

Article 73.

Criminal Jury Trial in Superior Court.

**§ 15A-1221. Order of proceedings in jury trial; reading of indictment prohibited.**

- (a) The order of a jury trial, in general, is as follows:
- (1) Repealed by Session Laws 1995 (Regular Session 1996), c. 725, s. 10.
  - (1a) Unless the defendant has filed a written request for an arraignment, the court must enter a not guilty plea on behalf of the defendant in accordance with G.S. 15A-941. If a defendant does file a written request for an arraignment, then the defendant must be arraigned and must have his or her plea recorded out of the presence of the prospective jurors in accordance with G.S. 15A-941.
  - (2) The judge must inform the prospective jurors of the case in accordance with G.S. 15A-1213.
  - (3) The jury must be sworn, selected and impaneled in accordance with Article 72, Selecting and Impaneling the Jury.
  - (4) Each party must be given the opportunity to make a brief opening statement, but the defendant may reserve his opening statement.
  - (5) The State must offer evidence.
  - (6) The defendant may offer evidence and, if he has reserved his opening statement, may precede his evidence with that statement.
  - (7) The State and the defendant may then offer successive rebuttals as provided in G.S. 15A-1226.
  - (8) At the conclusion of the evidence, the parties may make arguments to the jury in accordance with the provisions of G.S. 15A-1230.
  - (9) The judge must deliver a charge to the jury in accordance with the provisions of G.S. 15A-1231 and 15A-1232.
  - (10) The jury must retire to deliberate, and alternate jurors who have not been seated must be excused as provided in G.S. 15A-1215.
- (b) At no time during the selection of the jury or during trial may any person read the indictment to the prospective jurors or to the jury. (1977, c. 711, s. 1; 1977, 2nd Sess., c. 1147, s. 2; 1995 (Reg. Sess., 1996), c. 725, s. 10.)