North Carolina Court of Appeals

Docket Sheet

State v. Green

Case Number: P13-893
As of: 03/29/2024
Case Closed: Yes **Close Date:** **Case Type:** Criminal (Crim_othr) **Mediation:** No

STATE OF NORTH CAROLINA

V.

DUSTIN LEE GREEN

Docket Date: **File Date:** **File Time:** **Acquired Date:** 11-13-2013
Bond Collected: No **Docket Fee:** No **Pauper:** Yes Print Deposit: No **State Appeals:** No

History

Venue: Rutherford (41) **Heard In:** Superior Court
To SC: **From SC:**

Lower Court Number(s)

Location: Rutherford (41)
Judge:
Case #: 97CRS9601

Tracking/Argue

Opinion

Documents

Document	Date Recvd	Cert of Service	Rec/Brf Due	Resp. Due	Resp. Recvd	Mailed Out	Ruling	Ruling Date
(1) PWC-S	11-13-2013	11-13-2013		12-02-2013	11-20-2013		Special Order	11-22-2013
(2) M-GEN	01-30-2017	01-30-2017					Special Order	02-06-2017

1 - PWC-S (Special Order) - 11-22-2013
Filed: 11-13-2013 @ 14:32:39
FOR: Petitioner-Appellant Dustin Lee Green
BY : Ms. Lauren E. Miller
NORTH CAROLINA PRISONER LEGAL SERVICES, INC.

The following order was entered:

The petition for writ of certiorari filed in this cause by defendant on 13 November 2013 is allowed to review the order entered 6 November 2013 by J. Thomas Davis. The appeal shall be held in abeyance pending determination of State v. Young (COA13-646), State v. Seam (COA13-1066), or State v. Perry (COA13-1117).

By order of the Court this the 22nd of November 2013.

RESPONSE TO PWC-S
Filed: 11-20-2013
BY : Mr. Robert C. Montgomery
N.C. DEPARTMENT OF JUSTICE

2 - MOTION NOTIFICATION OF DECISION BY NORTH CAROLINA SUPREME COURT (Special Order) - 02-06-2017
Filed: 01-30-2017 @ 13:15:34
FOR: Petitioner-Appellant Dustin Lee Green
BY : Ms. Lauren E. Miller
NORTH CAROLINA PRISONER LEGAL SERVICES, INC.

The following order was entered:

The motion filed in this cause by defendant on 30 January 2017 and designated 'Notification of Decision by North Carolina Supreme Court' is decided as follows: On 22 November 2013, this Court allowed defendant's petition for writ certiorari to review Judge J. Thomas Davis' 6 November 2013 order denying defendant's motion for appropriate relief seeking resentencing. Defendant's appeal was held in abeyance pending determination of State v. Young (80A14), State v. Seam (82A14) and State v. Perry (81A14)by the North Carolina Supreme Court. On 21 December 2016, the North Carolina Supreme Court filed decisions in each case holding that Miller v. Alabama, 567 U.S.__, 183 L.Ed.2d 407(2012), is retroactive and remanding for resentencing. See State v. Young,___N.C.___, 794 S.E.2d 274(2016); State v. Seam,___N.C.___, 794 S.E.2d 439(2016); and State v. Perry___N.C.___, 794 S.E.2d 280(2016).

It is therefore ordered the trial court's order denying defendant's motion for appropriate relief is reversed and this case be remanded to the Superior Court, Rutherford County, for proceedings not inconsistent with our Supreme Court's holdings in State v. Young, State v. Seam, and State v. Perry.

By order of the Court this the 6th of February 2017.

Financial Information

Receipts

Date Charged	Charge Type	Amount Chaged	Amount Paid	Document	Pages	Receipt #	Date Paid

Exhibits

Parties

Party Name	Role
State of North Carolina	
Green, Dustin Lee	Petitioner-Appellant

Attorneys

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