

## Chapter 35

# Appeals, Post-Conviction Litigation, and Writs

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### **35.2 Appeals by the State**

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This chapter primarily discusses litigation after a defendant has been convicted. The topics include the procedures for appealing from district and superior courts, motions for appropriate relief, a trial judge's authority to modify or correct judgments, and resentencings after a successful appellate or post-conviction attack.

The topics also include the writ of habeas corpus and other types of extraordinary writs, which the defendant may be able to seek before or after conviction, and the procedures before the N.C. Innocence Inquiry Commission.

Appeals in juvenile delinquency cases are discussed in Chapter 16 of the Juvenile Defender Manual, and appeals in involuntary commitments cases are discussed in Chapter 2 of the Civil Commitment Manual, both manuals in the Indigent Defense Manual Series.

This chapter does not discuss sentencing or probation except with respect to appeals from those matters. It also does not address post-release supervision or parole. Those topics would take up their own book and are beyond the scope of this manual.