



CHAPTER 15A

ARTICLE 89 - MOTION FOR APPROPRIATE RELIEF AND OTHER POST-TRIAL RELIEF

N.C.G.S. § 15A-1418.

Motion for appropriate relief in the appellate division.

SOURCE	LAST AMENDMENT IN THIS TEXT	RETRIEVED	SOURCE FINGERPRINT
General Statutes of North Carolina, as published by the General Assembly	S.L. 2010-171, s. 5 — third act in the lineage	21 September 2026, 06:40 UTC	268250300c8a9fb33c2c5363 - c560ce8c04b63211075a0f66 - 3cf3bed6fc85613a

§ 15A-1418(a) When a case is in the appellate division for review, a motion for appropriate relief based upon grounds set out in G.S. 15A-1415 must be made in the appellate division. For the purpose of this section a case is in the appellate division when the jurisdiction of the trial court has been divested as provided in G.S. 15A-1448, or when a petition for a writ of certiorari has been granted. When a petition for a writ of certiorari has been filed but not granted, a copy or written statement of any motion made in the trial court, and of any disposition of the motion, must be filed in the appellate division.

§ 15A-1418(b) When a motion for appropriate relief is made in the appellate division, the appellate court must decide whether the motion may be determined on the basis of the materials before it, whether it is necessary to remand the case to the trial division for taking evidence or conducting other proceedings, or, for claims of factual innocence, whether to refer the case for further investigation to the North Carolina Innocence Inquiry Commission established by Article 92 of Chapter 15A of the General Statutes. If the appellate court does not remand the case for proceedings on the motion, it may determine the motion in conjunction with the appeal and enter its ruling on the motion with its determination of the case.

§ 15A-1418(c) The order of remand must provide that the time periods for perfecting or proceeding with the appeal are tolled, and direct that the order of the trial division with regard to the motion be transmitted to the appellate division so that it may proceed with the appeal or enter an appropriate order terminating it.

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I
3 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.

	1977		1994		2010
TICK HEIGHT = ACTS IN THAT YEAR DASHED = RECODIFICATION, NOT AMENDMENT					
Nº	YEAR	ACT	CHARACTER		
01	1977	c. 711, s. 1	ENACTED		
02	2006	S.L. 2006-184, s. 5	AMENDED		
03	2010	S.L. 2010-171, s. 5	AMENDED		

APPARATUS II
2 AUTHORITIES

Authorities referenced

Every G.S. cross-reference appearing in the text of this section, in order of first appearance. Nothing is characterized; the operative language is quoted from the section itself.

REFERENCE	APPEARS IN	OPERATIVE LANGUAGE IN THIS SECTION
G.S. 15A-1415	(a)	"based upon grounds set out in"
G.S. 15A-1448	(a)	"has been divested as provided in"

APPARATUS III

Citation

FULL SECTION
N.C. Gen. Stat. § 15A-1418 (2010).

PINPOINT
N.C. Gen. Stat. § 15A-1418(a) (2010).

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; 2006-184, s. 5; 2010-171, s. 5.)

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NORTH CAROLINA LAW — STATUTE EXPORT, FORMAT V1

