

§ 15A-604. Determination of sufficiency of charge.

(a) The judge must examine each criminal process or magistrate's order and determine whether each charge against the defendant charges either [of the following]:

- (1) A criminal offense within the original jurisdiction of the superior court.
- (2) A misdemeanor offense within the original jurisdiction of the district court.

(b) If the judge determines that the process or order fails to charge a criminal offense within the original jurisdiction of the superior court or a misdemeanor within the original jurisdiction of the district court, the judge must notify the prosecutor and take further appropriate action, including one or more of the following:

- (1) Dismiss the charge.
- (2) Permit the State to amend the statement of the crime in the process or order.
- (3) Continue the proceedings, for not more than 24 hours, to permit the State to initiate new charges.
- (4) For a pleading that purported to allege a criminal offense within the original jurisdiction of the superior court, with the consent of the prosecutor, set the case for trial in the district court if the charge is found to be within the original jurisdiction of the district court. (1973, c. 1286, s. 1; 1975, c. 166, s. 27; 2022-47, s. 15(b).)