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**Subject:** N.C.G.S. § 20-141.4. as may apply to Jackee Brown, Wife of Waynesville Mayor Gavin Brown.

Sections of N.C.G.S. § 20-141.4. appear applicable to Jackee Brown, Wife of Waynesville Mayor Gavin Brown, who smashed into the Ramsey's pick-up truck on the morning of Christmas Eve while driving drunk (BAC = 0.17). The following is the General Statute, with the possible applicable sections highlighted in red.

**§ 20-141.4. Felony and misdemeanor death by vehicle; felony serious injury by vehicle; aggravated offenses; repeat felony death by vehicle.**

- (a) Repealed by Session Laws 1983, c. 435, s. 27.
- (a1) Felony Death by Vehicle. - A person commits the offense of felony death by vehicle if:
  - (1) The person unintentionally causes the death of another person,
  - (2) The person was engaged in the offense of impaired driving under G.S. 20-138.1 or G.S.20-138.2, and
  - (3) The commission of the offense in subdivision (2) of this subsection is the proximate cause of the death.
- (a2) Misdemeanor Death by Vehicle. - A person commits the offense of misdemeanor death by vehicle if:
  - (1) The person unintentionally causes the death of another person,
  - (2) The person was engaged in the violation of any State law or local ordinance applying to the operation or use of a vehicle or to the regulation of traffic, other than impaired driving under G.S. 20-138.1, and
  - (3) The commission of the offense in subdivision (2) of this subsection is the proximate cause of the death.
- (a3) Felony Serious Injury by Vehicle. - A person commits the offense of felony serious injury by vehicle if:
  - (1) The person unintentionally causes serious injury to another person,
  - (2) The person was engaged in the offense of impaired driving under G.S. 20-138.1 or G.S. 20-138.2, and
  - (3) The commission of the offense in subdivision (2) of this subsection is the proximate cause of the serious injury.
- (a4) Aggravated Felony Serious Injury by Vehicle. - A person commits the offense of aggravated felony serious injury by vehicle if:
  - (1) The person unintentionally causes serious injury to another person,
  - (2) The person was engaged in the offense of impaired driving under G.S. 20-138.1 or G.S. 20-138.2,
  - (3) The commission of the offense in subdivision (2) of this subsection is the proximate cause of the serious injury, and
  - (4) The person has a previous conviction involving impaired driving, as defined in G.S. 20-4.01(24a), within seven years of the date of the offense.
- (a5) Aggravated Felony Death by Vehicle. - A person commits the offense of aggravated felony death by vehicle if:
  - (1) The person unintentionally causes the death of another person,
  - (2) The person was engaged in the offense of impaired driving under G.S. 20-138.1 or G.S. 20-138.2,
  - (3) The commission of the offense in subdivision (2) of this subsection is the proximate cause of the death, and
  - (4) The person has a previous conviction involving impaired driving, as defined in G.S. 20-4.01(24a), within seven years of the date of the offense.

- (a6) Repeat Felony Death by Vehicle Offender. - A person commits the offense of repeat felony death by vehicle if:
  - (1) The person commits an offense under subsection (a1) or subsection (a5) of this section; and
  - (2) The person has a previous conviction under:
    - a. Subsection (a1) of this section;
    - b. Subsection (a5) of this section; or
    - c. G.S. 14-17 or G.S. 14-18, and the basis of the conviction was the unintentional death of another person while engaged in the offense of impaired driving under G.S. 20-138.1 or G.S. 20-138.2.  
The pleading and proof of previous convictions shall be in accordance with the provisions of G.S. 15A-928.
- (b) Punishments. - Unless the conduct is covered under some other provision of law providing greater punishment, the following classifications apply to the offenses set forth in this section:
  - (1) Repeat felony death by vehicle is a Class B2 felony.
  - (1a) Aggravated felony death by vehicle is a Class D felony. Notwithstanding the provisions of G.S. 15A-1340.17, the court shall sentence the defendant in the aggravated range of the appropriate Prior Record Level.
  - (2) Felony death by vehicle is a Class D felony. Notwithstanding the provisions of G.S. 15A-1340.17, intermediate punishment is authorized for a defendant who is a Prior Record Level I offender.
  - (3) Aggravated felony serious injury by vehicle is a Class E felony.
  - (4) Felony serious injury by vehicle is a Class F felony.
  - (5) Misdemeanor death by vehicle is a Class A1 misdemeanor.
- (c) No Double Prosecutions. - No person who has been placed in jeopardy upon a charge of death by vehicle may be prosecuted for the offense of manslaughter arising out of the same death; and no person who has been placed in jeopardy upon a charge of manslaughter may be prosecuted for death by vehicle arising out of the same death. (1973, c. 1330, s. 9; 1983, c. 435, s. 27; 1993, c. 285, s. 10; c. 539, ss. 371, 1259; 1994, Ex. Sess., c. 24, s. 14(c); 2006-253, s. 14; 2007-493, s. 15; 2009-528, s. 1; 2012-165, s. 2, 3.)

The following is a chart of prison sentences by class of felony. The possible applicable sections that may apply are highlighted in red.

### Class of felony

Every felony offense in North Carolina has a specific, though broad, range of incarceration penalties. Ignoring prior criminal record and dispositional ranges, the prison sentences by class of felony are:

- Class A felony: death or life without parole
- Class B1 felony: 144 months to life without parole
- Class B2 felony: 94 to 393 months
- Class C felony: 44 to 182 months
- Class D felony: 38 to 160 months
- Class E felony: 15 to 63 months
- Class F felony: 10 to 41 months

When do you suppose the DA's Office might come forward with additional charges?

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