



CHAPTER 15A

ARTICLE 49 - PLEADINGS AND JOINDER

N.C.G.S. § 15A-926.

Joinder of offenses and defendants.

SOURCE	LAST AMENDMENT IN THIS TEXT	RETRIEVED	SOURCE FINGERPRINT
General Statutes of North Carolina, as published by the General Assembly	c. 166, ss. 19, 27 — second act in the lineage	21 September 2026, 05:13 UTC	37e852ae516954d609b5b424 - 32fdbd292ef9aec0921a16fd - 6aed0c2f9c9b3229

§ 15A-926(a) Joinder of Offenses. - Two or more offenses may be joined in one pleading or for trial when the offenses, whether felonies or misdemeanors or both, are based on the same act or transaction or on a series of acts or transactions connected together or constituting parts of a single scheme or plan. Each offense must be stated in a separate count as required by G.S. 15A-924.

§ 15A-926(b) Separate Pleadings for Each Defendant and Joinder of Defendants for Trial.

- (1) Each defendant must be charged in a separate pleading.
- (2) Upon written motion of the prosecutor, charges against two or more defendants may be joined for trial:
 - a. When each of the defendants is charged with accountability for each offense; or
 - b. When, even if all of the defendants are not charged with accountability for each of - fense, the several offenses charged:
 1. Were part of a common scheme or plan; or
 2. Were part of the same act or transaction; or
 3. Were so closely connected in time, place, and occasion that it would be difficult to separate proof of one charge from proof of the others.

§ 15A-926(c) Failure to Join Related Offenses.

- (1) When a defendant has been charged with two or more offenses joinable under subsection (a) his timely motion to join them for trial must be granted unless the court determines that because the prosecutor does not have sufficient evidence to warrant trying some of the offenses at that time or if, for some other reason, the ends of justice would be defeated if the motion were granted. A defendant's failure to make this motion constitutes a waiver of any right of joinder of offenses joinable under subsection (a) with which the defendant knew he was charged.
- (2) A defendant who has been tried for one offense may thereafter move to dismiss a charge of a joinable offense. The motion to dismiss must be made prior to the second trial, and must be granted unless

a.A motion for joinder of these offenses was previously denied, or

b.The court finds that the right of joinder has been waived, or

c.The court finds that because the prosecutor did not have sufficient evidence to warrant trying this offense at the time of the first trial, or because of some other reason, the ends of justice would be defeated if the motion were granted.
- (3) The right to joinder under this subsection is not applicable when the defendant has pleaded guilty or no contest to the previous charge.

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.

1973

1974

1975

TICK HEIGHT = ACTS IN THAT YEAR DASHED = RECODIFICATION, NOT AMENDMENT

Nº	YEAR	ACT	CHARACTER
01	1973	c. 1286, s. 1	ENACTED
02	1975	c. 166, ss. 19, 27	AMENDED

APPARATUS II
1 AUTHORITY

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)	<i>"a separate count as required by"</i>

APPARATUS III

Citation

FULL SECTION
N.C. Gen. Stat. § 15A-926 (1975).

PINPOINT
N.C. Gen. Stat. § 15A-926(a) (1975).

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
(1973, c. 1286, s. 1; 1975, c. 166, ss. 19, 27.)

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