

Appendix "A"

JUDICIAL DISTRICT 308  
DETERMINING CONDITIONS OF  
PRETRIAL RELEASE

Pursuant to Judicial District 308's Local Pretrial Release Policy, judicial officials must use the flowchart contained here, with accompanying footnotes and tables, when determining conditions of release in all cases except where the North Carolina General Statutes prescribe a different outcome or result.

May 1, 2021

1. the number of such prisoners confined in the jail;
  2. the medical condition of the prisoner;
  3. any violations of jail rules and regulations by the prisoner; and
  4. whether the prisoner is cooperating with law enforcement in any ongoing criminal investigation.
- (b) Motions by Prisoners. G.S. 15A-538. A prisoner may apply to a superior court judge in writing for modification of the conditions of pretrial release imposed by a district court judge. In considering such an application, in addition to all other appropriate factors, the judge may consider:
1. whether the prisoner has filed a motion for a speedy trial;
  2. the length of time the prisoner has been incarcerated on such charges;
  3. the number of times the cases of the prisoner have appeared on a trial calendar;
  4. the number of times the cases of the prisoner have appeared on a trial list;
  5. the number of defendants on pretrial release whose cases have been tried since the prisoner was incarcerated on such charges;
  6. any violations of jail rules and regulations while confined; and
  7. any recommendation or position of the appropriate law enforcement agency.
- (c) Motions by Prosecutor. The District Attorney may at any time apply to a judge for modification or revocation of an order of pre-trial release. G.S. 15A-539.

**41. Revocation of Pretrial Release Orders. G.S. 15A-534(f).**

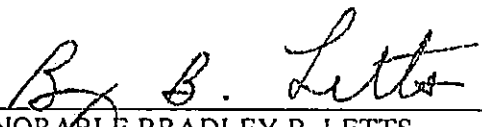
- (a) For good cause shown any judge may at any time revoke an order of pretrial release.
- (b) Upon application of any defendant whose order of pretrial release has been revoked, the judge must set new conditions of pretrial release.

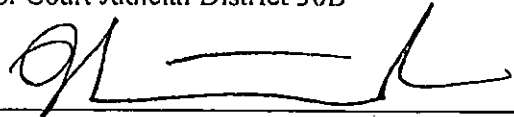
**42. Rules of Evidence.** In imposing conditions of pretrial or post-trial release and in modifying and revoking such orders, the judicial official must take into account all evidence available to him, which the judicial official considers reliable and is not strictly bound by the rules of evidence applicable to criminal trials. G.S. §§15A-534(g), 15A-536(f), and 8C-1101.

**43. Approved Forms.** Reserved for future use.

**44. Appendices to Policy.** Currently "Judicial District 30B: Determining Conditions of Pretrial Release" is attached as "Appendix A". This and any future Appendix may be amended as needed or required without modifying this policy.

**45. Effective Date.** This Policy shall be effective May 1, 2021.

  
\_\_\_\_\_  
THE HONORABLE BRADLEY B. LETTS  
Senior Resident Superior Court Judge  
Superior Court Judicial District 30B

  
\_\_\_\_\_  
THE HONORABLE ROY T. WIJEWICKRAMA  
Chief District Court Judge  
District Court Judicial District 30

New  
Criminal  
Offense or  
Probation  
Violation<sup>1</sup>

Misdemeanor, Class I- F Felony,  
Or A-E Felony

Probation  
Violation

Check any that apply:

- Defendant has insufficient ties to the community to assure appearance<sup>2</sup>
- Defendant has recent history of FTAs<sup>3</sup>
- Defendant has prior record of
  - a breaking or entering conviction
  - a felony conviction; or
  - misdemeanor convictions within the last five years demonstrating a pattern of conduct<sup>4</sup>
- Charged offense was committed when Defendant was on pretrial release for any prior offense<sup>5</sup>
- Defendant is on supervised probation for any offense
- Charged offense is drug trafficking offense<sup>6</sup> or an offense involving the distribution of drugs<sup>7</sup>
- Charged offense demonstrates continued pattern of illegal drug use which is a danger to self and others
- Charged offense involves domestic violence<sup>8</sup>
- Charged offense involved Defendant's use of a firearm or deadly weapon
- Charged offense is a felony & involved violence<sup>9</sup> or is a felony & resulted in injury to a person<sup>10</sup>
- Charged offense requires sex offender registration<sup>11</sup> or failure to register as a sex offender<sup>12</sup>
- Defendant is impaired such that immediate release is likely to cause harm to self/others/property<sup>13</sup>

If no box is checked

**Recommendation:**  
Impose a written  
promise, custody  
release, or  
unsecured bond<sup>17</sup>

Deviations  
from the  
recommendation  
are permissible  
but must be  
documented

If any box is checked

Make the statutory determination

Statute *requires* the judicial official to impose a written promise, custody release, or unsecured bond *unless* he/she determines that such a release

- Will not reasonably assure the appearance of the defendant as required;
- Will pose a danger of injury to any person; or
- Is likely to result in destruction of evidence, subornation of perjury, or intimidation of potential witnesses<sup>14</sup>

If no box is checked

If any box is checked

**Recommendation:** Impose a secured bond<sup>18</sup> & record reasons for doing so<sup>14</sup>

Deviations from the recommendation are permissible but must be documented

1. If the matter is before a judge on the State's motion to increase conditions after the return of a habitual felon indictment, the judge should treat the offense at its "habitualized" offense Class level.
2. The mere fact that the Defendant is homeless and does not have a home address does not warrant checking this box; inquiry should be focused on the Defendant's connections to the community.
3. FTAs within the last 2 years are most relevant.
4. The pattern of conduct must relate to the present offense. For example: the current charge involves drug possession and the Defendant has 3 priors within the last 5 years for misdemeanor drug or drug paraphernalia possession.
5. This factor covers situations where the Defendant continues to engage in the same type of conduct (e.g., repeat larceny) or continues to commit new offenses or demonstrates an escalating course of conduct (e.g., the defendant is charged with injury to real property while on pretrial release for communicating threats to the property owner).
6. See G.S. 90-95(h); North Carolina Crimes *supra* note 10, at 721-739 (discussing trafficking offenses).
7. For example, sale and delivery of a controlled substance and possession with intent to manufacture, sell, or deliver.
8. An offense involves domestic violence when the relationship between the parties is one of the following:
  - o Current or former spouses
  - o Currently or formerly lived together as if married
  - o Currently or formerly in a dating relationship
  - o Have a child in common
  - o Parent (or one in parental role)/child
  - o Grandparent/grandchild
  - o Current or former members of the same household

Note: this list is drawn from G.S. 15A-534.1, the 48-hour domestic violence hold statute.
9. For Example Robbery
10. This factor applies when the offense involved harm to a person (e.g., assaultive conduct). It does not apply to offenses in which property is taken or harmed (e.g., larceny, embezzlement obtaining property by false pretense, etc.)
11. For a list of offenses requiring sex offender registration, see Jamie Markham & Shea Denning North Carolina Sentencing handbook 2017-18 (UNC School of Government, forthcoming 2018).
12. See G.S. 14-208.11(a); Jessica Smith, North Carolina Crimes: a guidebook on elements of Crime 268 (7<sup>th</sup> ED 212) (discussing this offense.)
13. For defendants in impaired driving cases, follow impaired driving procedures. In all other cases if a secured bond is imposed only because of this factor and the defendant remains detained, conditions must be revised without consideration of this factor when the defendant's impairment no longer presents a danger of physical injury to himself or herself or others or of damage to property, but in any event, no later than 24 hours after secured bond was set.
14. G.S. 15A-534(b). When making this inquiry, judicial officials should consider whether pretrial restrictions (e.g., restrictions on travel, associations, conduct or place of abode, as well as abstention from alcohol consumption, as verified by the use of an approved continuous alcohol monitoring system), which can be imposed with a written promise, custody release or unsecured bond can sufficiently mitigate pretrial risk. See G.S. 15A-534(a).
15. If a secured appearance bond is imposed: (1) the judicial official must consider—among other relevant factors—the defendant's ability to pay; and (2) if a secured bond is set in excess of these recommended maximums, reasons for doing so must be documented.
16. See G.S. 15A-534(b) (when judicial official imposes secured bond instead of written promise, custody release or unsecured bond, the judicial official "must record the reasons for so doing in writing to the extent provided in the policies or requirements issued by the senior resident superior court judge").
17. Pretrial restrictions can accompany any pretrial condition. See G.S. 15A-534(a) & note 14 above.

**Recommended Maximum Secured Appearance Bond Amounts—Drug Trafficking\***

If a bond is set in excess of these recommendations, reasons for doing so must be documented.

Drug	Amount	Class	Recommended Maximum Secured Bond
Marijuana	>10 lbs - 49 lbs.	H	\$5,000
	50 - 1,999	G	\$25,000
	2,000 - 9,999	F	\$50,000
Methaqualone	10,000 or more	D	\$200,000
	1,000 - 4,999 dosage units	G	\$25,000
	5,000 - 9,999	F	\$50,000
Cocaine	10,000 or more	D	\$200,000
	28-199 grams	G	\$50,000
	200-399	F	\$100,000
Methamphetamine	400 or more	D	\$250,000
	28-199 grams	F	\$50,000
	200-399 grams	E	\$100,000
Amphetamine	400 or more	C	\$250,000
	28-199 grams	H	\$5,000
	200-399	G	\$25,000
Opium/Opiate/Oploid/Heroin	400 or more	E	\$100,000
	4-13 grams	F	\$50,000
	14-27	E	\$100,000
LSD	28 or more	C	\$500,000
	100-499 dosage units	G	\$25,000
	500-999	F	\$50,000
MDA/MDMA	1,000 or more	D	\$200,000
	100-499 units/28-199 grams	G	\$25,000
	500-999 units/200-399 grams	F	\$50,000
Substituted Cathinones	1,000 units/400 grams or more	D	\$250,000
	28-199 grams	F	\$50,000
	200-399	E	\$100,000
Synthetic Cannabinoids	400 or more	C	\$250,000
	In excess of 50-249 dosage units**	H	\$5,000
	250-1,249	G	\$25,000
	1,250-3,749	F	\$50,000
	3,750 or more	D	\$200,000

\* The recommended maximum secured bonds included in this table are taken from the minimum fines required for the respective offenses.

\*\*A "dosage unit" is 3 grams of synthetic cannabinoid or any mixture containing such substance

**Recommended maximum Secured Appearance Bond Amounts—Felonies (Other Than Drug Trafficking)**

If a bond is set in excess of these recommendations, reasons for doing so must be documented.

Punishment Class	Recommended Maximum Secured Bond
A	Set by Judge
B1	\$200,000
B2	\$200,000
C	\$100,000
D	\$50,000
E	\$25,000
F	\$20,000
G	\$15,000
H	\$10,000
I	\$2,500

**Recommended Maximum Secured Appearance Bond Amounts—Misdemeanors**

If a bond is set in excess of these recommendations, reasons for doing so must be documented.

Punishment Class	Recommended Maximum Secured Bond
A1	\$1,000
1	\$500
2	Use written promise, custody release or unsecured bond
3	Use written promise, custody release or unsecured bond
DWI (non-felony)	\$500

**\*\*\* Effective for Offenses Committed on or after 10/1/13 \*\*\***

**FELONY PUNISHMENT CHART  
PRIOR RECORD LEVEL**

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

**OFFENSE CLASS**

**A** – Active Punishment      **I** – Intermediate Punishment      **C** – Community Punishment  
Numbers shown are in months and represent the range of minimum sentences

Revised: 09-09-13

**\*\*\* Effective for Offenses Committed on or after 10/1/13 \*\*\***

**MINIMUM AND MAXIMUM SENTENCES**

The corresponding maximum sentence for each minimum sentence is shown in the tables below. In each column, the number to the left of the dash represents the minimum sentence (in months) and the number to the right of the dash represents the corresponding maximum sentence (in months).

***FOR OFFENSE CLASSES B1 THROUGH E***

15-30	52-75	89-119	126-164	163-208	200-252	237-297	274-341	311-386
16-32	53-76	90-120	127-165	164-209	201-254	238-298	275-342	312-387
17-33	54-77	91-122	128-166	165-210	202-255	239-299	276-344	313-388
18-34	55-78	92-123	129-167	166-212	203-256	240-300	277-345	314-389
19-35	56-80	93-124	130-168	167-213	204-257	241-302	278-346	315-390
20-36	57-81	94-125	131-170	168-214	205-258	242-303	279-347	316-392
21-38	58-82	95-126	132-171	169-215	206-260	243-304	280-348	317-393
22-39	59-83	96-128	133-172	170-216	207-261	244-305	281-350	318-394
23-40	60-84	97-129	134-173	171-218	208-262	245-306	282-351	319-395
24-41	61-86	98-130	135-174	172-219	209-263	246-308	283-352	320-396
25-42	62-87	99-131	136-176	173-220	210-264	247-309	284-353	321-398
26-44	63-88	100-132	137-177	174-221	211-266	248-310	285-354	322-399
27-45	64-89	101-134	138-178	175-222	212-267	249-311	286-356	323-400
28-46	65-90	102-135	139-179	176-224	213-268	250-312	287-357	324-401
29-47	66-92	103-136	140-180	177-225	214-269	251-314	288-358	325-402
30-48	67-93	104-137	141-182	178-226	215-270	252-315	289-359	326-404
31-50	68-94	105-138	142-183	179-227	216-272	253-316	290-360	327-405
32-51	69-95	106-140	143-184	180-228	217-273	254-317	291-362	328-406
33-52	70-96	107-141	144-185	181-230	218-274	255-318	292-363	329-407
34-53	71-98	108-142	145-186	182-231	219-275	256-320	293-364	330-408
35-54	72-99	109-143	146-188	183-232	220-276	257-321	294-365	331-410
36-56	73-100	110-144	147-189	184-233	221-278	258-322	295-366	332-411
37-57	74-101	111-146	148-190	185-234	222-279	259-323	296-368	333-412
38-58	75-102	112-147	149-191	186-236	223-280	260-324	297-369	334-413
39-59	76-104	113-148	150-192	187-237	224-281	261-326	298-370	335-414
40-60	77-105	114-149	151-194	188-238	225-282	262-327	299-371	336-416
41-62	78-106	115-150	152-195	189-239	226-284	263-328	300-372	337-417
42-63	79-107	116-152	153-196	190-240	227-285	264-329	301-374	338-418
43-64	80-108	117-153	154-197	191-242	228-286	265-330	302-375	339-419
44-65	81-110	118-154	155-198	192-243	229-287	266-332	303-376	
45-66	82-111	119-155	156-200	193-244	230-288	267-333	304-377	
46-68	83-112	120-156	157-201	194-245	231-290	268-334	305-378	
47-69	84-113	121-158	158-202	195-246	232-291	269-335	306-380	
48-70	85-114	122-159	159-203	196-248	233-292	270-336	307-381	
49-71	86-116	123-160	160-204	197-249	234-293	271-338	308-382	
50-72	87-117	124-161	161-206	198-250	235-294	272-339	309-383	
51-74	88-118	125-162	162-207	199-251	236-296	273-340	310-384	

To calculate a maximum sentence when the minimum sentence is 340 months or more, multiply the minimum sentence by 1.20 (rounding to the next highest month) and add 12. See G.S. 15A-1340.17(e1).

**Sex Offenses:** To calculate a maximum sentence for a Class B1 through E felony that is subject to the registration requirements of G.S. Chapter 14, Article 27A, multiply the minimum sentence by 1.20 (rounding to the next highest month) and add 60. See G.S. 15A-1340.17(f).

***FOR OFFENSE CLASSES F THROUGH I***

3-13	8-19	13-25	18-31	23-37	28-43	33-49	38-55
4-14	9-20	14-26	19-32	24-38	29-44	34-50	39-56
5-15	10-21	15-27	20-33	25-39	30-45	35-51	40-57
6-17	11-23	16-29	21-35	26-41	31-47	36-53	41-59
7-18	12-24	17-30	22-36	27-42	32-48	37-54	

**\*\*\*Effective for Offenses Committed on or after 12/1/13\*\*\***

**MISDEMEANOR PUNISHMENT CHART**

CLASS	PRIOR CONVICTION LEVEL			
	I	II		III
	No Prior Convictions	One to Four Prior Convictions		Five or More Prior Convictions
<b>A1</b>	C//A 1 - 60 days	C//A 1 - 75 days		C//A 1 - 150 days
<b>1</b>	C 1 - 45 days	C//A 1 - 45 days		C//A 1 - 120 days
<b>2</b>	C 1 - 30 days	C/I 1 - 45 days		C//A 1 - 60 days
<b>3</b>	C Fine Only* 1 - 10 days	One to Three Prior Convictions	Four Prior Convictions	C//A 1 - 20 days
		C Fine Only* 1 - 15 days	C/I 1 - 15 days	

**\*Unless otherwise provided for a specific offense, the judgment for a person convicted of a Class 3 misdemeanor who has no more than three prior convictions shall consist only of a fine.**

**A – Active Punishment      I – Intermediate Punishment      C – Community Punishment  
Cells with slash allow either disposition at the discretion of the judge**

Revised: 9/30/13