



CHAPTER 15
ARTICLE 17 - TRIAL IN SUPERIOR COURT

N.C.G.S. § 15-173.

Motion to dismiss based on the evidence.

SOURCE	LAST AMENDMENT IN THIS TEXT	RETRIEVED	SOURCE FINGERPRINT
General Statutes of North Carolina, as published by the General Assembly	S.L. 2023-54, s. 6 — sixth act in the lineage	21 September 2026, 01:27 UTC	b69f22ad2846b7c75ff75707 - 93fbbd579e55605d403862e9 - 9b906d90eb36c2da

When on the trial of any criminal action in the superior or district court, the State has introduced its evidence and rested its case, the defendant may move to dismiss the action. If the motion is allowed, judgment shall be entered accordingly; and the judgment has the force and effect of a verdict of "not guilty" as to the defendant. If the motion is refused and the defendant does not choose to introduce evidence, the case shall be submitted to the jury as in other cases, and the defendant may on appeal urge as ground for reversal the trial court's denial of the motion without the necessity of the defendant's having objected to the denial.

If the defendant introduces evidence, the defendant thereby waives any motion to dismiss that the defendant made prior to the introduction of the defendant's evidence and cannot urge the prior motion as ground for appeal. The defendant, however, may make the motion at the conclusion of all the evidence in the case, irrespective of whether or not the defendant made a motion to dismiss beforehand. If the motion is allowed, or is sustained on appeal, it has in all cases the force and effect of a verdict of "not guilty." If the motion is refused, the defendant may on appeal, after the jury has rendered its verdict, urge as ground for reversal the trial court's denial of the motion made at the close of all the evidence without the necessity of the defendant's having objected to the denial.

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I
6 ACTS

Amendment lineage

The State prints this history as a single parenthetical at the foot of the section. It is reproduced verbatim in the colophon and unpacked below in order of enactment.



TICK HEIGHT = ACTS IN THAT YEAR DASHED = RECODIFICATION, NOT AMENDMENT

Nº	YEAR	ACT	CHARACTER
01	1913	c. 73	ENACTED
02	1913	Ex. Sess. 1913, c. 32	AMENDED
03	C.S.	s. 4643	RECODIFIED
04	1951	c. 1086, s. 1	AMENDED
05	1973	c. 1141, s. 16	AMENDED
06	2023	S.L. 2023-54, s. 6	AMENDED

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 15-173 (2023).

Pinpoint keys are set in the left margin of the text rather than line numbers: subsection designators are stable across editions and paper sizes, line numbers are not.

COLOPHON

Provenance

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HISTORY PARENTHETICAL, AS PRINTED BY THE STATE

(1913, c. 73; Ex. Sess. 1913, c. 32; C.S., s. 4643; 1951, c. 1086, s. 1; 1973, c. 1141, s. 16; 2023-54, s. 6.)

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