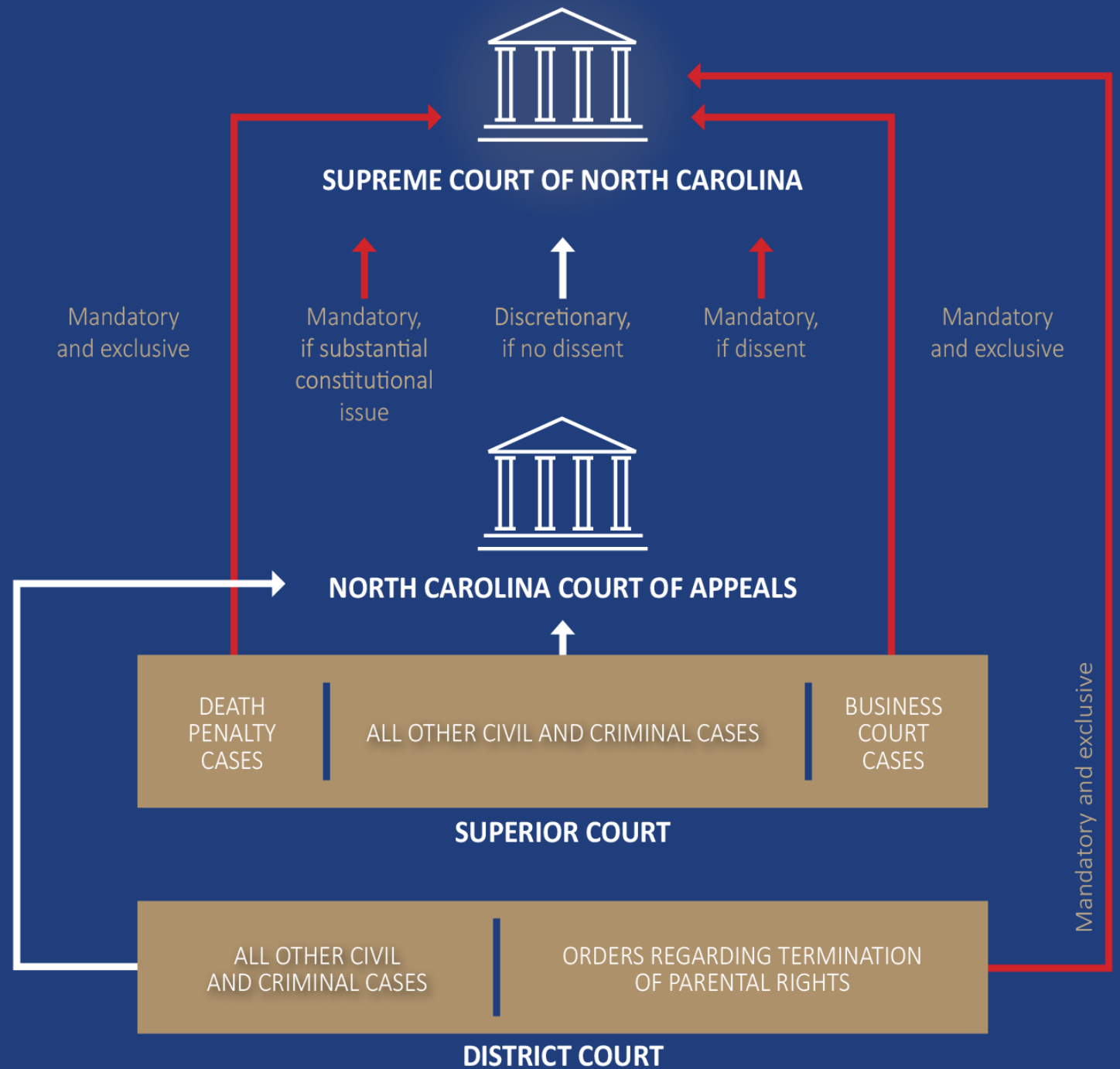


Session 2

ORGANIZATIONAL STRUCTURE *and* ROUTES OF APPEAL



I. Appeals of Right

1. Constitutional questions
2. When dissent in Court of Appeals
3. Utilities Commission in General Rate Case
4. Bar Exam
5. Judicial Standards

II. By Certification in Supreme Court's Discretion

Before Court of Appeals hearing:

1. Significant public interest
2. Legal principles of major significance
3. Delay would cause substantial harm
4. Court of Appeals has backlog

After Court of Appeals hearing:

1. Significant public interest
2. Legal principles of major significance
3. Court of Appeals decision in conflict with Supreme Court decision

- Utilities Commission* (other than general rate case)
- Industrial Commission
- N.C. State Bar [G.S. 84-28]
- Department of Health and Human Services [G.S. 131E-188]
- Commissioner of Banks
- Administrator of Savings & Loans
- Property Tax Commission
- Commissioner of Insurance
- Secretary of Environmental and Natural Resources

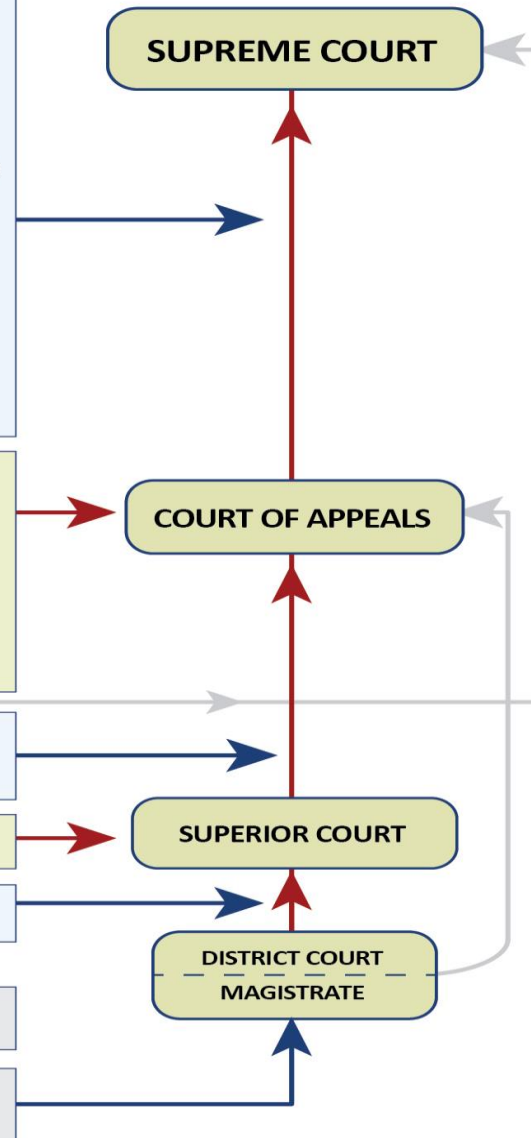
All except first-degree murder convictions (with the death penalty) AND guilty-plea cases. **

Appeals from Administrative Agencies generally

All criminal cases for trial de novo

First-degree murder convictions with the death penalty ***

- All civil, juvenile, and involuntary commitment cases on record



ORGANIZATIONAL STRUCTURE *and* ROUTES OF APPEAL

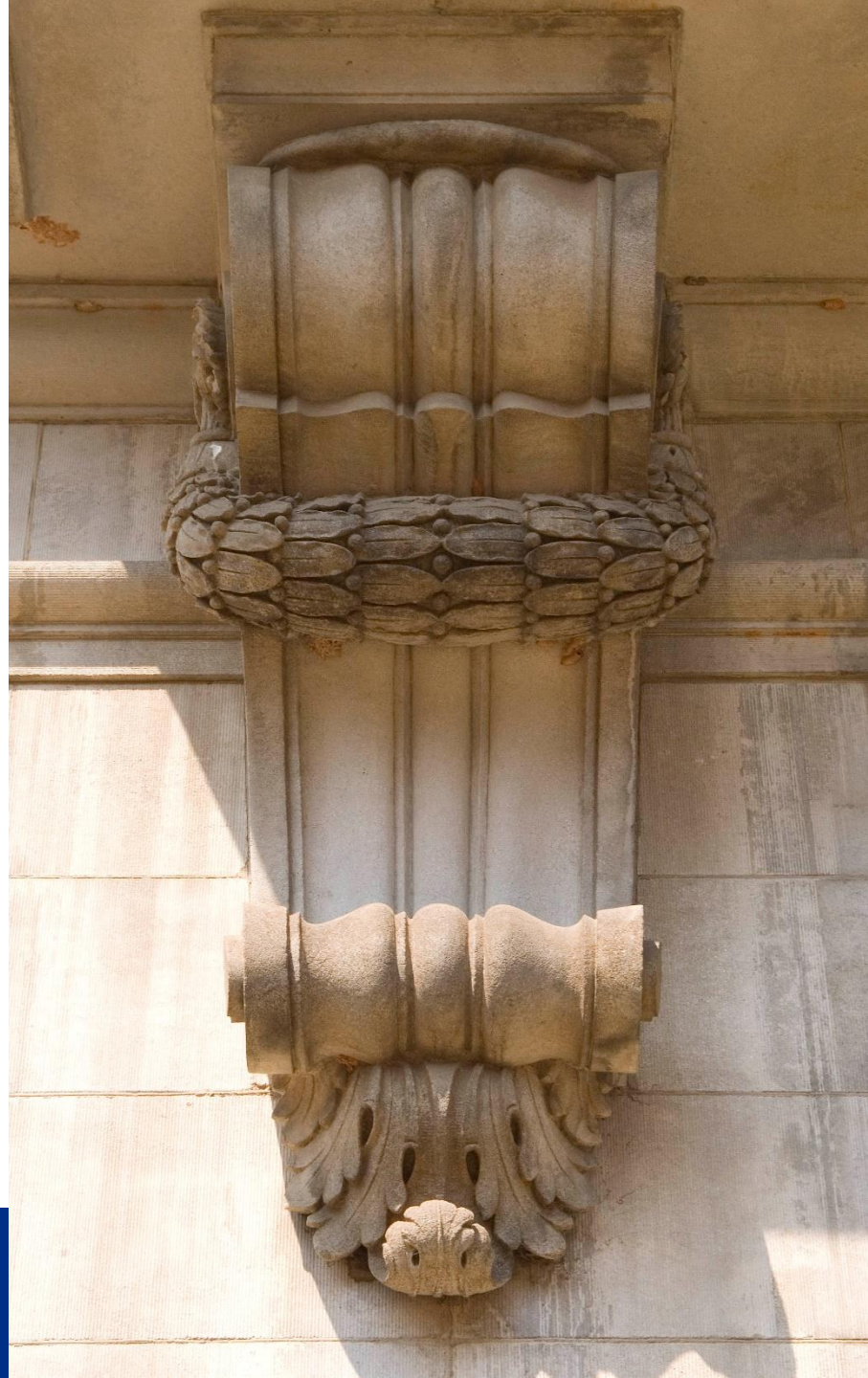




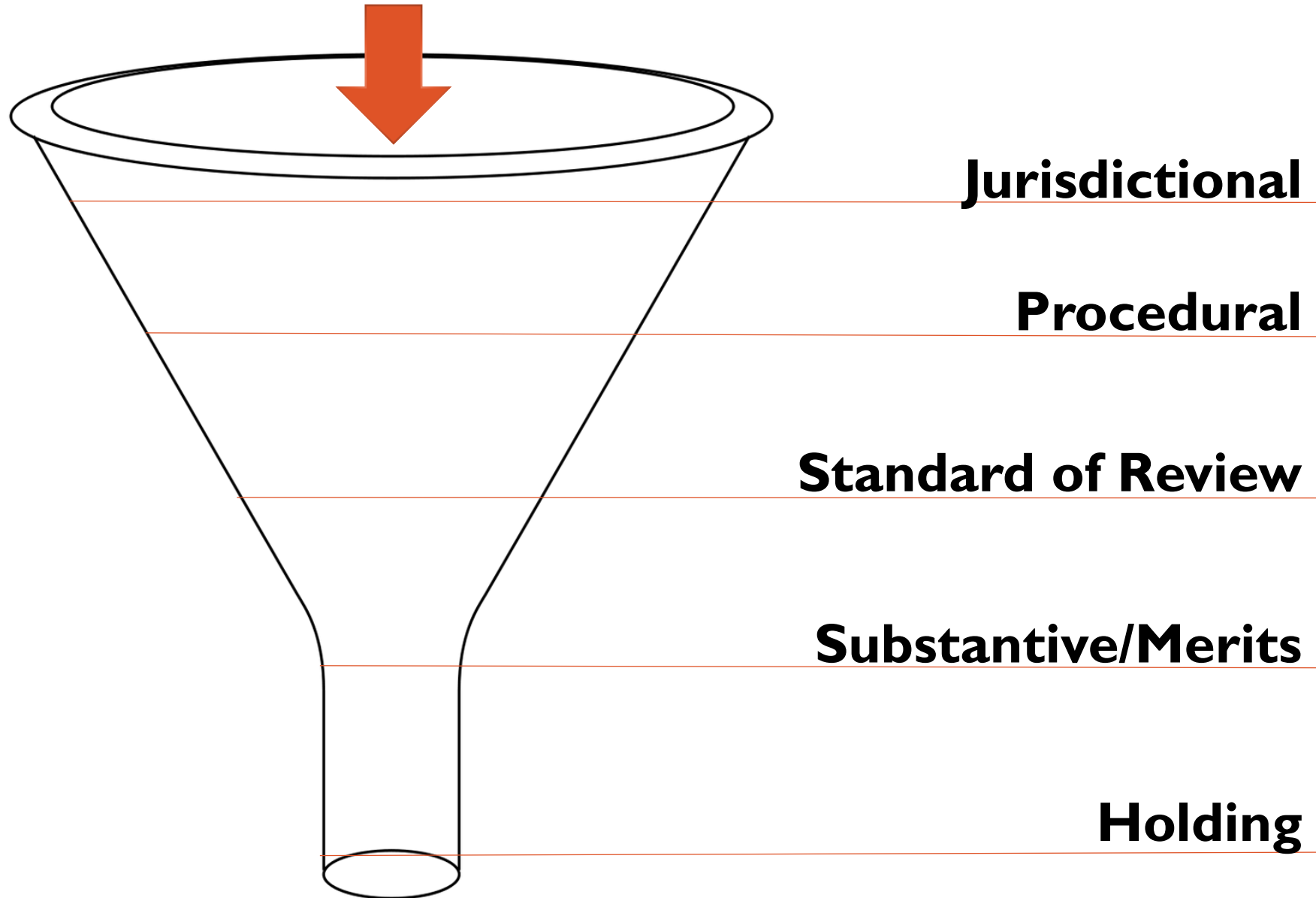
District Courts



Superior Courts

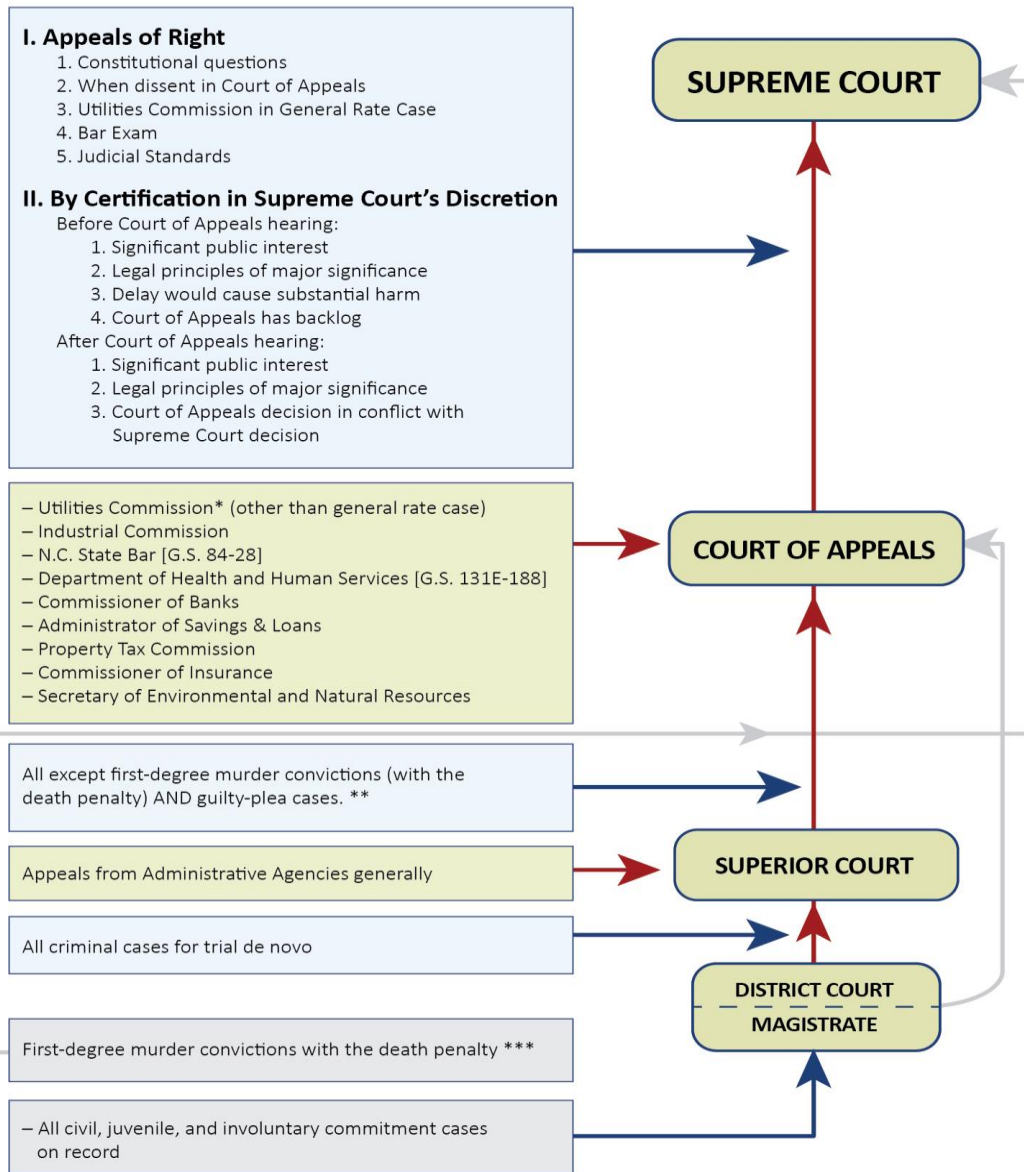


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- “There is no inherent or inalienable right of appeal from an inferior court to a superior court or from a superior court to the [appellate division].” *In re Halifax Paper Co.*, 259 N.C. 589, 592, 131 S.E.2d 441, 444 (1963).
- “Our own Supreme Court has . . . held that the right to appeal in this state is purely statutory.” *State v. Joseph*, 92 N.C. App. 203, 204, 374 S.E.2d 132, 133 (1988), *cert. denied*, 324 N.C. 115, 377 S.E.2d 241 (1989).





Statutes providing appeal of right:

N.C. Gen. Stat. § 7A-27 (appeals of right from courts of the trial divisions);

N.C. Gen. Stat. § 7B-1001 (appeals of right in juvenile abuse, neglect, dependency proceedings and termination of parental rights proceedings);

N.C. Gen. Stat. § 15A-1444 (appeal by a defendant in a criminal case);

N.C. Gen. Stat. § 150B-52 (appeal in cases originating under the Administrative Procedure Act).





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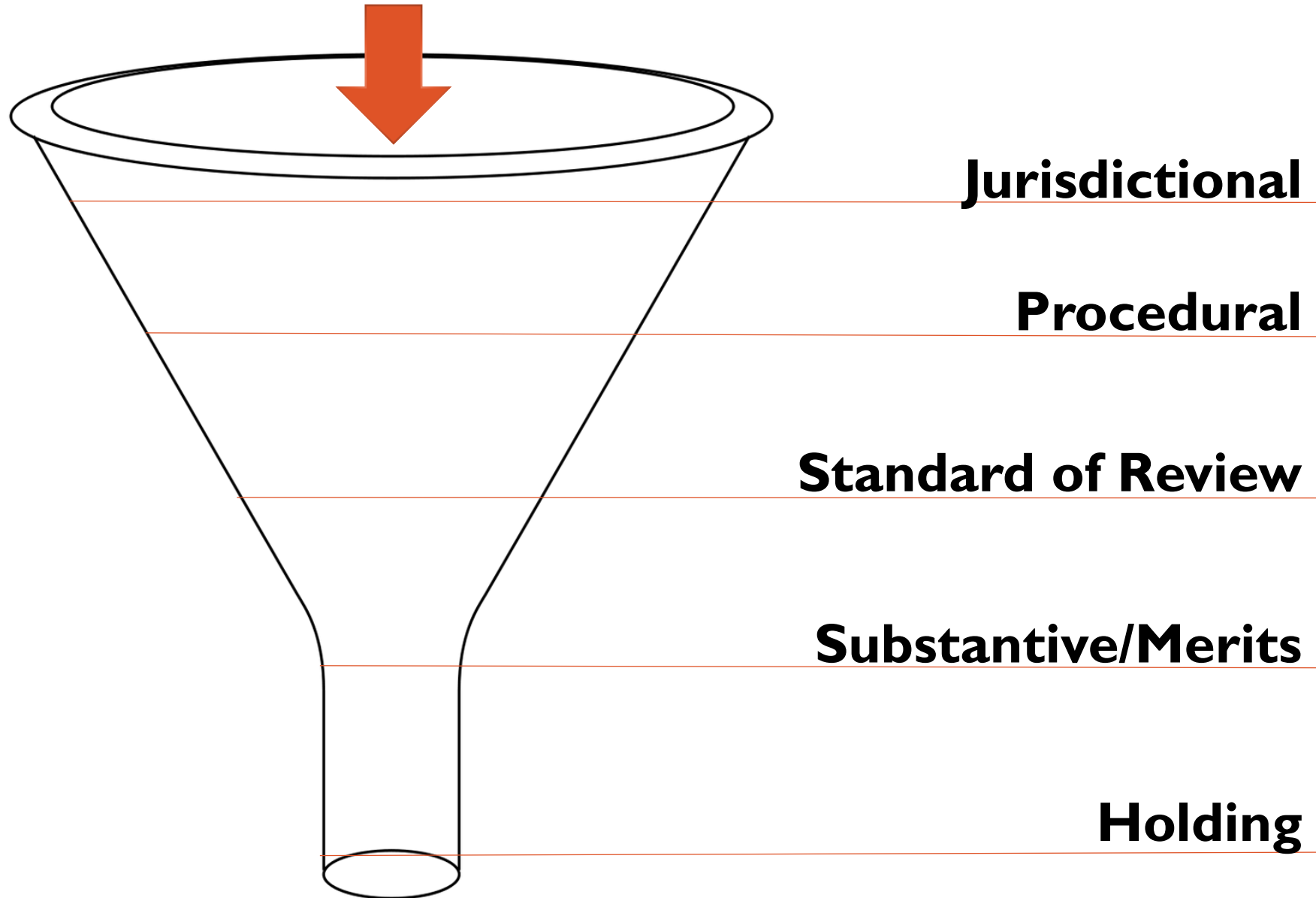




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1 of 2

IT IS THEREFOR ORDERED pursuant to Rule 34 of the North Carolina Rules of Appellate Procedure that this appeal be, and it is hereby, dismissed.

FAILURE TO COMPLY WITH RULES AND PROCEDURE

N.C. R. App. P. 3

Dogwood Dev. & Mgmt. Co. v White Oak Transp. Co.,
362 N.C. 191, 657 S.E.2d 361 (2008)



PRESERVATION

“The law does not permit parties to swap horses between courts to get a better mount” on appeal.

Weil v Herring, 207 N.C. 6, 10, 175 S.E.2d 836, 838 (1934).

Rule 10



BRIEFS

N.C. R. App. P. 28



Standards of Review



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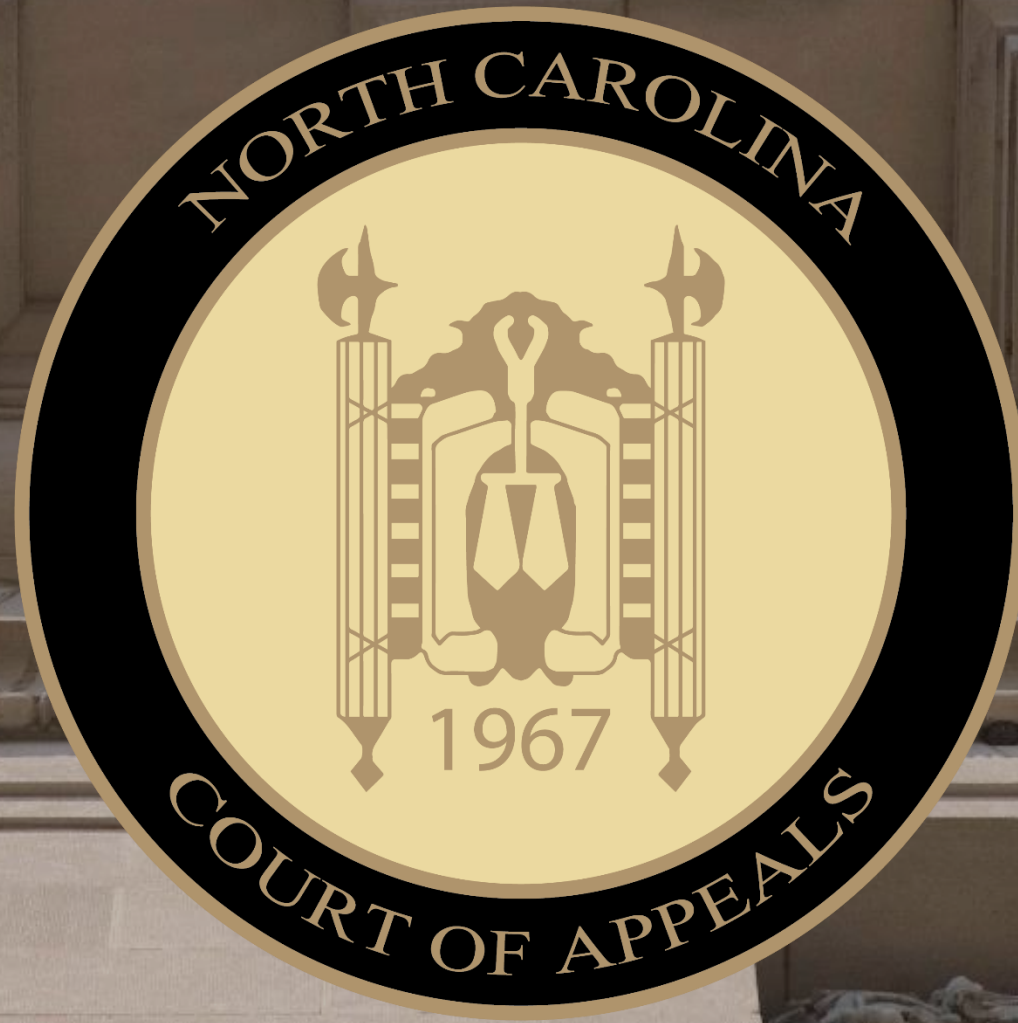


What do you when there is a clear error?



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Session 2