

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 1073

Short Title: Life Sentence Appeals.

(Public)

Sponsors: Senator Allran.

Referred to: Judiciary II/Election Laws

May 4, 1995

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT THE COURT OF APPEALS SHALL HEAR APPEALS IN CRIMINAL CASES IN WHICH LIFE SENTENCES ARE IMPOSED AND TO PROVIDE THAT A DIRECT APPEAL OF RIGHT TO THE SUPREME COURT EXISTS ONLY WHEN A SENTENCE OF DEATH IS IMPOSED.

The General Assembly of North Carolina enacts:

Section 1. G.S. 7A-27 reads as rewritten:

"§ 7A-27. Appeals of right from the courts of the trial divisions.

(a) Appeal lies of right directly to the Supreme Court in all cases in which the defendant is convicted of murder in the first degree and the judgment of the superior court includes a sentence of ~~death or imprisonment for life.~~ death.

(b) From any final judgment of a superior court, other than the one described in subsection (a) of this section, or one based on a plea of guilty or nolo contendere, including any final judgment entered upon review of a decision of an administrative agency, appeal lies of right to the Court of Appeals.

(c) From any final judgment of a district court in a civil action appeal lies of right directly to the Court of Appeals.

(d) From any interlocutory order or judgment of a superior court or district court in a civil action or proceeding which

(1) Affects a substantial right, or

- 1           (2)    In effect determines the action and prevents a judgment from which  
2                    appeal might be taken, or  
3           (3)    Discontinues the action, or  
4           (4)    Grants or refuses a new trial, appeal lies of right directly to the Court of  
5                    Appeals.  
6       (e)    From any other order or judgment of the superior court from which an appeal  
7   is authorized by statute, appeal lies of right directly to the Court of Appeals."  
8            Sec. 2. This act becomes effective December 1, 1995, and applies to cases  
9   tried on or after that date.