



CHAPTER 15A

ARTICLE 73 - CRIMINAL JURY TRIAL IN SUPERIOR COURT

N.C.G.S. § 15A-1223.

Disqualification of judge.

SOURCE	LAST AMENDMENT IN THIS TEXT	RETRIEVED	SOURCE FINGERPRINT
General Statutes of North Carolina, as published by the General Assembly	1983 (Reg. Sess., 1984), c. 1037, s. 6 — second act in the lineage	21 September 2026, 06:38 UTC	f466fff4a7c7554253b5e3f5 - c697b77cc24d06ab32372208 - 3579885c4b74eeab

§ 15A-1223(a) A judge on his own motion may disqualify himself from presiding over a criminal trial or other criminal proceeding.

§ 15A-1223(b) A judge, on motion of the State or the defendant, must disqualify himself from presiding over a criminal trial or other criminal proceeding if he is:

- (1) Prejudiced against the moving party or in favor of the adverse party; or
- (2) Repealed by Session Laws 1983 (Regular Session 1984), c. 1037, s. 6.
- (3) Closely related to the defendant by blood or marriage; or
- (4) For any other reason unable to perform the duties required of him in an impartial manner.

§ 15A-1223(c) A motion to disqualify must be in writing and must be accompanied by one or more affidavits setting forth facts relied upon to show the grounds for disqualification.

§ 15A-1223(d) A motion to disqualify a judge must be filed no less than five days before the time the case is called for trial unless good cause is shown for failure to file within that time. Good cause includes the discovery of facts constituting grounds for disqualification less than five days before the case is called for trial.

§ 15A-1223(e) A judge must disqualify himself from presiding over a criminal trial or proceeding if he is a witness for or against one of the parties in the case.

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I
2 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.

1				1977	1978
TICK HEIGHT = ACTS IN THAT YEAR				DASHED = RECODIFICATION, NOT AMENDMENT	
Nº	YEAR	ACT	CHARACTER		
01	1977	c. 711, s. 1	ENACTED		
02	1977	1983 (Reg. Sess., 1984), c. 1037, s. 6	AMENDED		

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 15A-1223 (1977).

PINPOINT

N.C. Gen. Stat. § 15A-1223(a) (1977).

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
(1977, c. 711, s. 1; 1983 (Reg. Sess., 1984), c. 1037, s. 6.)

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