

North Carolina Court of Appeals

Docket Sheet

State v. Sullivan

Case Number: P13-925

As of: 03/28/2024

Case Closed: Yes

Close Date:

Case Type: Criminal (Crim_othr)

Mediation: No

STATE OF NORTH CAROLINA

V.

MICHAEL BERNARD SULLIVAN

Docket Date:		File Date:		File Time:		Acquired Date:	11-22-2013
Bond Collected:	No	Docket Fee:	No	Pauper:	No	Print Deposit:	No
						State Appeals:	No

History

Venue: Durham (16) **Heard In:** Superior Court

To SC: **From SC:**

Lower Court Number(s)

Location: Durham (16)

Judge:

Case #: 02CRS49147

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	11-22-2013	11-22-2013		12-09-2013	11-27-2013		Special Order	12-05-2013
(2) COURT ORDER	06-29-2017	06-30-2017					Special Order	06-30-2017

1 - PWC-S (Special Order) - 12-05-2013

Filed: 11-22-2013 @ 11:16:41

FOR: Petitioner-Appellant State of North Carolina

BY : Mr. Robert C. Montgomery

N.C. DEPARTMENT OF JUSTICE

The following order was entered:

The petition filed in this cause by the State on 22 November 2013 and designated 'State's Petition for Writ of Certiorari' is allowed to review Judge Orlando F. Hudson's 29 July 2013 order allowing defendant Michael Bernard Sullivan's motion for appropriate relief and the 13 August 2013 judgment. 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 5th of December 2013.

RESPONSE TO PWC-S
 Filed: 11-27-2013
 BY : Ms. Allison Standard

2 - CT_ORDER COURT ORDER (Special Order) - 06-30-2017

Filed: 06-29-2017 @ 14:27:01

FOR:

BY : Hon. Linda McGee

The following Order was entered:

On 1 May 2013, Defendant filed a motion for appropriate relief in Superior Court seeking resentencing based upon the United States Supreme Court's decision in *Miller v. Alabama*, 567 U.S. ___, 183 L.Ed2d (2012). By order filed 29 July 2013, Judge Orlando F. Hudson, Jr., allowed Defendant's motion for appropriate relief and ordered resentencing. In December 2013, this Court allowed the State of North Carolina's petition for writ of certiorari to review the order. The State'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*, 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 that the State's appeal is dismissed and this case is remanded to the Superior Court, Durham County, for proceedings not inconsistent with our Supreme Court's holdings in *State v. Young*, *State v. Seam*, and *State v. Perry*.

Financial Information

Receipts

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

Parties

Party Name	Role
State of North Carolina	Petitioner-Appellant
Sullivan, Michael Bernard	Defendant-Appellant

Attorneys

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N.C. DEPARTMENT OF JUSTICE

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