

Chapter 10

Jurisdiction

10.1	Types of Jurisdiction	10-2
	A. Three Types	
	B. Waiver of Jurisdiction	
	C. Topics not Covered	
10.2	Territorial Jurisdiction	10-4
	A. Constitutional Basis for Requirement	
	B. Location of Essential Element of Crime	
	C. Inchoate Offenses	
	D. Continuing Offenses	
	E. Concurrent Jurisdiction	
	F. Procedure to Determine Territorial Jurisdiction	
	G. Relationship of Jurisdiction and Venue	
10.3	Federal Enclaves	10-9
	A. Definition	
	B. Establishment of Federal Enclaves	
10.4	Personal Jurisdiction	10-11
	A. Service	
	B. Requirement of Presence	
	C. Extradition of Defendants to North Carolina	
	D. Detainers	
10.5	Subject Matter Jurisdiction of District Court	10-13
	A. Misdemeanors and Infractions	
	B. Felony Pleas in District Court	
	C. Motions for Appropriate Relief	
	D. District Court Responsibilities for Felonies before Indictment	
	E. Powers of Magistrates and Clerks of Court	
10.6	Subject Matter Jurisdiction of Juvenile Court	10-16
10.7	Subject Matter Jurisdiction of Superior Court	10-17
	A. Felonies	
	B. Misdemeanor Appeals from District Court	
	C. Misdemeanors Tried Initially in Superior Court	

10.8 Jurisdiction of Individual Judges	10-21
A. Limitations on Jurisdiction While Out of County, District, and Session	
B. Session and Term: Length, Type, and Assignment	
C. Hearings Out of Session: Jurisdiction in Vacation or in Chambers	
D. Extending Session to Complete Trial	
E. Orders Entered after In-Session Hearing	
F. Imposing Sentence after Session in which Defendant Found Guilty	
G. Modifying Judgment after Session	
H. Writ of Habeas Corpus	
I. Out-of-District and Out-of-County Orders	
10.9 Appeals, Post-Conviction Litigation, and Writs	10-28

This chapter addresses the different types of jurisdiction that must be present for a court to hear a case or issue a ruling. Section 10.1 addresses the three basic types of jurisdiction. Section 10.2 addresses the limits of North Carolina’s territorial jurisdiction. Section 10.3 briefly discusses the rules governing federal territorial jurisdiction over criminal acts committed within “federal enclaves,” such as military bases or federal buildings. Section 10.4 discusses personal jurisdiction, including portions of the Uniform Criminal Extradition Act. Sections 10.5 through 10.7 cover the subject matter jurisdiction of the district court, juvenile court, and superior court. Section 10.8 addresses the jurisdictional limits on individual judges.