

North Carolina Court of Appeals

Docket Sheet

State v. Cash

Case Number: P13-895

As of: 03/28/2024

Case Closed: Yes

Close Date:

Case Type: Criminal (Crim_othr)

Mediation: No

STATE OF NORTH CAROLINA

V.

NELSON CASH
PETITIONER.

| | | | | | | | |
|------------------------|----|--------------------|----|-------------------|-----|-----------------------|------------|
| 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 #: 97CRS4216 97CRS4218-19

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 | 01-25-2017 | 01-25-2017 | | | | | Special Order | 02-06-2017 |

1 - PWC-S (Special Order) - 11-22-2013
 Filed: 11-13-2013 @ 16:11:55
 FOR: Petitioner-Appellant Nelson Cash
 BY : Ms. Mary E. McNeill
 NC PRISONER LEGAL SERVICES, INC

The following order was entered:

The petition filed in this cause by defendant Nelson Cash on 13 November 2013 and designated 'Petition for Writ of Certiorari' is allowed to review the order entered 6 November 2013 by Judge 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: 01-25-2017 @ 16:16:31
 FOR: Petitioner-Appellant Nelson Cash
 BY : Ms. Mary E. McNeill
 NC PRISONER LEGAL SERVICES, INC

The following order was entered:

The motion filed in this cause by defendant on 25 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 Charged | Amount Paid | Document | Pages | Receipt # | Date Paid |
|--------------|-------------|----------------|-------------|----------|-------|-----------|-----------|
|--------------|-------------|----------------|-------------|----------|-------|-----------|-----------|

Exhibits

Parties

Party Name Role

State of North Carolina

Cash, Nelson Petitioner-Appellant

Attorneys

Attorney for Petitioner-Appellant - Nelson Cash

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