

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 224

Short Title: Trial **De Novo**/Withdraw Appeal.

(Public)

Sponsors: Representatives Dawkins; and Hensley.

Referred to: Judiciary II.

March 7, 1991

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE THAT AN APPEAL FOR A TRIAL DE NOVO MAY BE
2 WITHDRAWN AFTER THE CALENDARING OF THE CASE UPON CONSENT
3 OF THE COURT AND THE ATTACHMENT OF COURT COSTS.
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5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 15A-1431 is amended by adding a new subsection to read:

7 "(h) The defendant may withdraw his appeal after the calendaring of the case for
8 trial **de novo** only by consent of the court, and with the attachment of costs of that court,
9 unless the costs or any part of the costs are remitted by the court. The case may then be
10 remanded by order of the court to the court from which the appeal was taken for
11 execution of the judgment with any additional court costs that attached and that have not
12 been remitted."

13 Sec. 2. This act becomes effective October 1, 1991, and applies to offenses
14 occurring on or after that date.