

Motions for Appropriate Relief: The Basics

What Are They?

- Statutorily created way for criminal defendants to challenge their sentences/convictions
- May be used in a wide variety of cases
- Statutes – Chapter 15A, Article 89
 - Motions for Appropriate Relief and Other Post-Trial Relief
- Basic provisions set out in NCGS § 15A-1411

Relief Available Through Use of a MAR

- Set out in § 15A-1417
- New trial on any/all charges
- Dismissal of all/any charges
- Relief sought by the State
- Referral to NC Innocence Inquiry Commission
- Any other appropriate relief

Who May Make a MAR?

- Criminal defendant
- The State
- The Court (upon its own motion)

When Can They Be Used?

- General Rule: After the verdict but not more than 10 days after entry of judgment
 - NCGS § 15A-1414
- Exceptions: 9 grounds on which defendant can submit MAR more than 10 days after entry of judgment
 - NCGS § 15A-1415

Procedure

- NCGS § 15A-1420
- Must be in writing
- Must state grounds for motion
- Must set forth relief sought
- Must be a sound legal basis for the motion
- Must be served and filed pursuant to § 15A-951(b)
- Must provide a supporting affidavit in some cases

Grounds for Denial of MAR

- Defendant could have raised the issue in a previous motion but did not do so
- The issue was previously determined on the merits
- Defendant could have raised the issue on a previous appeal but did not do so
- Defendant failed to file a timely MAR as required by § 15A-1415(a)