

# North Carolina Court of Appeals

## Docket Sheet

State v Nguyen

**Case Number:** P13-1016

**As of:** 04/26/2024

**Case Closed:** Yes

**Close Date:**

**Case Type:** Criminal (Crim\_othr)

**Mediation:** No

STATE OF NORTH CAROLINA

V.

DOAN NGUYEN

**Docket Date:** **File Date:** **File Time:** **Acquired Date:** 12-23-2013

**Bond Collected:** No

**Docket Fee:** No

**Pauper:** No

**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 #:** 02CRS58218

### Tracking/Argue

### Opinion

### Documents

Document	Date Recvd	Cert of Service	Rec/Brf Due	Resp. Due	Resp. Recvd	Mailed Out	Ruling	Ruling Date
(1) PWC	12-23-2013	12-23-2013		01-03-2014	12-31-2013		Special Order	01-08-2014
(2) COURT ORDER	06-29-2017	06-30-2017					Special Order	06-30-2017

1 - PWC (Special Order) - 01-08-2014  
 Filed: 12-23-2013 @ 08:11:05  
 FOR: Defendant-Appellant Nguyen, Doan Van  
 BY : Mr. James R. Parish

The following order was entered:

The petition filed in this cause by defendant on 23 December 2013 and designated 'Petition for Writ of Certiorari' is allowed to review the order filed 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 8th of January 2014.

The above order is therefore certified to the Clerk of the Superior Court, Cumberland County.

RESPONSE TO PWC  
 Filed: 12-31-2013  
 BY : Mr. Robert C. Montgomery  
 N.C. DEPARTMENT OF JUSTICE

2 - CT\_ORDER COURT ORDER (Special Order) - 06-30-2017  
 Filed: 06-29-2017 @ 14:43:29  
 FOR:  
 BY : Hon. Linda McGee

The following Order was entered:

On 8 January 2014, 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 based upon the United States Supreme Court's decision in Miller v. Alabama, 567 U.S. \_\_\_, 183 L.Ed.2d (2012). 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 that the trial court's order denying defendant's motion for appropriate relief is reversed and this case is 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.

## Financial Information

### Receipts

Date Charged	Charge Type	Amount Charged	Amount Paid	Document	Pages	Receipt #	Date Paid
	Pre Docket Fees	10.00	0.00				

### Exhibits

### Parties

Party Name	Role
State of North Carolina	Plaintiff-Appellee
Nguyen, Doan Van	Defendant-Appellant

### Attorneys

**Attorney for Defendant-Appellant - Nguyen, Doan Van**

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