

North Carolina Court of Appeals

Docket Sheet

State v. Bass

Case Number: P14-21

As of: 04/16/2024

Case Closed: Yes

Close Date:

Case Type: Criminal (Crim_othr)

Mediation: No

STATE OF NORTH CAROLINA

V.

LAMARZ DAMEIAN BASS

Docket Date:

File Date:

File Time:

Acquired Date: 01-08-2014

Bond Collected: No

Docket Fee: No

Pauper: Yes

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 #: 05CRS58923-24

Tracking/Argue

Opinion

Documents

Document	Date Recvd	Cert of Service	Rec/Brf Due	Resp. Due	Resp. Recvd	Mailed Out	Ruling	Ruling Date
(1) PWS-TMPSTA	01-08-2014	01-08-2014		01-23-2014			Special Order	01-28-2014
(2) M-TEMP-STAY	01-08-2014	01-08-2014					Special Order	01-09-2014
(3) PWC-S	01-08-2014	01-08-2014		01-24-2014	01-17-2014		Special Order	01-28-2014
(4) M-GEN	02-21-2017	02-21-2017					Special Order	03-02-2017

1 - PWS-TMPSTA (Special Order) - 01-28-2014
Filed: 01-08-2014 @ 11:23:00
FOR: Petitioner-Appellant State of North Carolina
BY : Mr. Robert C. Montgomery
N.C. DEPARTMENT OF JUSTICE

The following order was entered:

The petitions filed in this cause by the State on 8 January 2014 and designated 'State's Petition for Writ of Certiorari' and 'Petition for Writ of Supersedeas' are decided as follows: A writ of certiorari is hereby issued to review the order entered 26 July 2013 by Judge Orlando Hudson in Durham County Superior Court allowing defendant's motion for appropriate relief and ordering resentencing. The State's petition for writ of supersedeas is allowed and the 26 July 2013 order is hereby stayed pending disposition of the State's appeal. 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 28th of January 2014.

2 - M-TEMP-STAY (Special Order) - 01-09-2014
Filed: 01-08-2014 @ 11:25:11
FOR: Petitioner-Appellant State of North Carolina
BY : Mr. Robert C. Montgomery
N.C. DEPARTMENT OF JUSTICE

The following order was entered:

The petition and motion filed in this cause by the State on 8 January 2014 and designated 'Petition for Writ of Supersedeas and Application for Temporary Stay' are decided as follows: The order entered 26 July 2013 by Judge Orlando Hudson in Durham County Superior Court allowing defendant's motion for appropriate relief and ordering resentencing is hereby stayed pending this Court's ruling on the State's petition for writ of supersedeas. This Court will rule on the State's petition for writ of supersedeas upon the filing of a response to the petition or the expiration of the time for a response if no response is filed.

By order of the Court this the 9th of January 2014.

3 - PWC-S (Special Order) - 01-28-2014
Filed: 01-08-2014 @ 11:27:46
FOR: Petitioner-Appellant State of North Carolina
BY : Mr. Robert C. Montgomery
N.C. DEPARTMENT OF JUSTICE

The following order was entered:

The petitions filed in this cause by the State on 8 January 2014 and designated 'State's Petition for Writ of Certiorari' and 'Petition for Writ of Supersedeas' are decided as follows: A writ of certiorari is hereby issued to review the order entered 26 July 2013 by Judge Orlando Hudson in Durham County Superior Court allowing defendant's motion for appropriate relief and ordering resentencing. The State's petition for writ of supersedeas is allowed and the 26 July 2013 order is hereby stayed pending disposition of the State's appeal. 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 28th of January 2014.

RESPONSE TO PWC-S
Filed: 01-17-2014
BY : Mrs. Lindsay Bass

4 - MOTION NOTIFICATION OF DECISION BY NORTH CAROLINA SUPREME COURT (Special Order) - 03-02-2017

Filed: 02-21-2017 @ 10:08:29

FOR: Respondent-Appellant Bass, Lamarz Dameian

BY : Mrs. Lindsay Bass

The following order was entered:

The motion filed in this cause by Defendant on 21 February 2017 and designated 'Notification of Decision by North Carolina Supreme Court' is decided as follows: On 21 June 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.Ed.2d(2012). By order filed 26 July 2013, Judge Orlando F. Hudson, Jr., allowed Defendant's motion for appropriate relief and ordered resentencing. In January 2014, this Court, stayed Judge Hudson's order and 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, the stay is dissolved, 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*.

By order of the Court this the 2nd 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	Petitioner-Appellant
Bass, Lamarz Dameian	Respondent-Appellant

Attorneys

Attorney for Petitioner-Appellant - State of North Carolina

Mr. Robert C. Montgomery [Primary Attorney]

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N.C. DEPARTMENT OF JUSTICE

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