

# NORTH CAROLINA REPORTS

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SUPREME COURT OF NORTH CAROLINA



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**AMENDMENT TO THE NORTH CAROLINA  
RULES OF APPELLATE PROCEDURE**

Rule 16 of the North Carolina Rules of Appellate Procedure appearing at 287 N.C. 671, 720 entitled "SCOPE OF REVIEW OF DECISIONS OF COURT OF APPEALS" is amended as follows:

1. The second sentence of subparagraph (a) entitled "How Determined" is amended to read:

Except where the appeal is based solely upon the existence of a dissent in the Court of Appeals, review is limited to consideration of the questions properly presented in the new briefs required by Rules 14(d)(1) and 15(g)(2) to be filed in the Supreme Court.

2. Subparagraph (b) entitled "Appellant—Appellee Defined" is hereby renumbered and redesignated as paragraph (c). This amendment in no way alters the contents of the paragraph but simply changes its alphabetical designation from (b) to (c).

3. A new subparagraph (b) to be entitled "Scope of Review in Appeal Based Solely Upon Dissent" is hereby adopted as follows:

(b) Scope of Review in Appeal Based Solely Upon Dissent. Where the sole ground of the appeal of right is the existence of a dissent in the Court of Appeals, review by the Supreme Court is limited to a consideration of those issues which are specifically set out in the dissenting opinion as the basis for that dissent and are properly presented in the new briefs required by Rule 14(d)(1) to be filed in the Supreme Court. Other questions in the case may properly be presented to the Supreme Court through a petition for discretionary review, pursuant to Rule 15, or by petition for writ of certiorari, pursuant to Rule 21.

Adopted by the Court in Conference this 3rd day of November, 1983, to become effective with notices of appeal filed in the Supreme Court on and after January 1, 1984. This amendment shall be promulgated by publication in the Advance Sheets of the Supreme Court and the Court of Appeals.

FRYE, J.  
For the Court