



CHAPTER 15A

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

N.C.G.S. § 15A-1419.

When motion for appropriate relief denied.

SOURCE	LAST AMENDMENT IN THIS TEXT	RETRIEVED	SOURCE FINGERPRINT
General Statutes of North Carolina, as published by the General Assembly	S.L. 2025-70, s. 15(b) — third act in the lineage	21 September 2026, 03:03 UTC	df5a0e0a08cd45a96ec95051 - 95ea1823f4ee60913cf23d19 - b2f31a6998481d8d

§ 15A-1419(a)

The following are grounds for the denial of a motion for appropriate relief, including motions filed in capital cases:

- (1) Upon a previous motion made pursuant to this Article, the defendant was in a position to adequately raise the ground or issue underlying the present motion but did not do so. This subdivision does not apply when the previous motion was made within 10 days after entry of judgment or the previous motion was made during the pendency of the direct appeal.
- (2) The ground or issue underlying the motion was previously determined on the merits upon an appeal from the judgment or upon a previous motion or proceeding in the courts of this State or a federal court, unless since the time of such previous determination there has been a retroactively effective change in the law controlling such issue.
- (3) Upon a previous appeal the defendant was in a position to adequately raise the ground or issue underlying the present motion but did not do so.
- (4) The defendant failed to file a timely motion for appropriate relief as required by subsection (a) or (a1) of G.S. 15A-1415.

§ 15A-1419(b)

The court shall deny the motion under any of the circumstances specified in this section, unless the defendant can demonstrate:

- (1) Good cause for excusing the grounds for denial listed in subsection (a) of this section and can demonstrate actual prejudice resulting from the defendant's claim; or

- (2) That failure to consider the defendant's claim will result in a fundamental miscarriage of justice.

§ 15A-1419(c)

For the purposes of subsection (b) of this section, good cause may only be shown if the defendant establishes by a preponderance of the evidence that his failure to raise the claim or file a timely motion was:

- (1) The result of State action in violation of the United States Constitution or the North Carolina Constitution including ineffective assistance of trial or appellate counsel;
- (2) The result of the recognition of a new federal or State right which is retroactively applicable; or
- (3) Based on a factual predicate that could not have been discovered through the exercise of reasonable diligence in time to present the claim on a previous State or federal postconviction review.

A trial attorney's ignorance of a claim, inadvertence, or tactical decision to withhold a claim may not constitute good cause, nor may a claim of ineffective assistance of prior postconviction counsel constitute good cause.

§ 15A-1419(d)

For the purposes of subsection (b) of this section, actual prejudice may only be shown if the defendant establishes by a preponderance of the evidence that an error during the trial or sentencing worked to the defendant's actual and substantial disadvantage, raising a reasonable probability, viewing the record as a whole, that a different result would have occurred but for the error.

§ 15A-1419(e)

For the purposes of subsection (b) of this section, a fundamental miscarriage of justice only results if:

- (1) The defendant establishes that more likely than not, but for the error, no reasonable fact finder would have found the defendant guilty of the underlying offense; or
- (2) The defendant establishes by clear and convincing evidence that, but for the error, no reasonable fact finder would have found the defendant eligible for the death penalty.

A defendant raising a claim of newly discovered evidence of factual innocence or ineligibility for the death penalty, otherwise barred by the provisions of subsection (a) of this section or G.S. 15A-1415(c), may only show a fundamental miscarriage of

justice by proving by clear and convincing evidence that, in light of the new evidence, if credible, no reasonable juror would have found the defendant guilty beyond a reasonable doubt or eligible for the death penalty.

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		2001	2025
TICK HEIGHT = ACTS IN THAT YEAR DASHED = RECODIFICATION, NOT AMENDMENT			
Nº	YEAR	ACT	CHARACTER
01	1977	c. 711, s. 1	ENACTED
02	1977	1995 (Reg. Sess., 1996), c. 719, s. 2	AMENDED
03	2025	S.L. 2025-70, s. 15(b)	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)(4)	"by subsection (a) or (a1) of"
G.S. 15A-1415(c)	(e)	"subsection (a) of this section or"

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 15A-1419 (2025).

PINPOINT

N.C. Gen. Stat. § 15A-1419(a) (2025).

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; 1995 (Reg. Sess., 1996), c. 719, s. 2; 2025-70, s. 15(b).)

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