



*State of North Carolina
General Court of Justice
Twenty-First Judicial District*

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JUDSON D. DERAMUS, JR.
Senior Resident Superior Court Judge

WILLIAM B. REINGOLD
Chief District Court Judge

September 21, 2005

MEMORANDUM

<p>To: Judge DeRamus Judge Wood Judge Burke Judge Spivey Clerk of Superior Court Terry Holbrook District Attorney Tom Keith County Commission Chair Gloria Whisenhunt County Manager Graham Pervier Public Defender Pete Clary</p>	<p>Judge Reingold Judge Davis Judge Graham Judge Roemer Judge Hutchins Judge Menefee Judge Fine Judge Hartsfield Judge Bedsworth</p>
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From: Philip Toelkes

Re: Status Report from FY 04-05 Statistics

I have summarized the statistics for fiscal year 2004-2005 in a format using information provided by the Administrative Office of the Courts for the Forsyth County courts, and compared them with other quarterly and year-end totals¹. Also included are comparisons of our courts to the State totals and other selected counties as of June 30, 2004. Current populations of our comparison counties are listed below. Disposition goals for felony and civil cases in Superior Court have been adopted by the District Attorney in the Criminal Case Docketing Plan and by the Senior Resident Superior Court Judge in the Civil Superior Court Case Management Plan.² These goals are:

Superior Court Criminal Felony	90% within 12 months of date of indictment or information
Superior Court Civil	90% within 365 days*

*This goal is consistent with American Bar Association standards

Population by County as of July 31, 2005

Mecklenburg	768,789	Forsyth	320,764	Buncombe	215,112
Wake	723,708	Cumberland	310,850	Gaston	192,044
Guilford	434,693	Durham	238,865	New Hanover	174,313

¹ These statistics can be accessed online at <http://www.nccourts.org/Citizens/SRPlanning/Statistics.asp>

² Find our criminal and civil case management plans at <http://www.nccourts.org/Courts/CRS/Policies/LocalRules/Default.asp>

Superior Court Criminal. The District Attorney's office in each N.C. district performs the case management functions related to criminal cases in both district and superior courts. The number of cases filed and disposed in the tables below reflect only those felony and misdemeanor cases that are in the Superior Court and do not include felonies pending probable cause hearing or plea, or misdemeanors in District Court. The ages of cases in Superior Court reflect the original filing dates, which are the dates filed in District Court if those cases originated in District Court. **These figures are limited in that felonies disposed in District Court are not included.** If added, these dispositions would lower the case ages in the table below. Forsyth District Court disposed of 1,446 Class H & I non-jury felony cases last year. District Courts in Wake and New Hanover Counties disposed of 2,109 and 1,923 H & I felonies last year respectively, and provide the best bases for comparison with Forsyth.

Although the age of pending felony cases in Forsyth County has improved over last year, it is difficult to determine whether Forsyth County meets the general goal for felonies of one year established in the District Attorney's Criminal Case Docketing Plan because of the limitations inherent in the AOC data. Civil sessions in Forsyth County Superior Court that dispose of the weekly calendar early are regularly converted into criminal sessions and can facilitate the disposal of criminal cases.

SUPERIOR COURT: AGE OF PENDING FELONY CASES JUNE 30, 2005

	Total Filed	Total Disposed	(%)	Total Pending	Median Age	90.0% Percentile
Counties (Ranked in order of age at 90th percentile)						
Gaston	4,430	4,750	107.2%	1,931	209	478
Buncombe	2,746	2,910	105.9%	833	136	485
Guilford	7,574	7,438	98.2%	3,766	225	498
Cumberland	3,333	3,473	104.2%	1,728	317	523
Mecklenburg	7,714	6,722	87.1%	6,428	183	561
Durham	2,445	2,192	89.6%	2,004	322	583
State	101,509	97,980	96.5%	59,588	234	602
Wake*	5,408	4,976	92.0%	3,032	169	660
New Hanover*	2,346	1,981	84.4%	2,119	287	792
Forsyth*	1,531	1,482	96.7%	974	285	902

*Counties that have greater than 50 felony convictions in District Court each year.

SUPERIOR COURT: AGE OF PENDING MISDEMEANOR CASES JUNE 30, 2005

	Total Filed	Total Disposed	(%)	Total Pending	Median Age	90.0% Percentile
Counties (Ranked in order of age at 90th percentile)						
Buncombe	1,256	1,272	101.2%	246	144	414
Gaston	1,341	1,300	96.9%	558	169	444
Guilford	1,367	1,383	101.1%	578	210	510
Cumberland	263	256	97.3%	78	223	524
State	42,825	40,975	95.6%	19,836	184	548
Mecklenburg	3,562	3,430	96.2%	2,556	193	556
Forsyth	785	603	76.8%	467	185	587
Wake	1,753	1,401	79.9%	996	197	777
New Hanover	892	725	81.2%	431	210	854
Durham	760	653	85.9%	639	385	960

Superior Court Civil. The Senior Resident Superior Court Judge manages trial settings for all civil cases in Forsyth Superior Court with the exception of exceptional and complex business cases. The Trial Court Administrator (TCA), with input from the District Attorney's Office, assists the Senior Resident in establishing the number of civil and criminal trial weeks per year. The TCA's office performs case management functions related to civil motions and trials in Forsyth County Superior Court. The table below reflects that as of June 30, 2005, the age at the 90th percentile of all pending Forsyth Superior Court civil cases was 399 days. This statistic ranks Forsyth civil Superior Court favorably compared to other similar, selected districts, and is close to the target for the published goal of one year.

SUPERIOR COURT: AGE OF PENDING CIVIL CASES* JUNE 30, 2005						
	Total Filed*	Total Disposed*	(%)	Total Pending*	Median Age	90.0% Percentile
Counties (Ranked in order of age at 90th percentile)						
Cumberland	794	802	101.0%	437	132	331
Forsyth	1,205	1,175	97.5%	797	146	399
Mecklenburg	3,716	3,742	100.6%	2,513	154	455
Gaston	597	576	96.4%	401	161	525
Wake	2,933	3,057	104.2%	2,362	204	625
State	27,554	27,955	101.4%	20,938	192	629
Buncombe	676	693	102.5%	546	212	639
Guilford	1,869	1,691	90.4%	1,593	213	681
New Hanover	764	726	95.0%	707	244	785
Durham	867	975	112.4%	795	213	1,000

*Includes exceptional and complex-business cases, a small percentage of totals.

District Court Criminal. The AOC reports that felony dispositions in District Court can be found in the table below. There is no published goal in the Criminal Docketing Plan for misdemeanors/H & I felonies in District Court. We can contrast the median ages and ages at the 90th percentile with the State and other selected counties. Processing times for Forsyth County felonies and non-motor vehicle cases do not compare favorably for both measures with Wake and New Hanover Counties. Aging data is not provided by the AOC for motor vehicle cases in District Court.

DISTRICT COURT: AGE OF PENDING NON-MOTOR VEHICLE CASES JUNE 30, 2005						
	Total Filed	Total Disposed	(%)	Total Pending	Median Age	90.0% Percentile
Counties (Ranked in order of age at 90th percentile)						
Buncombe	19,248	18,392	95.5%	5,910	69	253
Gaston	23,158	23,279	100.5%	10,156	96	317
Cumberland	17,870	18,198	101.8%	8,036	93	346
Mecklenburg	51,360	54,615	106.3%	15,129	74	354
State Totals	646,842	647,179	100.0%	225,197	83	370
Guilford	40,091	41,072	102.4%	18,664	103	378
Wake*	44,620	41,512	93.0%	15,456	79	398
New Hanover*	18,361	20,158	109.7%	6,404	99	403
Forsyth*	17,087	15,730	92.0%	7,257	111	506
Durham	16,872	17,715	104.9%	8,890	121	640

*Includes H & I felonies disposed in District Court.

DISTRICT COURT: PENDING MOTOR VEHICLE CASES JUNE 30, 2005

	Total Filed	Total Disposed	(%)	Total Pending	Median Age	90.0% Percentile
<i>data not provided</i>						
Counties (Ranked by disposition rate)						
Gaston	22,896	24,719	107.9%			
Cumberland	34,138	34,434	100.8%			
New Hanover	21,164	21,349	100.8%			
Durham	19,898	20,052	100.7%			
Buncombe	19,000	18,806	98.9%			
Mecklenburg	85,883	84,809	98.7%			
State	923,000	910,820	98.6%			
Forsyth	37,452	36,852	98.3%			
Wake	87,340	83,735	95.8%			
Guilford	45,182	43,067	95.3%			

District Court Civil. The Chief District Court Judge is responsible for trial settings for all civil cases in Forsyth District Court. As shown in the next table, Forsyth County District Court disposes of more than 90% of its general civil cases in less than 365 days. The median age of these cases is well below the Statewide median age. District Court will continue to hold regular clean-up calendars to limit the number of older cases. (CVM magistrate appeals and transfers are not shown)

DISTRICT COURT: AGE OF PENDING GENERAL CIVIL CASES JUNE 30, 2005

	Total Filed	Total Disposed	(%)	Total Pending	Median Age	90.0% Percentile
Counties (Ranked in order of age at 90th percentile)						
Cumberland	1,795	1,800	100.2%	379	50	111
Gaston	1,127	1,096	97.2%	316	59	218
Mecklenburg	5,975	5,967	99.8%	2,262	73	251
Buncombe	1,290	1,302	100.9%	432	73	267
Forsyth	1,918	2,028	105.7%	613	90	325
Wake	6,903	7,122	103.1%	2,915	104	379
State	55,948	57,540	102.8%	23,526	111	667
New Hanover	1,120	1,190	106.2%	517	167	694
Durham	1,488	2,085	140.0%	891	196	750
Guilford	3,089	3,358	108.7%	2,086	316	1,252

District Court Domestic. The age of Forsyth County District Court domestic cases at the 90th percentile, and their median age is well below Statewide totals and ranks first among similar counties. At this time, District Court will continue to monitor the number of cases pending over one year with regular clean-up calendars. (Child support, IV-D/URESA cases not shown)

DISTRICT COURT: AGE OF PENDING DOMESTIC RELATIONS CASES JUNE 30, 2005

	Total Filed	Total Disposed	(%)	Total Pending	Median Age	90.0% Percentile
Counties (Ranked in order of age at 90th percentile)						
Forsyth	2,928	3,066	104.7%	780	69	370
Durham	2,324	2,307	99.2%	632	73	380
Cumberland	4,951	4,921	99.3%	1,160	85	399
New Hanover	2,212	2,123	95.9%	547	73	400
Mecklenburg	8,800	8,440	95.9%	2,913	91	650
Buncombe	2,497	2,568	102.8%	862	221	846
Gaston	2,040	1,908	93.5%	772	393	1,134
State	81,602	79,194	97.0%	31,690	220	1,473
Guilford	4,023	4,017	99.8%	2,384	639	1,547
Wake	5,636	4,817	85.4%	4,558	827	2,317

Trends in Forsyth County Fiscal Year Statistics

Superior Court. In the past five fiscal years, civil filings as shown below have generally maintained a gradual increase over the last 5 years. Civil dispositions have generally kept pace with filings resulting in Forsyth civil Superior Court having the most current caseload of those Counties with more than 1,000 filings a year.

Case Type	Filings					Dispositions					
	00-01	01-02	02-03	03-04	04-05	00-01	01-02	02-03	03-04	04-05	
SUPERIOR COURT											
Civil	1,075	1,146	1,100	1,111	1,205	1,076	1,102	1,052	1,109	1,175	
	Increase%	7%	-4%	1%	8%	% of filings	100%	96%	96%	100%	98%
Estates	2,344	2,130	2,127	2,112	2,204	2,230	2,213	2,078	2,316	2,327	
Special Proc.	3,005	3,626	3,760	4,446	5,094	2,493	3,216	3,666	4,300	4,868	
Criminal											
Felonies	1,997	1,823	1,449	1,415	1,531	1,897	1,837	1,474	1,500	1,482	
	Increase%	-9%	-21%	-2%	8%	% of filings	95%	101%	102%	106%	97%
Misdemeanors	613	580	506	646	785	669	557	533	619	603	
	Increase%	-5%	-13%	28%	22%	% of filings	109%	96%	105%	96%	77%
Total Criminal	2,610	2,403	1,955	2,061	2,316	2,566	2,394	2,007	2,119	2,085	
	Increase%	-8%	-19%	5%	12%	% of filings	98%	100%	103%	103%	90%
SUP CT TOTAL	9,034	9,305	8,942	9,730	10,819	8,365	8,925	8,803	9,844	10,455	
	Increase%	3%	-4%	9%	11%	% of	93%	96%	98%	101%	97%

The number of total superior court felony filings on the preceding page has begun to increase again, ending years of downward movement. Criminal dispositions as a percentage of filings has decreased significantly from last year's percentage in Superior Court.

**CURRENT PRISON POPULATIONS AND
NUMBER OF ADMISSIONS FROM SELECTED COUNTIES
AS OF AUGUST 31, 2005**

	Death Row	Habitual Felons	Prison Entries	Per 1000 Pop.*	Prison Pop.	Per 1000 Pop.*
Counties (Ranked by Per Capita Prison Population)						
New Hanover	7	60	1,029	5.9	1,057	6.1
Forsyth	12†	485†	907	2.8	1,945	6.1
Guilford	5	358	1,367	3.1	2,628	6.0
Buncombe	9	352	776	3.6	1,205	5.6
Cumberland	11	207	966	3.1	1,616	5.2
Gaston	5	40	542	2.8	938	4.9
State	178	4,428	26,207	3.1	36,750	4.3
Durham	1	207	430	1.8	1,017	4.2
Wake	11	325	1,573	2.2	2,538	3.5
Mecklenburg	6	296	858	1.1	2,113	2.7

Statistics supplied by the Department of Correction (see <http://www.doc.state.nc.us/rap/index.htm>)

*Based on 2005 population figures

†Highest in the State

Forsyth County has more habitual felons and death row inmates in prison than any of the other county in the State. We continue to maintain a very high per capita number of inmates in prison compared to State totals. The trend of prison entries from Forsyth arriving with longer sentences to serve seems to be continuing.

District Court. Thanks to increases in the number of Motor Vehicle and Infractions cases, filings in Forsyth County District Court have returned to levels last seen in 2000. District Court Judges disposed of the following numbers of non-jury H & I felonies (which are reported under District Court non-motor vehicle cases) since 1998:

- FY98-99: 894 felonies
- FY99-00: 1,212 felonies
- FY 00-01: 1,439 felonies
- FY01-02: 1,414 felonies
- FY02-03: 1,562 felonies
- FY03-04: 1,324 felonies
- FY04-05: 1,446 felonies

Dispositions as a percentage of filings in District Court civil continue an upward trend from year to year; criminal court dispositions vary with no pattern emerging.

DISTRICT COURT											
Case Type	Filings						Dispositions				
	00-01	01-02	02-03	03-04	04-05		00-01	01-02	02-03	03-04	04-05
Gen. Civil	5,957	2,755	2,416	2,332	2,102		5,790	3,864	2,513	2,458	2,204
	Increase%	-54%	-12%	-3%	-10%	% of filings	97%	140%	104%	105%	105%
Child Support	1,865	1,886	1,537	1,599	1,643		1,814	1,839	1,592	1,764	1,701
(URES/IV-D)	Increase%	1%	-19%	4%	3%	% of filings	97%	98%	104%	110%	104%
DOM REL	3,097	3,262	3,176	3,141	3,202		3,592	3,291	3,260	3,197	3,233
	Increase%	5%	-3%	-1%	2%	% of filings	116%	101%	103%	102%	101%
CRIMINAL											
Motor Veh	35,814	35,909	36,213	36,176	37,452		35,031	34,617	37,061	35,517	36,852
	Increase%	0%	1%	0%	4%	% of filings	98%	96%	102%	98%	98%
Non-Motor Veh	19,170	17,225	16,814	16,499	17,087		22,081	15,820	16,991	16,067	15,730
	Increase%	-10%	-2%	-2%	4%	% of filings	115%	92%	101%	97%	92%
Infractions	22,526	23,221	22,645	23,165	25,067		22,253	22,734	22,939	23,080	24,837
	Increase%	3%	-2%	2%	8%	% of filings	99%	98%	101%	100%	99%
Total Criminal	77,510	76,355	75,672	75,840	79,606		79,365	73,171	76,991	74,664	77,419
	Increase%	-1%	-1%	0%	5%	% of filings	102%	96%	102%	98%	97%
DIST CT											
TOTAL	86,564	82,372	81,264	81,313	84,910		88,747	80,326	82,764	80,319	82,856
	Increase%	-5%	-1%	0%	4%	% of filings	103%	98%	102%	99%	98%

If you would like to discuss these totals or trends, please contact me at your convenience.