

# Study Reveals Motorists Give Biggest Volume Of Business To Criminal Courts

North Carolina's criminal courts get their biggest volume of business from motorists.

And motorists get from the inferior courts of the state treatment that varies from court to court according to the methods and techniques these courts have designed to meet their local needs.

That there is little uniformity and often little similarity in the treatment of motorists and the procedures of these lower courts is shown in a study made for the North Carolina Bar Association's Committee on Improving and Expediting the Administration of Justice by James Albert House, Jr., of Chapel Hill, assistant director of the Institute of Government. J. Spencer Bell of Charlotte is chairman of the committee.

The research work was done on the more than 125,000 motor vehicle cases handled by 32 Superior Courts and 61 inferior courts in 1956. One-third of the 11,561 criminal cases disposed of by the 32 Superior Courts and two-thirds of those in the 61 inferior courts involved charges of traffic violations. The Superior Courts tried 1,337 drunken driving cases as well as 777 speeding cases, 473 reckless driving cases and 907 cases concerned with other motor vehicle regulations.

Of the 199,705 cases handled by the inferior courts included in the study, 123,856 involve motor vehicles, as did 62.3 per cent of all cases which were pending in 1957 when the research was done. There were 53,765 speeding cases, 6,968 drunken driving cases, 8,276 reckless driving cases, 41,107 cases dealing with other motor vehicle regulations, and 13,743 in which violations of municipal traffic ordinances were charged.

This great bulk of motor vehicle cases has resulted in the establishment of such plans as waiver of appearance and cash bond forfeitures and the use of "justices of the peace-police-men" and "clerks of the court-police-men" for the convenience of both the courts and the motorists. In fact, in more than one-fourth of the cases examined the defendant never appeared in court. He took advantage of one

of the various systems by which appearance may be waived. The Institute report points out that although the legality of these systems has been questioned, the courts continue to use them.

In the Superior Courts, it has found that only 614 of the 3,492 motor vehicle cases went through the trial process to the entry of a not guilty plea and only 57.7 per cent of these resulted in convictions. However, for the total number of cases, pleas admitting guilt plus the convictions brought to 2,347 or 67.2 per cent of the cases, and the most used form of punishment was fine and costs, which was imposed in 31.9 per cent of the cases. Imprisonment suspended or fine and/or costs and imprisonment suspended came next with 20.8 per cent of the cases, and active imprisonment terms were imposed in 9.4 per cent of them. The defendant was found not guilty or his case was dismissed, not pressed or otherwise disposed of in 37.9 per cent of the cases.

There was a higher rate of conviction in the inferior courts, where only 12.1 per cent of the defendants went free of punishment. There, the most prevalent forms of punishment were costs only and fine and costs, which were generally imposed except in drunken driving cases. In these, a large percentage of the punishments included suspended prison sentences.

From analyzing the cases, the research staff reached the conclusion that while the defendant tried in Superior Court may receive more severe punishment if he is convicted, his chance, percentage-wise, of an acquittal is much greater there than in the inferior courts.

Many variations in the lower courts in punishments, fines and costs imposed for the same offenses were found in the study. For instance, in one court a motorist must pay a \$25 fine and \$17 in costs and retain an attorney in order to waive appearance on a charge of speeding 65 miles an hour in a 55-mile zone. But his neighbor, charged with the identical offense in a nearby town, has to pay only court costs amounting to less than \$10. In many courts, the cost of judgment of court costs alone



**ROARING WELCOME FOR NEW LEGION COMMANDER** — Preston J. Moore, left, new American Legion national commander, receives a wild welcome as he arrives at his Stillwater, Okla., home from the Chicago Legion convention where he was elected. Said Commander Moore, "It broke me up a little."

was imposed in only 22 of 402 convictions. The conclusion reached was that judgments in jury-tried cases tend to be slightly more harsh than those in judge-tried cases.

The report shows also that in three times as many cases in Superior Court as in the inferior courts either active or suspended imprisonment terms were imposed and the median length of those terms in Superior Court was larger than in inferior courts. In drunken driving and reckless driving cases, imprisonment terms were given more often in lower courts, and the median term was about the same for both lower and Superior Courts.

The committee also released a report on jury trials in criminal cases in the inferior courts by Bernard Harrell of the Institute staff. This report shows that defendants who wish trial by jury in the inferior courts sometimes have to make jury deposits varying from \$3 to \$42, depending upon the court. Sometimes, however, they are not required to make any such deposits.

An analysis of the 17 inferior courts in which jury trials were held in 1956 shows that only 577 of 37,673 cases were heard by juries. The overall percentage of convictions in jury trials was 69.67 as compared with 76.01 in cases tried by a judge alone. It was also found that in 24 cases tried by judges alone, the judgment was that the defendant pay only a fine. In only 189 cases did the judge impose the costs of court. In contrast, none of the defendants convicted in cases tried by juries received only a judgment to pay a fine and a judgment of court costs alone

than \$10, while in others, for the same violation, it is as much as \$20 or \$30.

When it comes to money, enough is enough—no man can enjoy more.

### CENTER HILL CLUB MEETS

The Center Hill 4-H Club held its monthly meeting at the home of Judy Haste. The meeting was called to order by the president, Kay Frances White. New officers were elected for the coming year and follow: Kay White, president; Jimmy Turner, vice president;

Judy Haste, secretary; Sunny White and Joey Aabell, reporters; Frances Smithson, Joann Copeland, Susan Evans and Emmett Jones refreshment committee.

Members discussed a booth at the Chowan County Fair, sang a few songs and repeated the 4-H Pledge before adjourning. Refreshments were served by Judy Haste which were very much enjoyed.

### Vets' Question Box

Q—I have been ordered to support my two children, who are in legal custody of my former wife. Can I get a GI loan to buy a house for them to live in?

A—No. VA requires that you certify that you intend to reside in a house bought with a GI loan. The court order that you must support the children does not alter the fact that you do not intend to live in the house yourself.

Break up cliques, level wealth with honesty, let worth be judged according to wisdom, and we get better views of humanity. —Mary Baker Eddy.

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**PIZZAS 3** 39c

3-Lb. Can Golden **FLUFFO** can 81c

10-Lb. Bag Ballard's SELF-RISING **FLOUR** Bag 73c

WITH COUPON ON PAGE 2—SECTION 3 OF THIS WEEK'S CHOWAN HERALD

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