



CHAPTER 15A

ARTICLE 91 - APPEAL TO APPELLATE DIVISION

N.C.G.S. § 15A-1442.

Grounds for correction of error by appellate division.

SOURCE	LAST AMENDMENT IN THIS TEXT	RETRIEVED	SOURCE FINGERPRINT
General Statutes of North Carolina, as published by the General Assembly	Ex. Sess., c. 24, s. 14(b) — fourth act in the lineage	21 September 2026, 03:45 UTC	35f1f1991b1e263d900032ac - b4559d75212f7f134e180692 - 03ee21222de05672

The following constitute grounds for correction of errors by the appellate division.

Lack of Jurisdiction. -

- a.The trial court lacked jurisdiction over the offense.
- b.The trial court did not have jurisdiction over the person of the defendant.

Error in the Criminal Pleading. - Failure to charge a crime, in that:

- a.The criminal pleading charged acts which at the time they were committed did not constitute a violation of criminal law; or
- b.The pleading fails to state essential elements of an alleged violation as required by G.S. 15A-924(a)(5).

Insufficiency of the Evidence. - The evidence was insufficient as a matter of law.

Errors in Procedure. -

- a.There has been a denial of pretrial motions or relief to which the defendant is entitled, so as to affect the defendant's preparation or presentation of his defense, to his prejudice.
 - b.There has been a denial of a trial motion or relief to which the defendant is entitled, to his prejudice.
 - c.There has been error in the admission or exclusion of evidence, to the prejudice of the defendant.
 - d.There has been error in the judge's instructions to the jury, to the prejudice of the defendant.
 - e.There has been a denial of a post-trial motion or relief to which the defendant is entitled, to his prejudice.
- This provision is subject to the provisions of G.S. 15A-1422.

Constitutionally Invalid Procedure or Statute; Prosecution for Constitutionally Protected Conduct. -

- a.The conviction was obtained by a violation of the Constitution of the United States or of the Constitution of North Carolina.
- b.The defendant was convicted under a statute that is in violation of the Constitution of the United States or the Constitution of North Carolina.
- c.The conduct for which the defendant was prosecuted was protected by the Constitution of the United States or the Constitution of North Carolina.

Insufficient Basis for Sentence. - The sentence imposed on the defendant is not supported by evidence introduced at the trial and sentencing hearing.

Violation of Sentencing Structure. - The sentence imposed:

- a.Results from an incorrect finding of the defendant's prior record level under G.S. 15A-1340.14 or the defendant's prior conviction level under G.S. 15A-1340.21;
- b.Contains a type of sentence disposition that is not authorized by G.S. 15A-1340.17 or G.S. 15A-1340.23 for the defendant's class of offense and prior record or conviction level; or
- c.Contains a term of imprisonment that is for a duration not authorized by G.S. 15A-1340.17 or G.S. 15A-1340.23 for the defendant's class or offense and prior record or conviction level.

Other Errors of Law. - Any other error of law was committed by the trial court to the prejudice of the defendant.

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I
4 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		1986		1994
TICK HEIGHT = ACTS IN THAT YEAR		DASHED = RECODIFICATION, NOT AMENDMENT		
Nº	YEAR	ACT	CHARACTER	
01	1977	c. 711, s. 1	ENACTED	
02	1979	c. 760, s. 3	AMENDED	
03	1993	c. 538, s. 26	AMENDED	

APPARATUS II
6 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-924(a)(5)		"an alleged violation as required by"
G.S. 15A-1422		"is subject to the provisions of"
G.S. 15A-1340.14		"the defendant's prior record level under"
G.S. 15A-1340.21		"the defendant's prior conviction level under"
G.S. 15A-1340.17		"disposition that is not authorized by"
G.S. 15A-1340.23		"not authorized by G.S. 15A-1340.17 or"

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 15A-1442 (1994).

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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This is not the official text. The official text is published by the General Assembly of North Carolina.

HISTORY PARENTHETICAL, AS PRINTED BY THE STATE

(1977, c. 711, s. 1; 1979, c. 760, s. 3; 1993, c. 538, s. 26; 1994, Ex. Sess., c. 24, s. 14(b).)

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