

North Carolina Court of Appeals

Docket Sheet

State v Kelliher

Case Number: P13-981

As of: 04/24/2024

Case Closed: Yes

Close Date:

Case Type: Criminal (Crim_othr)

Mediation: No

STATE OF NORTH CAROLINA

V.

JAMES RYAN KELLIHER
PETITIONER.

Docket Date:

File Date:

File Time:

Acquired Date: 12-12-2013

Bond Collected: No

Docket Fee: No

Pauper: Yes

Print Deposit: No

State Appeals: No

History

Venue: Cumberland (14)

Heard In: Superior Court

To SC:

From SC:

Lower Court Number(s)

Location: Cumberland (14)

Judge:

Case #: 01CRS59934

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	12-12-2013	12-12-2013		12-30-2013	12-18-2013		Special Order	12-19-2013
(2) M-GEN	03-15-2017	03-15-2017					Special Order	03-21-2017

1 - PWC-S (Special Order) - 12-19-2013
 Filed: 12-12-2013 @ 11:47:00
 FOR: Petitioner-Appellant James Ryan Kelliher
 BY : Mr. Reid Cater

The following order was entered:

The petition filed in this cause by defendant James Ryan Kelliher on 12 December 2013 and designated 'Petition for Writ of Certiorari' is allowed to review the order entered in the above file number on 2 December 2013 by Judge James Floyd Ammons, Jr. 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 19th of December 2013.

RESPONSE TO PWC-S
 Filed: 12-18-2013
 BY : Mr. Robert C. Montgomery
 N.C. DEPARTMENT OF JUSTICE

2 - MOTION NOTIFICATION OF DECISION BY NORTH CAROLINA SUPREME COURT (Special Order) - 03-21-2017
 Filed: 03-15-2017 @ 13:34:07
 FOR: Petitioner-Appellant James Ryan Kelliher
 BY : Mr. Reid Cater
 NC PRISONER LEGAL SERVICES, INC

The following order was entered:

The motion filed in this cause by defendant on 15 March 2017 and designated 'Notification of Decision by North Carolina Supreme Court' is decided as follows: On 20 December 2013, this Court allowed defendant's petition for writ of certiorari to review Judge James Floyd Ammons, Jr.'s 2 December 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, Cumberland 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 21st of March 2017.

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	Plaintiff-Appellee
Kelliher, James Ryan	Defendant-Appellant

Attorneys

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