

NORTH CAROLINA GENERAL ASSEMBLY
1979 SESSION

CHAPTER 1328
SENATE BILL 825

AN ACT TO REINSTATE ALL CHARGES UPON A DEFENDANT'S APPEAL FROM A NEGOTIATED PLEA OF GUILTY OR NO CONTEST IN THE DISTRICT COURT FOR TRIAL DE NOVO IN SUPERIOR COURT AND TO AMEND G.S. 7A-228 RELATING TO APPEALS FROM MAGISTRATES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 15A-1431(b) is hereby amended by adding the following sentence to the end thereof:

"Upon the docketing in the Superior Court of an appeal from a judgment imposed pursuant to a plea arrangement between the State and the defendant, the jurisdiction of the Superior Court over any misdemeanor dismissed, reduced, or modified pursuant to that plea arrangement shall be the same as was had by the District Court prior to the plea arrangement."

Sec. 2. G.S. 7A-271(b) is hereby amended by deleting the "period" following the word "instance" and adding the following phrase to the end thereof: ", and when that conviction resulted from a plea arrangement between the defendant and the State pursuant to which misdemeanor charges were dismissed, reduced, or modified, to try those charges in the form and to the extent that they subsisted in the District Court immediately prior to entry of the defendant and the State of the plea arrangement."

Sec. 3. G.S. 7A-228 is amended by adding a new sentence to read:

"Whenever such appeal is docketed and is regularly set for trial, and the appellant fails to appear and prosecute his appeal, the presiding judge may have the appellant called and the appeal dismissed; and in such case the judgment of the magistrate shall be affirmed."

Sec. 4. This act shall become effective on October 1, 1980.

In the General Assembly read three times and ratified, this the 25th day of June, 1980.