



CHAPTER 15A

ARTICLE 90 - APPEALS FROM MAGISTRATES AND DISTRICT COURT JUDGES

N.C.G.S. § 15A-1432.

Appeals by State from district court judge.

SOURCE	LAST AMENDMENT IN THIS TEXT	RETRIEVED	SOURCE FINGERPRINT
General Statutes of North Carolina, as published by the General Assembly	c. 398 — second act in the lineage	21 September 2026, 05:13 UTC	486f3b75129b3952d690f759 - 034e7c20649bc8d47b3e7f7e - 7a1cd5f2a2ef0186

§ 15A-1432(a) Unless the rule against double jeopardy prohibits further prosecution, the State may appeal from the district court judge to the superior court:

- (1) When there has been a decision or judgment dismissing criminal charges as to one or more counts.
- (2) Upon the granting of a motion for a new trial on the ground of newly discovered or newly available evidence but only on questions of law.

§ 15A-1432(b) When the State appeals pursuant to subsection (a) the appeal is by written motion specifying the basis of the appeal made within 10 days after the entry of the judgment in the district court. The motion must be filed with the clerk and a copy served upon the defendant.

§ 15A-1432(c) The motion may be heard by any judge of superior court having authority for the trial of criminal cases in the district. The State and the defendant are entitled to file briefs and are entitled to adequate time for their preparation, consonant with the expeditious handling of the appeal.

§ 15A-1432(d) If the superior court finds that a judgment, ruling, or order dismissing criminal charges in the district court was in error, it must reinstate the charges and remand the matter to district court for further proceedings. The defendant may appeal this order to the appellate division as in the case of other orders of the superior court, including by an interlocutory appeal if the defendant, or his attorney, certifies to the superior court judge who entered the order that the appeal is not taken for the purpose of delay

and if the judge finds the cause is appropriately justiciable in the appellate division as an interlocutory matter.

§ 15A-1432(e)

If the superior court finds that the order of the district court was correct, it must enter an order affirming the judgment of the district court. The State may appeal the order of the superior court to the appellate division upon certificate by the district attorney to the judge who affirmed the judgment that the appeal is not taken for the purpose of delay.

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.

1977		1982	1987
TICK HEIGHT = ACTS IN THAT YEAR DASHED = RECODIFICATION, NOT AMENDMENT			
Nº	YEAR	ACT	CHARACTER
01	1977	c. 711, s. 1	ENACTED
02	1987	c. 398	AMENDED

APPARATUS III

Citation

FULL SECTION
N.C. Gen. Stat. § 15A-1432 (1987).

PINPOINT
N.C. Gen. Stat. § 15A-1432(a) (1987).

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

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HISTORY PARENTHETICAL, AS PRINTED BY THE STATE
(1977, c. 711, s. 1; 1987, c. 398.)

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NORTH CAROLINA LAW — STATUTE EXPORT, FORMAT V1

