:** Mr. Tully has held various positions with the Mecklenburg County Public Defender's Office since 1989. He was sworn in as the Public Defender on January 1, 2007.

## SMART JUSTICE



### I-CAN!

I-CAN! is a web-based service designed to provide convenient, effective access to legal services for those who cannot afford an attorney or those who wish to represent themselves in court. I-CAN! allows you to take the information you provide and insert it into the proper place on the court form. It even provides you with step-by-step instructions for what to do after you have completed your forms. I-CAN! is designed for individuals with little or no knowledge of computers. I-CAN! features a video guide that asks users a series of simple questions about your case, the answers to which are then automatically matched to the appropriate fields on the form.

*Try I-CAN!*

Official  
E-Court Forms  
for Mecklenburg County, NC

Divorce  
Child Custody/Visitation  
Child Support  
Name Change

[www.icandocs.org/nc](http://www.icandocs.org/nc)

## SMART JUSTICE



### Mecklenburg Traffic Ticket Website

If you receive a traffic ticket in Mecklenburg County, you can negotiate your ticket on-line. This option is only available if your ticket meets the following criteria:

- You are charged with speeding more than 5 mph but less than 20 mph over the posted speed
- You receive a citation for a compliance matter (expired tag, driving with no vehicle insurance, etc.)

<http://mecktraffictickets.mecklenburgcountync.gov>

\*This offering provides a more convenient method for conducting business with the court and improves access to justice for our citizens.



**The Honorable Martha Curran**  
Clerk of Superior Court

*The Clerk of Superior Court is elected for four years and must be a resident of the county in which he or she is elected. Unlike clerks of court in other states, the Clerk of Superior Court in North Carolina has numerous judicial functions. As judge of probate, the Clerk has exclusive original jurisdiction over matters relating to the probate of wills, and the administration of estates, including appointing personal representatives, auditing their accounting, and removing them from office if necessary. The Clerk also presides over many other legal matters including adoptions, incompetency proceedings, condemnation of private lands for public use, and foreclosures. The Clerk is responsible for all clerical and record-keeping functions of the district and superior court. In addition, the Clerk receives and disburses money collected each year from court fees and fines.*

**Education:** University of South Carolina School of Law, 1979



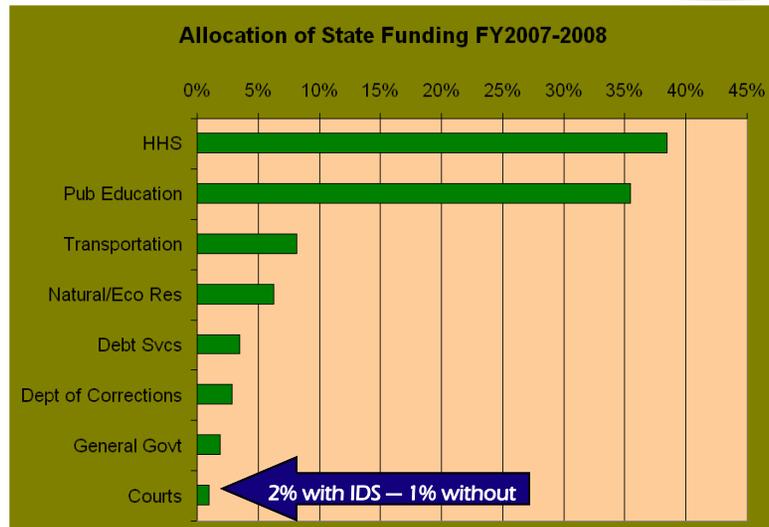
**Todd Nuccio**  
Trial Court Administrator

*Trial Court Administrators are hired by the Senior Resident Superior Court Judge and the Chief District Court Judge. This is a state-funded position established to improve the administration of justice through professional management. The TCA works directly and through staff as a facilitator for change by initiating and coordinating discussions to identify problems and recommend solutions that lead to a more effective and efficient court system. Specific areas of involvement include: development of local rules and administrative policies to facilitate calendaring and other administrative activities, research and strategic planning, budgeting, personnel oversight, facilities management, grant procurement and administration, program development and project management.*

**Educational Background:** B.A. , Political Science, Northern Illinois University; BA, Psychology, University of North Carolina at Charlotte; MS, Judicial Administration, University of Denver College of Law

**Professional Background:** Trial Court Administrator, 26<sup>th</sup> Judicial District of NC, 1992-present; Associate Instructor, UNC-Charlotte, 1997-1999; Trial Court Administrator, 12<sup>th</sup> Judicial District of NC, 1987-1991; Assistant Court Administrator, 7<sup>th</sup> Judicial District of Iowa, 1986-1987

## DID YOU KNOW?



**NC Quick Facts**

~NC ranks 2nd to last in the number of judges per capita at 1.3 FTE per 100,000 population.\*

~The overall national average is 3.0 FTEs per 100,000 population for general jurisdiction courts and 5.7 for unified courts.\*

\*NCSC, Examining the Work of State Courts, 2006

~NC ranks 1st in the number of incoming criminal cases per 100,000 population.\*

~NC ranks 50th in % of justice system funding spent on courts.\*\*

▶\*NCSC, Examining the Work of State Courts, 2006

Ø\*\*Bureau of Justice Statistics, Criminal Justice Expenditure and Employment Extracts Program, 2006.

**Mecklenburg Quick Facts**

~Mecklenburg processes 9.62% of all filings and dispositions in the state (FY 2007-08).

~Mecklenburg has 9.52% of the population in the state (2007).

~Mecklenburg logs approximately 18% of the Violent Crime Index & approximately 15% of the Property Crime Index in the state (2007).

~Mecklenburg receives approximately 7% of the Judicial Branch budget based on FTE positions. (FY2007-08)

### Funding Breakdown Mecklenburg County Courts

▶ **Total Funding**

◆ FTE and Supplemental- \$32,655,330

▶ **State Funding - FTEs**

◆ Mecklenburg - \$26,441,843 (80%)

▶ **Supplemental Discretionary Funding**

◆ Mecklenburg County - \$4,517,036

◆ City of Charlotte - \$1,696,451

◆ Total City and County - \$6,213,487 (20%)