



CHAPTER 15A
ARTICLE 91 - APPEAL TO APPELLATE DIVISION

N.C.G.S. § 15A-1446.

Requisites for preserving the right to appellate review.

SOURCE	LAST AMENDMENT IN THIS TEXT	RETRIEVED	SOURCE FINGERPRINT
General Statutes of North Carolina, as published by the General Assembly	S.L. 2023-54, s. 7 — fourth act in the lineage	21 September 2026, 04:26 UTC	73e0be5cc08159bff501d6d7 - 2a0d3f15000e70e01f7aaf4e - 0e898a72edf407d4

- § 15A-1446(a)

Except as provided in subsection (d) of this section, error shall not be asserted upon appellate review unless the error has been brought to the attention of the trial court by appropriate and timely objection or motion. No particular form is required in order to preserve the right to assert the alleged error upon appeal if the motion or objection clearly presented the alleged error to the trial court. Formal exceptions are unnecessary, but when evidence is excluded a record must be made in the manner provided in G.S. 1A-1, Rule 43(c), in order to assert upon appeal error in the exclusion of that evidence.
- § 15A-1446(b)

Failure to make an appropriate and timely motion or objection constitutes a waiver of the right to assert the alleged error upon appeal, but the appellate court may review any errors affecting substantial rights in the interest of justice if it determines it appropriate to do so.
- § 15A-1446(c)

The making of post-trial motions is not a prerequisite to the assertion of error on appeal.
- § 15A-1446(d)

Errors based upon any of the following grounds may be the subject of appellate review even though no objection or motion has been made in the trial division:

(1)

Lack of jurisdiction of the trial court over the offense of which the defendant was convicted.

(2)

Lack of jurisdiction of the trial court over the person of the defendant.

- (3) The criminal pleading charged acts that, at the time they were committed, did not constitute a violation of criminal law.
- (4) The pleading fails to state essential elements of an alleged violation, as required by G.S. 15A-924(a)(5).
- (5) The evidence was insufficient as a matter of law.
- (6) The defendant was convicted under a statute that is in violation of the Constitution of the United States or the Constitution of North Carolina.
- (7) Repealed by Session Laws 1977, 2nd Sess., c. 1147, s. 28.
- (8) The conduct for which the defendant was prosecuted was protected by the Constitution of the United States or the Constitution of North Carolina.
- (9) Subsequent admission of evidence from a witness when there has been an improperly overruled objection to the admission of evidence on the ground that the witness is for a specified reason incompetent or not qualified or disqualified.
- (10) Subsequent admission of evidence involving a specified line of questioning when there has been an improperly overruled objection to the admission of evidence involving that line of questioning.
- (11) Questions propounded to a witness by the court or a juror.
- (12) Rulings and orders of the court, not directed to the admissibility of evidence during trial, when there has been no opportunity to make an objection or motion.
- (13) Error of law in the charge to the jury.
- (14) The court has expressed to the jury an opinion as to whether a fact is fully or sufficiently proved.
- (15) The defendant was not present at any proceeding at which the defendant's presence was required.
- (16) Error occurred in the entry of the plea.
- (17) The form of the verdict was erroneous.
- (18) The sentence imposed was unauthorized at the time imposed, exceeded the maximum authorized by law, was illegally imposed, or is otherwise invalid as a matter of law.

(19) A significant change in law, either substantive or procedural, applies to the proceedings leading to the defendant's conviction or sentence, and retroactive application of the changed legal standard is required.

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		2000	2023
TICK HEIGHT = ACTS IN THAT YEAR DASHED = RECODIFICATION, NOT AMENDMENT			
Nº	YEAR	ACT	CHARACTER
01	1977	c. 711, s. 1	ENACTED
02	1977	2nd Sess., c. 1147, s. 28	AMENDED
03	1977	1983 (Reg. Sess., 1984), c. 1037, s. 1	AMENDED
04	2023	S.L. 2023-54, s. 7	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. 1A-1	(a)	"made in the manner provided in"
G.S. 15A-924(a)(5)	(d)(4)	"an alleged violation, as required by"

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 15A-1446 (2023).

PINPOINT

N.C. Gen. Stat. § 15A-1446(a) (2023).

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; 1977, 2nd Sess., c. 1147, s. 28; 1983 (Reg. Sess., 1984), c. 1037, s. 1; 2023-54, s. 7.)

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