

NORTH CAROLINA GENERAL ASSEMBLY
1967 SESSION

CHAPTER 523
HOUSE BILL 363

1 AN ACT TO AMEND G.S. 15-222 SO AS TO CLARIFY THE PROCEDURE FOR REVIEW
2 OF POST-CONVICTION PROCEEDINGS BY CERTIORARI.

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4 The General Assembly of North Carolina do enact:
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6 **Section 1.** G.S. 15-222 is hereby rewritten to read as follows: "§ 15-222. Review by
7 Application for Certiorari. Any final judgment entered upon such a petition and proceeding
8 may be reviewed by the Supreme Court of North Carolina upon application by the petitioner or
9 by the State for a writ of certiorari brought within 60 days from the entry of the judgment in
10 such proceeding. A petitioner who seeks review of such a judgment may apply to the judge
11 hearing the proceeding or to any judge having jurisdiction of the proceeding for the
12 appointment of counsel for the purpose of seeking such review, and the judge, if he is satisfied
13 that the petitioner is unable to employ counsel, shall appoint counsel to represent petitioner for
14 that purpose. If the State seeks review of any such judgment the court shall appoint counsel to
15 represent an indigent petitioner, unless petitioner waives the appointment of counsel. Counsel
16 appointed to represent an indigent petitioner in any such review shall be compensated in
17 accordance with the provisions of G.S. 15-5, such compensation to be paid by the State.

18 If the judge is satisfied that a petitioner is unable to procure the records required for an
19 adequate and effective consideration by the Supreme Court of an application for writ of
20 certiorari, he shall order the county to make available such records, including the transcript.

21 The law of this State governing the application, granting and disposition of writs of
22 certiorari shall be applicable to any application for writ of certiorari brought under the
23 provisions of this Article for the purpose of seeking a review of such judgment or proceeding."

24 **Sec. 2.** Effective October 1, 1967, the words "Court of Appeals" shall be substituted
25 in lieu of the words "Supreme Court" in § 15-222.

26 **Sec. 3.** All laws and clauses of laws in conflict with this Act are hereby repealed.

27 **Sec. 4.** This Act shall become effective upon its ratification.

28 In the General Assembly read three times and ratified, this the 18th day of May,
29 1967.