

Brunswick County Justice: Past, Present, and Future

- Jason Disbrow, Senior Resident Superior Court Judge of Brunswick County
- Jon David, District Attorney- Brunswick, Bladen & Columbus Counties

St. James October 5, 2023



Senior Resident Superior Court Judge Jason Disbrow





View from 30,000 feet:



100 Counties in North Carolina

- Court System
 - 100 Courthouse only a horse back ride away!
 - Became unified court system in 1966
 - 43 Elected District Attorneys and approximately 100 Superior Court Judges

The Past

Corruption in Office

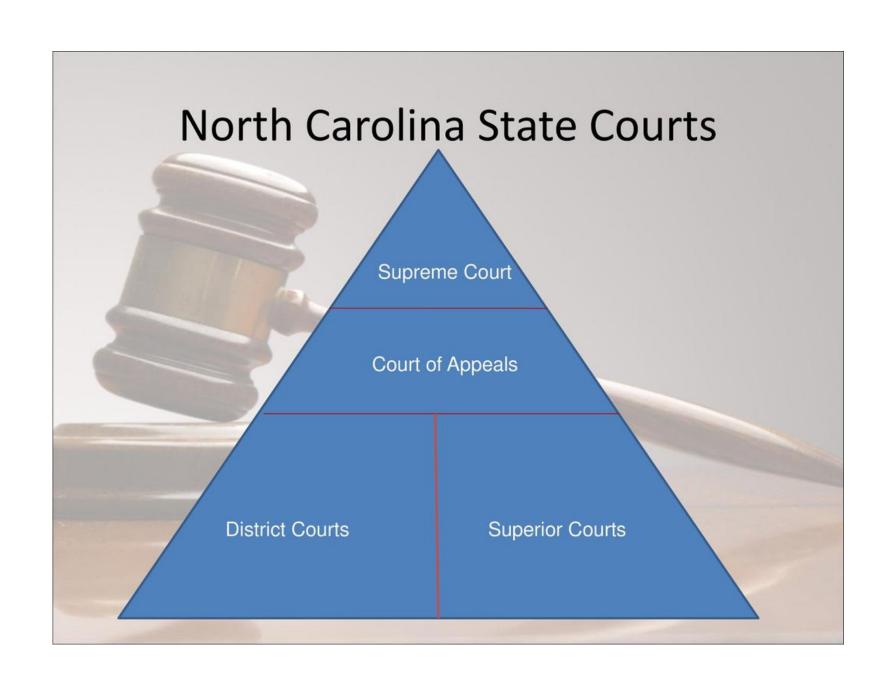
The election of 2010

The "Law and Order" Team

- Sheriff- John Ingram
- Clerk- Jim MacCallum
- DA- Jon David

The Present

- Sheriff Brian Chism
- Clerk Katie Madon
- Senior Resident Superior Court Judge Jason Disbrow
- Chief District Court Judge Scott Ussery
- District Attorney Jon David



Structure of the Justice System

District Attorney- Jon David

Judges

- Supreme Court- Chief Justice Paul Newby, Head of AOC
- Court of Appeals
- Superior Court- Jason Disbrow
- <u>District Court-</u> Scott Ussery (Chief), Pauline Hankins, Sara McPherson, Brian Wilson, Calvin Chandler, Will Callahan, Heath Nance
- Magistrate Courts- Nominated by Clerk, appointed by Senior Resident, supervised by Chief District Court Judge

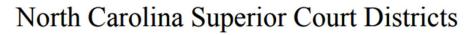
Clerk of Court-Katie Madon

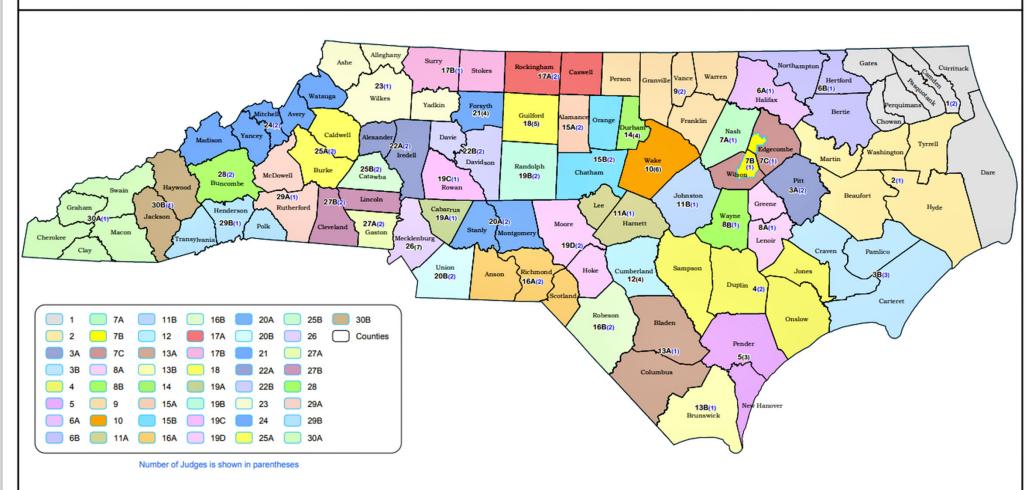
NC District Court

- Created in 1967, district courts hear cases involving civil matters <\$25,000, misdemeanor criminal offenses, all family law/domestic matters and juvenile matters;
- Divided into approximately 42 districts across the state and sit in the county seat of each county (about 320 judges statewide);
- Each district court has a chief district court judge who manages the administrative duties of the court;
- Elected to 4 year terms;
- Handles 75-80% of ALL legal matters in the state;
- Convenes court virtually every day

NC Superior Court

- Trial court of general jurisdiction in NC established in 1777. Until the creation of the Supreme Ct., Superior Ct. judges functioned as the state's only appellate court;
- It hears most felony cases. Also all civil matters with an amount in controversy exceeding \$25,000;
- It also handles appeals from administrative agencies (i.e. DMV) and appeals of misdemeanors;
- Divided into 5 divisions/48 districts with about 100 judges statewide;
- Rotate (generally) from district to district every 6 months;
- Elected to 8 year terms
- Weekly sessions that begin on Monday of each week





NC Court of Appeals

- Created in 1967 the intermediate appellate court that reviews cases/decisions occurring in trial courts for errors of law or legal procedure;
- Vast majority of cases appealed from Superior and District courts are heard by the Ct. of Appeals;
- Exceptions: Capital murder appeals go directly to Supreme Court, Termination of Parental Rights appeals (TPRs) from Juvenile Court go directly to Supreme Court (as of 2020);
- Fifteen (15) judges elected to eight (8) year terms (staggered);
- Three (3) judge panels decide cases;
- Typically meet 5 days per month (in groups of 3) for oral arguments

NC Supreme Court

- It was the only appellate court in the state up until the Court of Appeals was created in the 1960's;
- It consists of six (6) associate justices and one (1) chief justice. Paul Newby is the current Chief Justice;
- The primary function of the Supreme Court is to settle questions of law that arise in the lower courts and before state administrative agencies (i.e. Department of Transportation);
- It was established in 1818;
- Judges are elected to eight (8) year terms in partisan elections;
- Convene for oral arguments typically 9 times per year but also decide many cases without oral argument

Structure of Law Enforcement

Brunswick County Sheriff's Office- Sheriff Brian Chism

Municipal (11) Police Departments- Leland, Northwest, Navassa, Southport, Boiling Spring Lakes, Oak Island, Holden, Ocean Isle Beach, Sunset, Shallotte

State Agencies- NC Highway Patrol, State Bureau of Investigations (SBI), Wildlife, ALE, Marine Fisheries

Federal Partners- FBI, DEA, ATF, Secret Service, Homeland Security

Justice in the age of pandemic



The numbers tell a story....

Statewide, pending cases have been remarkably stable year over year

Equilibrium between filed cases versus disposed cases

Early in Pandemic- Supreme Court issued statewide Order halting jury trials

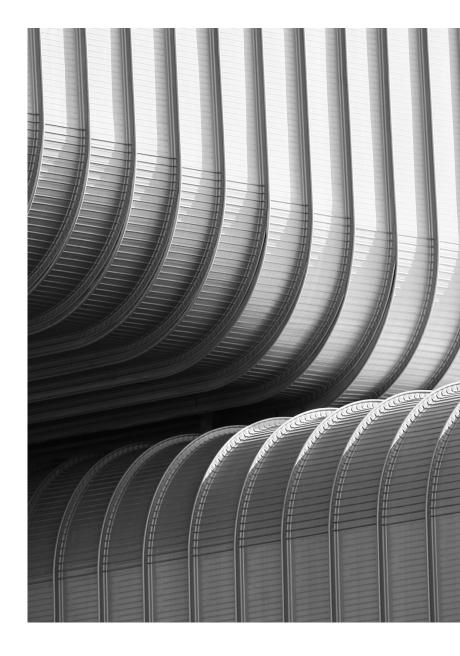
25% spike in pending cases during the Covid-19 Pandemic

The plan

Chief Justice Paul Newby Elected Jan 2021 Immediately signed court order lifting prohibition on Jury trials

Listened to innovative ideas from the big 12 counties=50% of population

Local action plan= transferred authority to local elected officials



The remedy

- Data driven analysis
- Resume Jury trials and pushed biggest cases in front of the community
- Disposition of low level cases at early stage
- Save valuable court time for cases of actual consequence
- Use of innovative new systems for efficient disposition of cases
 - Traffic Court
 - Felony District Court

The Results

We have completely eliminated the Covid backlog

9% reduction of cases statewide vs. pre-pandemic numbers!

More efficient systems and improved working relationships among leaders

Exceptional results in ground breaking prosecutions:

- Tripp/Noffsinger- Murder conviction despite Double Jeopardy/SOL claims/Proximate cause
- Ferster- First conviction statewide for felony death for boating while impaired= Triple Homicide
- Brian O'Daniels- Murder conviction for 25 year old cold case from BSL



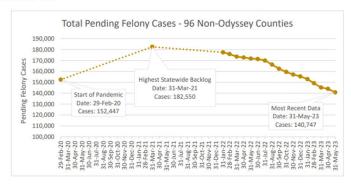
PENDING FELONY CASES

Comparison of Cases as of February 29, 2020 through May 31, 2023

> Prepared by Research, Policy, and Planning

Total Pending Felony Cases - 96 Non-Odyssey Counties

Trends over Time





Prepared by Research, Policy, and Planning

Total Pending Felony Cases

County Comparison - Sorted Alphabetically

County	Felony Cases Pending as of 2/29/2020	Felony Cases Pending as of 3/31/2021	Felony Cases Pending as of 5/31/2023		% Change from CY2020 to CY2021	% Change from CY2021 to Current	% Chang from CY20 to Currer
Alamance	2,725	3,608	3,436	Ш	32.4%	-4.8%	26
Alexander	589	866	599	ш	47.0%	-30.8%	1
Alleghany	203	229	196	ш	12.8%	-14.4%	-3
Anson	420	501	445	ш	19.3%	-11.2%	6
Ashe	529	583	346	ш	10.2%	-40.7%	-34
Avery	267	332	230	ш	24.3%	-30.7%	-13
Beaufort	1,109	1,033	846	ш	-6.9%	-18.1%	-23
Bertie	366	434	384	ш	18.6%	-11.5%	4
Bladen	532	534	507	ш	0.4%	-5.1%	-4
Brunswick	1,741	1,678	1,024		-3.6%	-39.0%	-41
Buncombe	5,004	6,192	4,553		23.7%	-26.5%	-9
Burke	710	778	723	ш	9.6%	-7.1%	1
Cabarrus	1,337	2,169	1,935	ш	62.2%	-10.8%	44
Caldwell	1,354	1,264	1,414	ш	-6.6%	11.9%	4
Camden	35	50	107	ш	42.9%	114.0%	205
Carteret	1,619	1,944	1,463	ш	20.1%	-24.7%	-9
Caswell	280	300	271	ш	7.1%	-9.7%	-3
Catawba	2,367	2,823	2,203	ш	19.3%	-22.0%	-6
Chatham	666	802	555	ш	20.4%	-30.8%	-16
Cherokee	492	705	537	ш	43.3%	-23.8%	9
Chowan	205	235	122	ш	14.6%	-48.1%	-40
Clay	218	248	195	ш	13.8%	-21.4%	-10
Cleveland	2,500	2,975	2,703		19.0%	-9.1%	8
Columbus	1,201	1,534	1,195		27.7%	-22.1%	-0
Craven	2,201	2,612	2,549	ı	18.7%	-2.4%	15
Cumberland	7,350	6,729	5,608		-8.4%	-16.7%	-23
Currituck	222	187	162	ı	-15.8%	-13.4%	-27
Dare	509	433	380		-14.9%	-12.2%	-25
Davidson	2,242	2.978	2,700	1 1	32.8%	-9.3%	20



PENDING FELONY CASES

Comparison of Cases as of February 29, 2020, March 31, 2021,

Research, Policy, and Planning

County		Felony Cases Pending as of 3/31/2021		% Change from CY2020 to CY2021	% Change from CY2021 to Current		% Chang from CY20 to Currei
Wilson	1,731	2,206	1,811	27.4%	-17.9%		4
Yadkin	884	1,014	342	14.7%	-66.3%	П	-61
Yancey	225	236	120	4.9%	-49.2%		-46

Total Pending Felony Cases

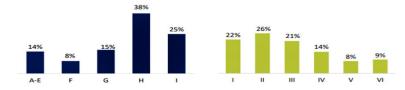
2022 Summary of Findings

SUMMARY OF FINDINGS FY 2022 FELONY CONVICTIONS

Sentences imposed for felony convictions are based on the Felony Punishment Chart, which takes into account offense seriousness and the offender's prior criminal record. During FY 2022, sentences for 25,760 felony convictions were imposed. Two-thirds (63%) of felony convictions were for Class H and Class I offenses; most convictions (48%) were in Prior Record Levels I and II. Of the four crime types, non-trafficking drug offenses (32%) accounted for the largest percentage of felony convictions.

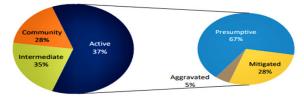
Convictions by Offense Class

Convictions by Prior Record Level

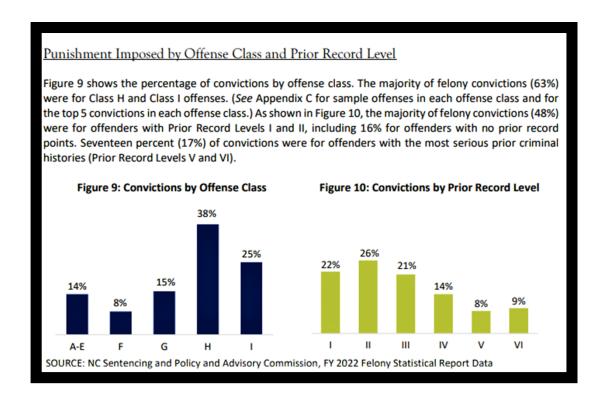


Thirty-seven percent (37%) of felony convictions resulted in an Active punishment, 35% resulted in an Intermediate punishment, and 28% resulted in a Community punishment. Sixty-seven percent (67%) of all active sentences were within the presumptive range, 28% were within the mitigated range, and 5% were within the aggravated range. All offenders with an Intermediate punishment and 95% of offenders with a Community punishment received supervised probation. Overall, the average probation length was 25 months and the average minimum suspended sentence was 9 months.

Punishment Imposed



Most convictions are low level felonies with probationary sentences



Offenses Committed on or after October 1, 2013

Felony Minimum Sentences (in Months) and Dispositions

011			Prior Rec	ord Level			
Offense - Class	1	II	III	IV	V	VI	
Class	0-1 Pt	2-5 Pts	6-9 Pts	10-13 Pts	14-17 Pts	18+ Pts	
Α	Death or Life Without Parole Defendant Under 18 at Time of Offense: Life With or Without Parole						
	Defe	ndant Under 1	8 at Time of Of	fense: Life Wit	h or Without P	arole	
	A	A	Α	A	Α	A	
					Life Without	Life Without	
B1	240 - 300	276 - 345	317 -397	365 - 456	Parole	Parole	
	192 - 240	221 - 276	254 - 317	292 - 365	336 - 420	386 - 483	
	144 - 192	166 - 221	190 - 254	219 - 292	252 - 336	290 - 386	
	Α	Α	Α	Α	Α	Α	
B2	157 - 196	180 - 225	207 - 258	238 - 297	273 - 342	314 - 393	
52	125 - 157	144 - 180	165 - 207	190 - 238	219 - 273	251 - 314	
	94 - 125	108 - 144	124 - 165	143 - 190	164 - 219	189 - 251	
	A	Α	Α	Α	Α	Α	
С	73 – 92	83 - 104	96 - 120	110 - 138	127 - 159	146 - 182	
_	58 - 73	67 - 83	77 - 96	88 - 110	101 - 127	117 - 146	
	44 - 58	50 - 67	58 - 77	66 - 88	76 - 101	87 - 117	
	A	A	Α	Α	A	Α	
D	64 - 80	73 - 92	84 - 105	97 - 121	111 - 139	128 - 160	
	51 - 64	59 - 73	67 - 84	78 - 97	89 - 111	103 - 128	
	38 - 51	44 - 59	51 - 67	58 - 78	67 - 89	77 - 103	
	I/A	I/A	Α	Α	Α	Α	
E	25 - 31	29 - 36	33 - 41	38 - 48	44 - 55	50 - 63	
-	20 - 25	23 - 29	26 - 33	30 - 38	35 - 44	40 - 50	
	15 - 20	17 - 23	20 - 26	23 - 30	26 - 35	30 - 40	
	I/A	I/A	I/A	Α	Α	Α	
F	16 - 20	19 - 23	21 - 27	25 - 31	28 - 36	33 - 41	
	13 - 16	15 - 19	17 - 21	20 - 25	23 - 28	26 - 33	
	10 - 13	11 - 15	13 - 17	15 - 20	17 - 23	20 - 26	
	I/A	I/A	I/A	I/A	A	Α	
G	13 - 16	14 - 18	17 - 21	19 - 24	22 - 27	25 - 31	
9	10 - 13	12 - 14	13 - 17	15 - 19	17 - 22	20 - 25	
	8 - 10	9 - 12	10 - 13	11 - 15	13 - 17	15 - 20	
	C/I/A	I/A	I/A	I/A	I/A	Α	
н	6 - 8	8 - 10	10 - 12	11 - 14	15 - 19	20 - 25	
п	5 - 6	6 - 8	8 - 10	9 - 11	12 - 15	16 - 20	
	4 - 5	4 - 6	6 - 8	7 - 9	9 - 12	12 - 16	
	С	C/I	1	I/A	I/A	I/A	
1	6 - 8	6 - 8	6 - 8	8 - 10	9 - 11	10 - 12	
	4 - 6	4 - 6	5 - 6	6 - 8	7-9	8 - 10	
	3 - 4	3 - 4	4 - 5	4 - 6	5 - 7	6 - 8	

RANGE
Aggravated
PRESUMPTIVE
Mitigated

DISPOSITION
C – Community
I – Intermediate
A – Active

Sentencing Guidelines

Top 5 Felony Convictions and Time to Sentencing

The top 5 most frequent felony convictions in FY 2013 and FY 2022 are displayed in Figure 42. Breaking and entering buildings was the top felony conviction in FY 2013 and possession of methamphetamine was the top felony conviction in FY 2022. While the order of frequency has changed, four of the five most frequent offenses have remained the same.

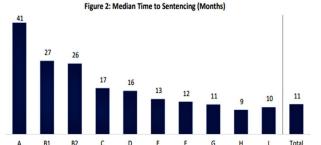
Figure 42: Top 5 Felony Convictions

Possess Methamphetamine - Class I Obtain Property by False Pretense - Class H Larceny of Property (worth more than \$1,000) Class H Possession of a Firearm by a Felon - Class G Possess Cocaine - Class I FY 2022 Possess Methamphetamine - Class I Possession of a Firearm by a Felon - Class G Breaking and Entering Buildings - Class H Obtain Property by False Pretense (worth less than \$100,000) - Class H Larceny of Property (worth more than \$1,000) Class H

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2013 - FY 2022 Statistical Report Data

Time to Sentencing

Time to sentencing refers to the amount of time between the date the warrant was served for the most serious offense and the date the sentence was imposed. As Figure 2 shows, the median time to sentencing for all felonies was 11 months. Class A convictions had the longest time to sentencing (41 months). Class H convictions had the shortest time to sentencing at 9 months.



Note: Of the 25,760 felony convictions, 29 with negative time to sentencing values were excluded. SOURCE: NC Sentencing and Policy Advisory Commission, FY 2022 Felony Statistical Report Data

Men (but usually not old men) commit most crimes...

OFFENDER CHARACTERISTICS

This section provides a breakdown of convictions by offenders' sex, race, and age. Of the 25,760 felony convictions in FY 2022, 81% were for males (see Figure 6). Fifty-four percent (54%) of offenders were White, 40% were Black, and a small percentage were Hispanic (3%), Native American (1%), or Other (2%).

Native American 1%

Male 81%

Female

White 74%

White 74%

White 74%

White 74%

Native American 2%

Native American 1%

Native American 1%

Native American 1%

Native American 1%

Figure 6: Convictions by Sex and Race

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2022 Felony Statistical Report Data

Based on age at conviction, 4% of felony convictions were for offenders under the age of 21, 14% were 21-25 years of age, 18% were 26-30 years of age, 34% were 31-40 years of age, 19% were 41-50 years of age, and 11% were 51 years of age or older. The average age at conviction was 36 years. Figure 7 shows the volume of male and female offenders by age distribution and illustrates that the volume of offenders peaks in the late-twenties, and then generally declines as age increases.

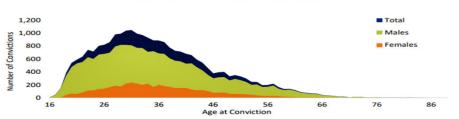


Figure 7: Distribution of Convictions by Age

Innovative Courts of Brunswick County

Traffic Court

Felony District Court

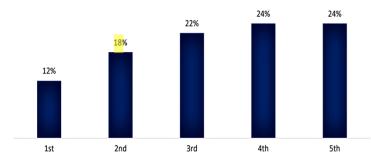
Treatment Courts

- Drugs
- Mental Health

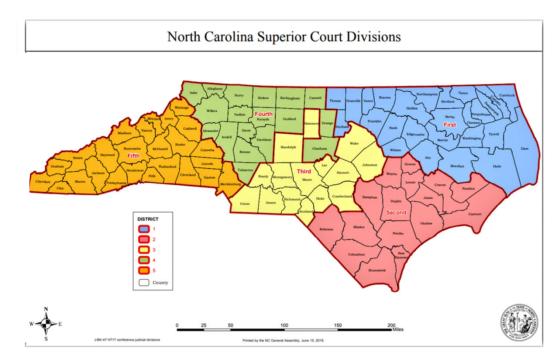
E. Convictions by Judicial Division and District

Figure 4 shows the variation in the distribution of convictions across the state. Figure 5 provides the total number of felony convictions for each judicial district. (See Appendix A for a map of judicial divisions and districts and Appendix C for a detailed table of the total number of felony convictions for each judicial division and district within the context of county population.)⁵





SOURCE: NC Sentencing and Policy Advisory Commission, FY 2021 Felony Statistical Report Data



Percentage of Total Convictions by Judicial Division

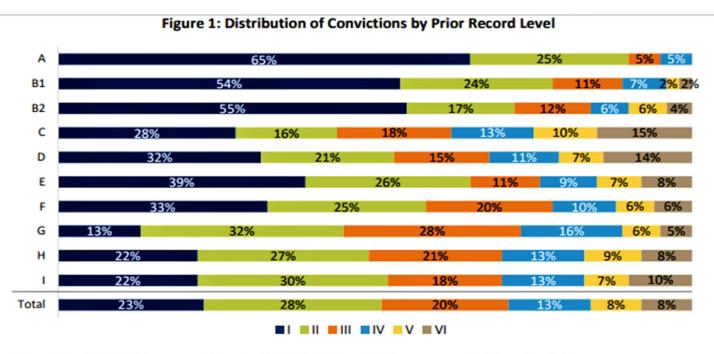
Convictions by Judicial Division AND District 13B (Brunswick County)

Appendix B, Table 1: Convictions by Judicial Division and District

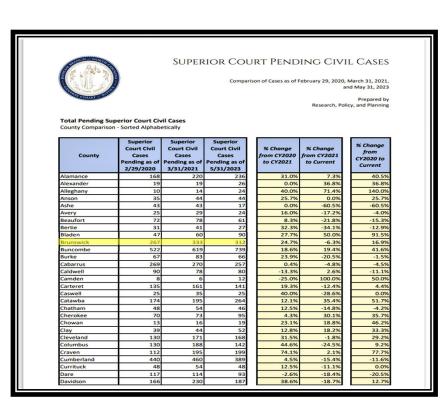
	ision, Judicial and County	Felony Convictions	per 1,000 Adults (18+)
First Judicial L	Division	2,849	3
District 1	Camden	6	1
	Chowan	37	3
	Currituck	41	2
	Dare	111	4
	Gates	14	1
	Pasquotank	79	2
	Perquimans	26	2
	Total	314	2
District 2	Beaufort	236	7
	Hyde	11	3
	Martin	102	6
	Tyrrell	15	6
	Washington	36	4
	Total	400	6
District 3A	Pitt	556	4
	Total	556	4
District 6A	Halifax	84	2
	Total	84	2
District 6B	Bertie	20	1
	Hertford	41	3
	Northampton	8	1
	Total	69	2
District 7A	Nash	236	3
	Total	236	3
District 7B,C	Edgecombe	116	3
	Wilson	228	4
	Total	344	4
District 9	Franklin	191	3
	Granville	102	2
	Person	113	4
	Vance	101	3
	Warren	37	2
	Total	544	3
District 14	Durham	302	1
	Total	302	1
Second Judici	al Division	4,088	4
District 3B	Carteret	230	4
	Craven	386	5
	Pamlico	37	4
	Total	653	5

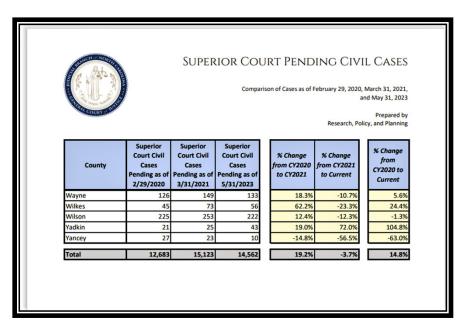
	ision, Judicial and County	Felony Convictions	Convictions per 1,000 Adults (18+)
District 4A	Duplin	212	6
	Jones	30	4
	Onslow	471	3
	Sampson	261	6
	Total	974	4
District 5	New Hanover	642	3
	Pender	124	2
	Total	766	3
District 8A	Greene	51	3
	Lenoir	169	4
	Total	220	4
District 8B	Wayne	415	5
	Total	415	5
District 13A	Bladen	92	4
	Columbus	264	7
	Total	356	6
District 13B	Brunswick	565	4
	Total	565	4
District 16B	Robeson	139	2
	Total	139	2
Third Judicial	Division	5,929	3
District 10	Wake	1,537	2
	Total	1,537	2
District 11A	Harnett	284	3
	Lee	187	4
	Total	471	3
District 11B	Johnston	669	4
	Total	669	4
District 12	Cumberland	801	3
	Total	801	3
District 15A	Alamance	521	4
	Total	521	4
District 16A	Anson	86	5
	Richmond	155	5
	Scotland	88	3
	Total	329	4
District 19B	Randolph	289	3
	Total	289	3
District 19D	Hoke	93	2
District 19D	Hoke Moore	93 335	2 4

Felony Convictions by Prior Record Level



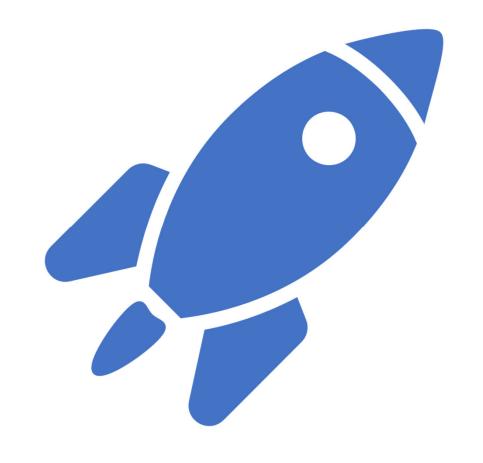
Note: Of the 21,293 felony convictions in FY 2021, 314 (or 1.5%) were excluded from this table. SOURCE: NC Sentencing and Policy and Advisory Commission, FY 2021 Felony Statistical Report Data





Total Pending Superior Court Civil Cases





The Future of Representation in Brunswick County



Treatment Court



Why is Brunswick County growing so fast?









Blame Highway 211....

Census Data over 10 year period

• Bladen 2011= 35,190 2021= 29,446

• Columbus 2011= 58,098 2021=50,625

• Brunswick 2011= 107,431 2021=136,694

- **Brunswick population in July 2022 was 153,064 or 12% increase in 15 months!
- **Brunswick population is now 5 times larger than Bladen and 3 times the size of Columbus...and growing

In search of an identity

Brunswick County is bedroom community to Wilmington, NC and Myrtle Beach, SC Recently discovered location with beautiful beaches, great golf and low taxes, but no real history.....



Old Baldy Lighthouse