

Know Your Judges

Purpose

Judges are tasked with ensuring that proceedings remain fair to both sides. They are expected to be impartial as they enforce the rules of each proceeding. Such rules may relate to:

- **What evidence can be presented in a trial.** Judges should prevent lawyers from presenting bad evidence, such as evidence obtained by an illegal search or coerced confession, or evidence that is irrelevant
- **When a party can have access to another party's evidence.** Rules relating to when a party must hand over evidence to another are called "rules of discovery." Judges are tasked with enforcing them.

In addition to enforcing rules, judges also have some discretion to make decisions on their own such as:

- **Whether to grant bail and how much**
- **In some situations, how a defendant should be sentenced**

(Heading- Elections)

Elections of judges in North Carolina are non-partisan. Superior and District Court Judges are nominated and elected by voters of their district. Judges then rotate from district to district every six months to avoid favouritism of the attorneys they will become accustomed to seeing daily.

Superior Court Judges

Superior Court Judges hear various types of cases. In civil court, they hear:

- Cases in which the amount in controversy exceeds \$25,000
- Appeals from administrative agencies

In criminal court, they hear:

- All felony cases
- Certain misdemeanor cases
- Appeals of misdemeanor infraction cases from District Court

District Court Judges

District Court Judges also hear a variety of cases.

In civil court, they hear:

- Cases where the amount in controversy is less than \$25,000
- Divorce and alimony cases
- Custody cases
- Child support cases

In criminal court, they hear cases involving:

- Misdemeanors
- Infractions
- Juveniles

District Court Judges include a special category of judges called Magistrate Judges. These judges:

- Accept guilty pleas for minor misdemeanors
- Accept guilty pleas for traffic violations
- Accept waivers of trial for worthless check cases
- Preside over trials of small claims involving up to \$10,000

Know Your District Attorney

Duties

North Carolina law requires district attorneys to perform certain duties. Some of those duties include:

- **Decide how long a case will wait before going in front of a judge.** Sometimes called “controlling the calendar,” the DA can make a defendant sit in jail, until they have a strong enough case to proceed or until the person will accept a guilty plea to get out.
- **Present a case in court against all persons accused of a crime.** The DA does not represent the victim of crimes, instead it represents the state when trying to prove that a defendant broke the law
- **Advise law enforcement officers.** The DA tells law enforcement exactly what information it needs to prove a crime was committed.
- **Handles appeals of criminal cases, with the assistance of the Attorney General.**

Responsibilities

Among the responsibilities a district attorney has to the community are:

- **To help create safe communities.**
- **To ensure only the GUILTY are punished.**
- To be fair and honest.
- To promote policies and procedures that promote racial equity in the justice system. This includes doing racial bias training, making sure race is not a factor in charging decisions, and eliminating the use of the death penalty.

Purpose

It has been said that district attorneys, sometimes called prosecutors, are the most powerful players in the judicial system. There are very few checks and balances on the district attorney’s power.

District attorneys have complete authority and control over its offices policies and procedures. They have the power to not pursue low level misdemeanours, offering alternatives to criminal records, creating policies to eliminate racial bias in prosecutions and jury selections, and much more.

Every 4 years, district attorneys are elected. Before you vote, make sure your elected official is creating the best judicial system for YOUR community.

Functions

Among the many important functions of the district attorney are:

- **Determine if a person will be charged with a criminal offense.** After the police investigate a crime, it is the DA who decides if a suspect will be charged with a crime.
- **Deciding what charge the accused will face.** The DA has the responsibility of deciding what charge the accused will face. Meaning, the DA has the discretion to charge the most serious charge possible, or find some less serious crime to charge.
- **Provide access to certain tools that the DA controls.** Some of those tools are the grand jury, requests to the court for warrants for searches, or electronic surveillance.
- **Decide to offer a plea agreement and/or reduce the charges against the defendant.** The DA has the sole power to offer a plea or reduce charges. Some DAs use this power to unfairly manipulate defendants.
- **Determine if the defendant will face the death penalty.**
- **Investigate the killing of a citizen by a law enforcement officer in the line of duty.** How this investigation is conducted has come under scrutiny lately.

Know Your County Sheriff

Requirements

The North Carolina Constitution states the following about the duties of the sheriff:

- sheriff shall be elected by the qualified voters .
- shall hold his office for a period of four years.
- No person is eligible to serve as Sheriff if that person has been convicted of a felony.
- Must be 21 years old.
- Must be at least a year long resident of the county.

Functions

Among the many important functions of the County Sheriff are:

- **Law Enforcement**
 - the power to make arrests within his or her own county
 - routine patrol functions such as traffic control, accident investigations, and transportation of prisoners.
- **Court Duties**
 - Maintaining the safety and security of the court.
 - attend all court sessions.
 - act as bailiff.
 - take charge of juries whenever they are outside the courtroom
 - serve court papers such as subpoenas, summonses, warrants, writs, or civil process.
 - to extradite prisoners;
 - to enforce money decrees (such as those relating to the garnishment or sale of property);
- **Jail Administration**
 - Maintain and operate county jails, detention centers, detoxification centers and community corrections facilities such as work-release group homes and halfway houses.
 - responsible for supervising inmates and protecting their rights.
 - providing inmates with food, clothing, exercise, recreation and medical services.

Purpose

In North Carolina, a sheriff is the only law enforcement office that has jurisdiction throughout the county. Sheriffs provide support to the citizens and voters of the county through law enforcement, court duties, and jail administration.

What does this mean for you?

- Sheriffs determine how well a loved one is treated and cared for in jail.
- Sheriffs determine if your loved one gets medical care in jail.
- Sheriffs determine if your loved one has a safe transport to jail.

Responsibilities

Among the responsibilities a sheriff has to the community are:

- Help create and maintain safe communities.
- Make jails more hospitable and humane.
- Ensure prisoners have access to appropriate mental and physical health care.
- Work collaboratively with the advocacy community.

Inform Your Vote!