



CHAPTER 15A

ARTICLE 91 - APPEAL TO APPELLATE DIVISION

N.C.G.S. § 15A-1444.

When defendant may appeal; certiorari.

SOURCE	LAST AMENDMENT IN THIS TEXT	RETRIEVED	SOURCE FINGERPRINT
General Statutes of North Carolina, as published by the General Assembly	S.L. 1997-80, s. 4 — sixth act in the lineage	21 September 2026, 03:01 UTC	aea1b57ce2d955253c30ea59 - c05b715bdc740284fc2036bd - 11da12037e60e46a

§ 15A-1444(a) A defendant who has entered a plea of not guilty to a criminal charge, and who has been found guilty of a crime, is entitled to appeal as a matter of right when final judgment has been entered.

§ 15A-1444(a1) A defendant who has been found guilty, or entered a plea of guilty or no contest to a felony, is entitled to appeal as a matter of right the issue of whether his or her sentence is supported by evidence introduced at the trial and sentencing hearing only if the minimum sentence of imprisonment does not fall within the presumptive range for the defendant's prior record or conviction level and class of offense. Otherwise, the defendant is not entitled to appeal this issue as a matter of right but may petition the appellate division for review of this issue by writ of certiorari.

§ 15A-1444(a2) A defendant who has entered a plea of guilty or no contest to a felony or misdemeanor in superior court is entitled to appeal as a matter of right the issue of whether the sentence imposed:

- (1) 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;
- (2) 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

- (3) 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 of offense and prior record or conviction level.

- § 15A-1444(b)** Procedures for appeal from the magistrate to the district court are as provided in Article 90, Appeals from Magistrates and from District Court Judges.
- § 15A-1444(c)** Procedures for appeal from the district court to the superior court are as provided in Article 90, Appeals from Magistrates and from District Court Judges.
- § 15A-1444(d)** Procedures for appeal to the appellate division are as provided in this Article, the rules of the appellate division, and Chapter 7A of the General Statutes. The appeal must be perfected and conducted in accordance with the requirements of those provisions.
- § 15A-1444(e)** Except as provided in subsections (a1) and (a2) of this section and G.S. 15A-979, and except when a motion to withdraw a plea of guilty or no contest has been denied, the defendant is not entitled to appellate review as a matter of right when he has entered a plea of guilty or no contest to a criminal charge in the superior court, but he may petition the appellate division for review by writ of certiorari. If an indigent defendant petitions the appellate division for a writ of certiorari, the presiding superior court judge may in his discretion order the preparation of the record and transcript of the proceedings at the expense of the State.
- § 15A-1444(f)** The ruling of the court upon a motion for appropriate relief is subject to review upon appeal or by writ of certiorari as provided in G.S. 15A-1422.
- § 15A-1444(g)** Review by writ of certiorari is available when provided for by this Chapter, by other rules of law, or by rule of the appellate division.

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I
6 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 1987 1997

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	1981	c. 179, ss. 8, 9	AMENDED
04	1993	c. 538, s. 27	AMENDED
05	1994	Ex. Sess., c. 24, s. 14(b)	AMENDED
06	1997	S.L. 1997-80, s. 4	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-1340.14	(a2)(1)	"the defendant's prior record level under"
G.S. 15A-1340.21	(a2)(1)	"the defendant's prior conviction level under"
G.S. 15A-1340.17	(a2)(2)	"disposition that is not authorized by"
G.S. 15A-1340.23	(a2)(2)	"not authorized by G.S. 15A-1340.17 or"
G.S. 15A-979	(e)	"and (a2) of this section and"
G.S. 15A-1422	(f)	"writ of certiorari as provided in"

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 15A-1444 (1997).

PINPOINT

N.C. Gen. Stat. § 15A-1444(a) (1997).

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; 1979, c. 760, s. 3; 1981, c. 179, ss. 8, 9; 1993, c. 538, s. 27; 1994, Ex. Sess., c. 24, s. 14(b); 1997-80, s. 4.)

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