

# North Carolina Defender Manual

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John Rubin

Volume Two  
**Trial**  
2020 Edition

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## Preface to the 2020 Edition

I commandeered this preface long ago to give proper credit to this manual’s principal author, Julie Lewis. In 2002, after completing volume one of the Defender Manual on pretrial criminal procedure, we began working on volume two on trial procedure. During the next few years we released a few chapters—the “first edition”—but we were nowhere near completion. Then Julie Lewis joined the project. Julie and I assessed what the trial procedure volume should cover, and then she got down to the hard work of making the manual happen. She read and analyzed the ever-expanding body of cases on trial procedure as well as the broad array of pertinent statutes and rules, came up with a coherent approach for each chapter, and clearly, concisely, painstakingly, accurately, and insightfully laid out her legal analysis. I had the easy part, reviewing drafts, making suggestions, adding my ideas, and collaborating with Julie.

I am proud to announce the release of this 2020 edition of volume two of the Defender Manual, which reflects the hard work Julie has done to update the manual. To make the information available as soon as possible, we released the chapters online as we completed them. Each chapter reflects the month and year of completion, from 2018 to 2020, to make clear when we finished our research.

We hope the manual will be useful to North Carolina’s indigent defense attorneys as well as others who work in our criminal courts. Although our principal aim was to create a manual for trial level criminal defense attorneys (and with that in mind incorporated numerous practice pointers), we recognize the importance of providing a full and accurate picture of the procedures that govern the trial of criminal cases.

Julie and I want to express our gratitude to the people and organizations who supported this manual. First and foremost, we want to thank Caitlin Little, a research attorney with the School of Government who tirelessly edited, cite-checked, and formatted the manual. Thanks also go to Kevin Tully, who heads the Office of the Public Defender for Mecklenburg County, and Glenn Gerding, who heads the North Carolina Office of the Appellate Defender, for their willingness to share Julie’s time for this project; to the North Carolina Office of Indigent Defense Services for its continued support of this and other manuals in the North Carolina Indigent Defense Manual Series; to the School of Government information technology and publications divisions for making this manual available in electronic and print form; and to the public indigent defense education team at the School of Government, without whom it would be impossible to juggle all of the education efforts we have going on at once. Last, Julie and I want to thank the many North Carolina attorneys who listened to our questions and shared their insights over the years about the often challenging and sometimes puzzling practice of criminal law. Of course, any errors are our own.

Comments and suggestions are welcome. They may be sent to John Rubin at the UNC School of Government ([rubin@sog.unc.edu](mailto:rubin@sog.unc.edu) or 919.962.2498) or Julie Lewis at the

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August 2020  
Chapel Hill



## About the North Carolina Indigent Defense Manual Series

The North Carolina Indigent Defense Manual Series is a collection of reference manuals addressing law and practice in areas in which indigent defendants and respondents are entitled to the representation of counsel at state expense. The series was created to address the need for comprehensive, up-to-date reference materials for public defenders and appointed counsel, who devote their time, skill, and effort to representing poor people. In addition to assisting indigent defenders with their responsibilities, the manuals also may be useful to others who work in the court system and who need a reference source on the law. In keeping with the School of Government's commitment to practical scholarship, the manuals are written by authors with subject-matter expertise in their respective fields, experience in developing effective educational materials, and knowledge of how things actually work in practice. The editor of the series is John Rubin, a member of the School of Government faculty who specializes in indigent defense education. Other manuals in the series can be found on our [Indigent Defense Manual Series](#) website. Production of the series is made possible by funding from the North Carolina Office of Indigent Defense Services, which is responsible for overseeing and enhancing the provision of indigent defense representation in North Carolina.

## About the Authors of the North Carolina Defender Manual Volume 2, Trial (2020 Edition)

**Julie Ramseur Lewis** has served as an assistant public defender in Charlotte since 1993. The majority of her practice is in the state appellate courts. She has also practiced in district and superior court and continues to provide trial support for the Office of the Mecklenburg County Public Defender. Before serving as an assistant public defender, Ms. Lewis clerked for Chief Judge R.A. Hedrick of the North Carolina Court of Appeals and thereafter was a staff attorney for the North Carolina Court of Appeals. She has also served as an adjunct professor of Legal Research and Writing at the University of North Carolina School of Law at Chapel Hill. Ms. Lewis earned a B.A. magna cum laude from Catawba College and a J.D. from the University of North Carolina at Chapel Hill.

**John Rubin** joined the School of Government in 1991. He previously practiced law for nine years in Washington, DC and Los Angeles. At the School, he specializes in criminal law and public defense education. He has written several books and articles on criminal law; teaches and consults with judges, prosecutors, public defenders, and other officials in the criminal justice system; and manages the School's Public Defense Education program. He is a frequent consultant to the Office of Indigent Defense Services, which is responsible for overseeing and enhancing legal representation for indigent defendants and others entitled to counsel under North Carolina law. In 2008, he was awarded a two-year distinguished professorship for faculty excellence. In 2012, he was named Albert Coates Professor of Public Law and Government. Rubin earned a BA from the University of California at Berkeley and a JD from the University of North Carolina at Chapel Hill.