

# North Carolina Court of Appeals

## Docket Sheet

### Littiken v State

**Case Number:** P14-822

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

**Case Closed:** Yes

**Close Date:**

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

**Mediation:** No

TIMOTHY WAYNE LITTIKEN,  
PETITIONER,

V.

STATE OF NORTH CAROLINA,  
RESPONDENT.

<b>Docket Date:</b>	<b>File Date:</b>	<b>File Time:</b>	<b>Acquired Date:</b> 10-21-2014	
<b>Bond Collected:</b> No	<b>Docket Fee:</b> No	<b>Pauper:</b> No	Print Deposit: No	<b>State Appeals:</b> No

**History**

**Venue:** Alamance (17) **Heard In:** Superior Court

**To SC:** **From SC:**

**Lower Court Number(s)**

Location: Alamance (17)

Judge:

Case #: 11CRS56295 12CRS174

**Tracking/Argue**

**Opinion**

**Documents**

Document	Date Recvd	Cert of Service	Rec/Brf Due	Resp. Due	Resp. Recvd	Mailed Out	Ruling	Ruling Date
(1) PWC	10-21-2014	10-21-2014		11-05-2014	11-03-2014		Special Order	11-05-2014
(2) M-GEN	04-29-2015	04-29-2015					Allowed	04-30-2015
(3) M-GEN	05-20-2016	05-20-2016					Allowed	05-24-2016
(4) M-GEN	05-20-2016	05-20-2016					Allowed	05-24-2016
(5) M-GEN	06-10-2016	06-10-2016					Allowed	06-13-2016
(6) M-GEN	06-10-2016	06-10-2016					Allowed	06-13-2016
(7) M-GEN	06-13-2016	06-10-2016					Allowed	06-13-2016
(8) M-GEN	06-13-2016	06-10-2016					Allowed	06-13-2016
(9) M-EXT-PR	06-27-2016	06-27-2016					Allowed	06-28-2016
(10) M-EXT-PR	06-27-2016	06-27-2016					Allowed	06-28-2016

---

1 - PWC (Special Order) - 11-05-2014  
Filed: 10-21-2014 @ 12:42:44  
FOR: Petitioner-Appellant Littiken, Timothy Wayne  
BY : Mr. Timothy Wayne Littiken

The following order was entered:

The petition filed in this cause by defendant on 21 October 2014 and designated 'Petition for Writ of Certiorari' is allowed for the purpose of reviewing the judgments entered in the above file numbers on 11 April 2012 by Judge G. Wayne Abernathy. The Alamance County Superior Court shall hold a hearing to determine whether defendant is entitled: (1) to the appointment of counsel; (2) to proceed as an indigent; (3) to be released on bond pending appeal; and (4) to a copy of the transcript at the expense of the State. The appeal shall be deemed taken as of the date of the trial court's determination of whether defendant is entitled to appointment of counsel. The record on appeal shall thereafter be settled as provided by N.C.R. App. P. 11 and shall be filed in this Court as provided by N.C.R. App. P. 12.

A copy of this order shall be mailed to the Senior Resident Superior Court Judge and the District Attorney of Judicial District 15A and Appellate Defender Staples Hughes.

By order of the Court this the 5th of November 2014.

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

---

RESPONSE TO PWC  
Filed: 11-03-2014  
BY : Ms. Laura Edwards Parker  
N.C. DEPARTMENT OF JUSTICE

---

2 - MOTION MOTION FOR EXTENSION OF TIME TO PREPARE TRANSCRIPTS (Allowed) - 04-30-2015  
Filed: 04-29-2015 @ 16:19:06  
FOR:  
BY : Mr. Bryan E. Gates, Jr.

The following order was entered:

The motion filed in this cause on the 29th of April 2015 and designated 'Motion for Extension of Time to Prepare Transcripts' is allowed. Transcript shall be produced and delivered on or before 29 May 2015.

By order of the Court this the 30th of April 2015.

---

3 - MOTION MOTION FOR REMOVAL OR CURRENT APPELLATE COUNSEL, REAPPOINTMENT OF APPELLATE DEFENDER, AND OTHER RELIEF (Allowed) - 05-24-2016  
Filed: 05-20-2016 @ 15:15:32  
FOR:  
BY : Mr. Glenn Gerding  
N.C. APPELLATE DEFENDERS OFFICE

The following order was entered:

The motion filed in this cause on the 20th of May 2016 and designated 'Motion for Removal or Current Appellate Counsel, Reappointment of Appellate Defender, and Other Relief' is allowed. Bryan Gates is relieved as counsel of record, and he shall send the entire case file and all transcripts to the Office of the Appellate Defender on or before 1 June 2016. The Office of the Appellate Defender is directed to appoint substitute counsel, and substitute counsel shall notify this Court of the appointment.

By order of the Court this the 24th of May 2016.

---

4 - MOTION MOTION FOR REMOVAL OR CURRENT APPELLATE COUNSEL, REAPPOINTMENT OF APPELLATE DEFENDER, AND OTHER RELIEF (Allowed) - 05-24-2016

Filed: 05-20-2016 @ 15:15:32

FOR:

BY : Mr. Glenn Gerding  
N.C. APPELLATE DEFENDERS OFFICE

The following order was entered:

The motion filed in this cause on the 20th of May 2016 and designated 'Motion for Removal or Current Appellate Counsel, Reappointment of Appellate Defender, and Other Relief' is allowed. Bryan Gates is relieved as counsel of record, and he shall send the entire case file and all transcripts to the Office of the Appellate Defender on or before 1 June 2016. The Office of the Appellate Defender is directed to appoint substitute counsel, and substitute counsel shall notify this Court of the appointment.

By order of the Court this the 24th of May 2016.

---

5 - MOTION MOTION TO DEEM TRANSCRIPT TIMELY DELIVERED (Allowed) - 06-13-2016

Filed: 06-10-2016 @ 16:10:57

FOR: Petitioner-Appellant Littiken, Timothy Wayne

BY : Mr. Aaron Thomas Johnson

N.C. APPELLATE DEFENDERS OFFICE

The following order was entered:

The motion filed in this cause on the 10th of June 2016 and designated 'Motion to Deem Transcript Timely Delivered' is allowed. Transcript is deemed timely produced and delivered.

By order of the Court this the 13th of June 2016.

---

6 - MOTION MOTION TO DEEM TRANSCRIPT TIMELY DELIVERED (Allowed) - 06-13-2016

Filed: 06-10-2016 @ 16:10:57

FOR:

BY : Mr. Aaron Thomas Johnson

N.C. APPELLATE DEFENDERS OFFICE

The following order was entered:

The motion filed in this cause on the 10th of June 2016 and designated 'Motion to Deem Transcript Timely Delivered' is allowed. Transcript is deemed timely produced and delivered.

By order of the Court this the 13th of June 2016.

---

7 - MOTION NUNC PRO TUNC MOTION FOR EXTENSION OF TIME TO SERVE PROPOSED RECORD ON APPEAL (Allowed) - 06-13-2016

Filed: 06-13-2016 @ 10:34:19

FOR: Petitioner-Appellant Littiken, Timothy Wayne

BY : Mr. Aaron Thomas Johnson

N.C. APPELLATE DEFENDERS OFFICE

The following order was entered:

The motion filed in this cause on the 13th of June 2016 and designated 'NUNC PRO TUNC Motion for Extension of Time to Serve Proposed Record on Appeal' is dismissed without prejudice to refiling with a showing that an initial thirty-day extension of time to serve the proposed record on appeal has been obtained from the trial court pursuant to N.C.R. App. P. 27(c)(1).

By order of the Court this the 13th of June 2016.

8 - MOTION NUNC PRO TUNC MOTION FOR EXTENSION OF TIME TO SERVE PROPOSED RECORD ON APPEAL (Allowed) - 06-13-2016  
 Filed: 06-13-2016 @ 10:34:19  
 FOR:  
 BY : Mr. Aaron Thomas Johnson  
 N.C. APPELLATE DEFENDERS OFFICE

The following order was entered:

The motion filed in this cause on the 13th of June 2016 and designated 'NUNC PRO TUNC Motion for Extension of Time to Serve Proposed Record on Appeal' is dismissed without prejudice to refiling with a showing that an initial thirty-day extension of time to serve the proposed record on appeal has been obtained from the trial court pursuant to N.C.R. App. P. 27(c)(1).

By order of the Court this the 13th of June 2016.

9 - M-EXT-PR (Allowed) - 06-28-2016  
 Filed: 06-27-2016 @ 14:53:05  
 FOR: Petitioner-Appellant Littiken, Timothy Wayne  
 BY : Mr. Aaron Thomas Johnson  
 N.C. APPELLATE DEFENDERS OFFICE

The following order was entered:

The motion filed in this cause on the 27th of June 2016 and designated 'NUNC PRO TUNC Motion for Extension of Time to Serve Proposed Record on Appeal' is allowed. Proposed record on appeal shall be served on or before 11 July 2016.

By order of the Court this the 28th of June 2016.

10 - M-EXT-PR (Allowed) - 06-28-2016  
 Filed: 06-27-2016 @ 14:53:05  
 FOR:  
 BY : Mr. Aaron Thomas Johnson  
 N.C. APPELLATE DEFENDERS OFFICE

The following order was entered:

The motion filed in this cause on the 27th of June 2016 and designated 'NUNC PRO TUNC Motion for Extension of Time to Serve Proposed Record on Appeal' is allowed. Proposed record on appeal shall be served on or before 11 July 2016.

By order of the Court this the 28th of June 2016.

**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	Respondent-Appellee
Littiken, Timothy Wayne	Petitioner-Appellant

**Attorneys**

**Attorney for Petitioner-Appellant - Littiken, Timothy Wayne**

Mr. Timothy Wayne Littiken [Primary Attorney]

Pro Se

444 County Home Road

#0663949

Blanch, NC 27212

---

**Attorney for -**

Ms. Laura Edwards Parker [Primary Attorney]

Assistant Attorney General

lparker@ncdoj.gov

N.C. DEPARTMENT OF JUSTICE

P.O. Box 629

Raleigh, NC 27602

(919) 716-6500

---

**Attorney for -**

Mr. Glenn Gerding [Primary Attorney]

Appellate Defender

Glenn.Gerding@nccourts.org

Mr. Glenn Gerding [Primary Attorney]

Appellate Defender

Glenn.Gerding@nccourts.org

N.C. APPELLATE DEFENDERS OFFICE

123 West Main Street

Suite 500

Durham, NC 27701

(919) 354-7210

---

**Attorney for Petitioner-Appellant - Littiken, Timothy Wayne**

Mr. Aaron Thomas Johnson [Primary Attorney]

Assistant Appellate Defender

aaron.t.johnson@nccourts.org

N.C. APPELLATE DEFENDERS OFFICE

123 West Main Street

Suite 500

Durham, NC 27701

(919) 354-7210

---

**Attorney for -**

Mr. Aaron Thomas Johnson [Primary Attorney]

Assistant Appellate Defender

aaron.t.johnson@nccourts.org  
N.C. APPELLATE DEFENDERS OFFICE  
123 West Main Street  
Suite 500  
Durham, NC 27701  
(919) 354-7210

---

**Attorney for -**

Mr. Patrick Nadolski [Primary Attorney]  
District Attorney's Office  
212 West Elm Street  
Room 210  
Graham, NC 27253

---

**Attorney for -**

Hon. Robert F. Johnson [Primary Attorney]  
Senior Res. Superior Court Judge  
OFFICE OF THE DISTRICT ATTORNEY  
210 Criminal Courts Bldg.  
212 Elm Street  
Graham, NC 27253

---

**Attorney for -**

Mr. Bryan E. Gates, Jr. [Primary Attorney]  
Attorney at Law  
brygates@earthlink.net  
102 W. 3rd Street Suite 475  
Winston-Salem, NC 27101  
(336) 724-0082

---