



CHAPTER 15A

ARTICLE 91 - APPEAL TO APPELLATE DIVISION

N.C.G.S. § 15A-1445.

Appeal by the State.

SOURCE	LAST AMENDMENT IN THIS TEXT	RETRIEVED	SOURCE FINGERPRINT
General Statutes of North Carolina, as published by the General Assembly	Ex. Sess., c. 14, s. 28, c. 24, s. 14(b) — third act in the lineage	21 September 2026, 03:01 UTC	b6dacca227af6fa7586a9e27 - 6204afcc2dcc3b0acb81b826 - e3cdeb2994df9627

§ 15A-1445(a) Unless the rule against double jeopardy prohibits further prosecution, the State may appeal from the superior court to the appellate division:

- (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.
- (3) When the State alleges that the sentence imposed:
 - a.Results from an incorrect determination 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;
 - 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 of offense and prior record or conviction level; or
 - d.Imposes an intermediate punishment pursuant to G.S. 15A-1340.13(g) based on findings of extraordinary mitigating circumstances that are not supported by evidence or are insufficient as a matter of law to support the dispositional deviation.

§ 15A-1445(b) The State may appeal an order by the superior court granting a motion to suppress as provided in G.S. 15A-979.

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		1986		1994
	TICK HEIGHT = ACTS IN THAT YEAR DASHED = RECODIFICATION, NOT AMENDMENT				
Nº	YEAR	ACT	CHARACTER		
01	1977	c. 711, s. 1	ENACTED		
02	1993	c. 538, s. 28	AMENDED		
03	1994	Ex. Sess., c. 14, s. 28, c. 24, s. 14(b)	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	(a)	"the defendant's prior record level under"
G.S. 15A-1340.21	(a)	"the defendant's prior conviction level under"
G.S. 15A-1340.17	(a)	"disposition that is not authorized by"
G.S. 15A-1340.23	(a)	"not authorized by G.S. 15A-1340.17 or"
G.S. 15A-1340.13(g)	(a)	"Imposes an intermediate punishment pursuant to"
G.S. 15A-979	(b)	"motion to suppress as provided in"

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 15A-1445 (1994).

PINPOINT

N.C. Gen. Stat. § 15A-1445(a) (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

This document reproduces the text of one section of the General Statutes of North Carolina from a source file whose SHA-256 digest is printed on every page. The digest fixes the bytes this export was made from; if the State's file changes, the digest will not match.

The text of the section is unaltered. Subsection designators have been moved from the run of text into the margin. The amendment history and the table of authorities are derived from the section by mechanical extraction — they add no characterization of the law.

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; 1993, c. 538, s. 28; 1994, Ex. Sess., c. 14, s. 28, c. 24, s. 14(b).)

SET IN SPECTRAL AND ARCHIVO
NORTH CAROLINA LAW — STATUTE EXPORT, FORMAT V1

