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Subject: “NC General Statutes are only Guidelines”, Quote from June Ray, Clerk of Superior Court.

How do the following North Carolina General Statutes apply to Holly Fletcher, niece of June Ray, Clerk of Superior Court?

§ 20-138.1. Impaired driving.

(a) Offense. - A person commits the offense of impaired driving if he drives any vehicle upon any highway, any street, or any public vehicular area within this State:

(1) While under the influence of an impairing substance; or

(2) After having consumed sufficient alcohol that he has, at any relevant time after the driving, an alcohol concentration of 0.08 or more. The results of a chemical analysis shall be deemed sufficient evidence to prove a person's alcohol concentration; or

(3) With any amount of a Schedule I controlled substance, as listed in G.S. 90-89, or its metabolites in his blood or urine.

(a1) A person who has submitted to a chemical analysis of a blood sample, pursuant to G.S. 20-139.1(d), may use the result in rebuttal as evidence that the person did not have, at a relevant time after driving, an alcohol concentration of 0.08 or more.

(b) Defense Precluded. - The fact that a person charged with violating this section is or has been legally entitled to use alcohol or a drug is not a defense to a charge under this section.

(b1) Defense Allowed. - Nothing in this section shall preclude a person from asserting that a chemical analysis result is inadmissible pursuant to G.S. 20-139.1(b2).

(c) Pleading. - In any prosecution for impaired driving, the pleading is sufficient if it states the time and place of the alleged offense in the usual form and charges that the defendant drove a vehicle on a highway or public vehicular area while subject to an impairing substance.

(d) Sentencing Hearing and Punishment. - Impaired driving as defined in this section is a misdemeanor. Upon conviction of a defendant of impaired driving, the presiding judge shall hold a sentencing hearing and impose punishment in accordance with G.S. 20-179.

(e) Exception. - Notwithstanding the definition of "vehicle" pursuant to G.S. 20-4.01(49), for purposes of this section the word "vehicle" does not

§ 20-138.5. Habitual impaired driving.

(a) A person commits the offense of habitual impaired driving if he drives while impaired as defined in G.S. 20-138.1 and has been convicted of three or more offenses involving impaired driving as defined in G.S. 20-4.01(24a) within 10 years of the date of this offense.

(b) A person convicted of violating this section shall be punished as a Class F felon and shall be sentenced to a minimum active term of not less than 12 months of imprisonment, which shall not be suspended. Sentences imposed under this subsection shall run consecutively with and shall commence at the expiration of any sentence being served.

(c) An offense under this section is an implied consent offense subject to the provisions of G.S. 20-16.2. The provisions of G.S. 20-139.1 shall apply to an offense committed under this section.

(d) A person convicted under this section shall have his license permanently revoked.

(e) If a person is convicted under this section, the motor vehicle that was driven by the defendant at the time the defendant committed the offense of impaired driving becomes property subject to forfeiture in accordance with the procedure set out in G.S. 20-28.2. In applying the procedure set out in that statute, an owner or a holder of a security interest is considered an innocent party with respect to a motor vehicle subject to forfeiture under this subsection if any of the following applies:

(1) The owner or holder of the security interest did not know and had no reason to know that the

defendant had been convicted within the previous seven years of three or more offenses involving impaired driving.

(2) The defendant drove the motor vehicle without the consent of the owner or the holder of the security interest. (1989 (Reg. Sess., 1990), c. 1039, s. 7; 1993, c. 539, s. 1258; 1994, Ex. Sess., c. 14, s. 32; c. 24, s. 14©; 1993 (Reg. Sess., 1994), c. 761, s. 34.1; c. 767, s. 32; 1997-379, s. 6; 2006-253, ss. 12, 13.)

Holly Fletcher's court date is 2/16/2016 for 15CR51713, almost 279 days (about 10 months) after her original citation on 5/13/2015. How does this relate to Criminal Court Case 5CR1123, a charge of INTOXICATED AND DISRUPTIVE, now a little over ten years ago? How come, if you or I were charged on 5/13/2016, the case would have been heard about 1 month after the citation? Did June Ray have a hand in delaying this case for 10 months? Who controls things at the Justice Center anyway? The Clerk of Superior Court, June Ray.

Evidently, North Carolina General Statutes don't mean too much to June Ray. During an afternoon question and answer session with June Ray behind the glass windows, the following conversation transpired, with Terry Ramey, June Ray, Keith Jones (then a deputy Sheriff) and myself (and all the other people with earshot of our shouting).

Keith Jones came over during Ramey's discussion with Ray. Keith was scowling at us, and made a point to nearly stand in Ramey's and my face. He demanded why we were behind the glass windows, in the working part of the office. He had to use a security pass to get back there. June Ray explained this was indeed a public area, access is granted through unlocked doors, going through the room that contains the public access terminals, then into the main area. Keith (now retired) seemed to back off a little.

The discussion with Ramey and Ray centered on procedural violations with NC General Statutes June Ray was allowing during the bidding phase of Terry Ramey's foreclosure.

<http://haywoodtp.net/pubII/140429FlowDiagram1of6.PDF>
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June Ray was agitated, and uttered the now famous phrase "North Carolina General Statutes are only Guidelines".

June Ray never did enforce North Carolina General Statutes properly during the bidding phase of Ramey's Foreclosure. Ramey lost the property.

Be sure to follow to see how **§ 20-138.5. Habitual impaired driving** may apply to Holly Fletcher, and maybe some other members of her family in upcoming updates on Interesting Stuff on www.haywoodtp.net.

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