

GENERAL ASSEMBLY OF NORTH CAROLINA
1991 SESSION

CHAPTER 63
HOUSE BILL 224

AN ACT TO PROVIDE THAT AN APPEAL FOR A TRIAL DE NOVO MAY BE WITHDRAWN AFTER THE CALENDARING OF THE CASE UPON CONSENT OF THE COURT AND THE ATTACHMENT OF COURT COSTS.

The General Assembly of North Carolina enacts:

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

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

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

In the General Assembly read three times and ratified this the 30th day of April, 1991.

James C. Gardner
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives