

- *8. Evidence taken in superior court, in order received
- 9. Copies of findings of fact, conclusions of law, and judgment of superior court
- 10. Items required by Rule 9(a)(2)h
- 11. Entries showing settlement of record on appeal, extensions of time, etc.
- 12. Proposed issues on appeal, per Rule 9(a)(2)i
- 13. Names, office addresses, telephone numbers, State Bar numbers, and e-mail addresses of counsel for all parties to the appeal

Table 3

SUGGESTED ORDER IN APPEAL OF CRIMINAL CASE

- 1. Title of action (all parties named) and case number in caption, per Appendix B
- 2. Index, per Rule 9(a)(3)a
- 3. Statement of organization of trial tribunal, per Rule 9(a)(3)b
- 4. Warrant
- 5. Judgment in district court (where applicable)
- 6. Entries showing appeal to superior court (where applicable)
- 7. Bill of indictment (if not tried on original warrant)
- 8. Arraignment and plea in superior court
- 9. *Voir dire* of jurors
- *10. State's evidence, with any evidentiary rulings that a party to the appeal contends are erroneous
- 11. Motions at close of State's evidence, with rulings thereon (* if oral)
- *12. Defendant's evidence, with any evidentiary rulings that a party to the appeal contends are erroneous
- 13. Motions at close of defendant's evidence, with rulings thereon (* if oral)
- *14. State's rebuttal evidence, with any evidentiary rulings that a party to the appeal contends are erroneous
- 15. Motions at close of all evidence, with rulings thereon (* if oral)
- 16. Court's instructions to jury, per Rules 9(a)(3)f and 10(a)(2)
- 17. Verdict
- 18. Motions after verdict, with rulings thereon (* if oral)
- 19. Judgment and order of commitment
- 20. Appeal entries
- 21. Entries showing settlement of record on appeal, extensions of time, etc.
- 22. Proposed issues on appeal, per Rule 9(a)(3)j
- 23. Names, office addresses, telephone numbers, State Bar numbers, and e-mail addresses of counsel for all parties to the appeal

Table 4

PROPOSED ISSUES ON APPEAL

A. Examples related to pretrial rulings in civil actions

- 1. Did the trial court err in denying defendant's motion to dismiss for lack of personal jurisdiction under N.C. R. Civ. P. 12(b)(2)?
- 2. Did the trial court err in denying defendant's motion to dismiss for failure to state a claim upon which relief may be granted under N.C. R. Civ. P. 12(b)(6)?

3. Did the trial court err in denying defendant's motion to require plaintiff to submit to an independent physical examination under N.C. R. Civ. P. 35?
4. Did the trial court err in denying defendant's motion for summary judgment under N.C. R. Civ. P. 56?

B. Examples related to civil jury trial rulings

1. Did the trial court err in admitting the hearsay testimony of E.F.?
2. Did the trial court err in denying defendant's motion for a directed verdict?
3. Did the trial court err in instructing the jury on the doctrine of last clear chance?
4. Did the trial court err in instructing the jury on the doctrine of sudden emergency?
5. Did the trial court err in denying defendant's motion for a new trial?

C. Examples related to civil non-jury trials

1. Did the trial court err in denying defendant's motion to dismiss at the close of plaintiff's evidence?
2. Did the trial court err in its finding of fact No. 10?
3. Did the trial court err in its conclusion of law No. 3?

Appendix C amended effective 1 October 1990; 31 October 2001; 1 October 2009.