

Reading North Carolina Criminal Records: Key Terms

Designed to help employers understand North Carolina criminal records, this guide defines key terms. Use it with our companion guide, Reading North Carolina Criminal Records: Sample Annotated Record.

The **defendant** is the person accused of committing a crime. Criminal charges are brought by the state. The state is represented by the **prosecutor**, sometimes called the **district attorney** or **DA**.

A **case** contains the charges against a defendant. The terms **offense** and **charge** mean the same thing—they refer to the crime at issue. If a case has more than one more charge, each might be called a **count**. Cases are **pending** (in progress) until they are **disposed** (completed). A **disposition** tells you how the charge was resolved. If you don't see a disposition, the charge hasn't been disposed.

The record may contain different dates. The **offense date** is when the offense is alleged to have occurred. The **served** or **filed** date is when the charges were initiated.

You'll see three types of charges in criminal records:

Infractions (sometimes listed as **INF**) may show up on a criminal record but are *not* criminal matters. They usually are punished by a fine and can't be punished by imprisonment.

Example: Texting while driving

Misdemeanors (sometimes listed as **M**) are lower-level criminal offenses. There are four misdemeanor classes: A1, 1, 2, and 3. Class A1 misdemeanors carry the most severe punishment; Class 3, the least. Even for the most serious misdemeanors, the maximum possible sentence is 150 days imprisonment, but that's not required.

Example: Assault on a female is a Class A1 misdemeanor

Example: Speeding is a Class 3 misdemeanor

Felonies (sometimes listed as **F**) are more serious offenses, ranging from Class A at the high end to Class I at the low end. Felonies don't always lead to prison time—some lower-level felonies can't be punished with prison time; for others, imprisonment is allowed but not required.

Example: First-degree murder is a Class A felony

Example: Breaking and/or entering a motor vehicle is a Class I felony

You might see a **probation violation** (sometimes called **delegated authority**) in a record. That's not a criminal offense; it's an allegation that the defendant violated the terms of supervision imposed as part of a sentence after conviction. If the record shows an **active** probation status, that means the defendant still is being supervised. The term **absconder** means that the defendant is alleged to have/has been found to have avoided supervision or failed to tell their probation officer where they are.

A person can contest a criminal charge or admit guilt. An admission is called a **guilty plea**. If the person doesn't admit guilt but agrees not to dispute the charges, that's a **no contest** or **nolo contendere plea** and it counts as a **conviction**.

If a defendant pleads **not guilty**, the state must prove the case at trial. The result at trial is called a **verdict**. If the defendant is found guilty, the record will show a **convicted** status. If the defendant is found innocent, that's an **acquittal** or a **not guilty** verdict.

You might see other disposition types on a record. Some of the more common ones are:

- **Dismissal(s)** or **dismissed** means the charges were dropped or thrown out, and there is no finding of guilt. **Dismissal with leave** means that the charges can be brought again later; **dismissal without leave** means that they can't be brought again.
- **Judgment arrested** means there was a finding of guilt, but the judgment (and sentence) can't be imposed for some legal reason.
- A disposition that uses the word **responsible** means the charge was disposed as a non-criminal infraction. This happens a lot for criminal traffic charges.
- A **prayer for judgment** occurs when there is a finding of guilt, but the judgment (and sentence) is postponed.

Most misdemeanor cases begin and end in **district court** and will have only a district court section on the record. Some cases begin in district court and move to **superior court** and will have a superior court section. Unless a felony charge is dismissed or ends in a guilty plea in district court, the district court disposition usually doesn't end the matter. In these cases, you might see a variety of district court disposition method entries, like **indictment**, **superseding indictment or process**, or **waiver of probable cause**. These are intermediate dispositions; to see the final one, check the superior court section of the record.

After conviction, punishment (called a **sentence**) is imposed. If it includes imprisonment, the record may indicate an **active** sentence or a sentence of **confinement**. Sometimes the term of imprisonment (e.g., months) will be listed. Supervision outside of confinement is called **probation**. Punishment also can include a **fine** or **restitution**, which is when the defendant must financially compensate someone.

The UNC School of Government is non-partisan, non-advocacy and responsive to the needs of public officials. We do not advocate for any political ideology or policy outcome or allow our personal beliefs or those of our audiences to influence our work.

This paper may not be copied or posted online, nor transmitted, in printed or electronic form, without the written permission of the School of Government, except as allowed by fair use under United States copyright law. For questions about use of the document and permission for copying, contact the School of Government.

© 2023 School of Government. The University of North Carolina at Chapel Hill