

# North Carolina Court of Appeals

## Docket Sheet

State v. Jefferson, Jr.

**Case Number:** P15-786

**As of:** 04/20/2024

**Case Closed:** Yes

**Close Date:**

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

**Mediation:** No

STATE OF NORTH CAROLINA

V.

DELMONTE PERCELL JEFFERSON, JR.

**Docket Date:** **File Date:** **File Time:** **Acquired Date:** 10-13-2015

**Bond Collected:** No **Docket Fee:** No

**Pauper:** Yes

**Print Deposit:** No

**State Appeals:** No

### History

**Venue:** Johnston (13) **Heard In:** Superior Court

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

### Lower Court Number(s)

**Location:** Johnston (13)

**Judge:**

**Case #:** 01CRS51693

### Tracking/Argue

### Opinion

### Documents

Document	Date Recvd	Cert of Service	Rec/Brf Due	Resp. Due	Resp. Recvd	Mailed Out	Ruling	Ruling Date
(1) PWS	10-13-2015	10-13-2015		10-28-2015			Special Order	10-29-2015
(2) M-TEMP-STAY	10-13-2015	10-13-2015					Special Order	10-16-2015
(3) PWC	10-13-2015	10-13-2015		10-28-2015	10-23-2015			
(4) PWC	10-29-2015	10-23-2015		11-09-2015	11-05-2015		Special Order	11-12-2015
(5) COURT ORDER	06-29-2017	06-30-2017					Special Order	06-30-2017

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1 - PWS (Special Order) - 10-29-2015  
Filed: 10-13-2015 @ 14:25:02  
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 13 October 2015 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 21 September 2015 by Judge W. Douglas Parsons in Johnston 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 21 September 2015 order is hereby stayed pending disposition of the State's appeal. The appeal shall be held in abeyance pending the North Carolina Supreme Court's determination of State v. Young (80A14-1), State v. Seam (82A14-1), or State v. Perry (81A14-1).

By order of the Court this the 29th of October 2015.

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

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2 - M-TEMP-STAY (Special Order) - 10-16-2015  
Filed: 10-13-2015 @ 14:26:00  
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 petitioner on 13 October 2015 and designated 'Petition for Writ of Supersedeas and Application for Temporary Stay' are decided as follows: The motion for temporary stay is allowed. The order entered 21 September 2015 by Judge W. Douglas Parsons in Johnston 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 16th of October 2015.

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3 - PWC  
Filed: 10-13-2015 @ 14:33:46  
FOR: Petitioner-Appellant State of North Carolina  
BY : Mr. Robert C. Montgomery  
N.C. DEPARTMENT OF JUSTICE

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RESPONSE TO PWC  
Filed: 10-23-2015  
BY : Ms. Allison Standard

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4 - PWC (Special Order) - 11-12-2015  
Filed: 10-29-2015 @ 09:00:02  
FOR: Petitioner-Appellant Jefferson, Delmonte Percell (Jr.)  
BY : Ms. Allison Standard

The following order was entered:

The petition filed in this cause by defendant Delmonte Percell Jefferson Jr. on 29 October 2015 and designated 'Cross-Petition for Writ of Certiorari' is allowed. It appearing that this Court previously allowed the State's petition for writ of certiorari to review the order entered 21 September 2015 by Judge W. Douglas Parsons in Johnston County Superior Court allowing defendant's motion for appropriate relief and ordering resentencing, the writ of certiorari is hereby issued to allow additional review of the superior court's determination that defendant's guilty plea to first degree murder was supported by the theory of premeditation and deliberation. Defendant's appeal from the 21 September 2015 order shall be brought as part of the appeal being brought by the State, which is being held in abeyance pending the North Carolina Supreme Court's determination of State v. Young (80A14-1), State v. Seam (82A14-1), or State v. Perry (81A14-1).

By order of the Court this the 12th of November 2015.

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

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RESPONSE TO PWC  
Filed: 11-05-2015  
BY : Mr. Robert C. Montgomery  
N.C. DEPARTMENT OF JUSTICE

5 - CT ORDER COURT ORDER (Special Order) - 06-30-2017  
 Filed: 06-29-2017 @ 15:45:42  
 FOR:  
 BY : Hon. Linda Mcgee

The following Order was entered:

By order filed 21 September 2015, Judge W. Douglas Parsons allowed Defendant's motion for appropriate relief and ordered resentencing based upon the United States Supreme Court's decision in *Miller v. Alabama*, 567 U.S. \_\_\_, 183 L. Ed.2d (2012). In October 2015, this Court stayed Judge Parsons' order and allowed the State of North Carolina's petition for writ of certiorari to review the order. On 12 November 2015, this Court allowed Defendant's cross-petition for writ of certiorari 'to allow additional review of the superior court's determination that defendant's guilty plea to first degree murder was supported by the theory of premeditation and deliberation.' The State's appeal and Defendant's appeal were 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, Johnston County, for proceedings not inconsistent with our Supreme Court's holdings in *State v. Young*, *State v. Seam*, and *State v. Perry*.

As to Defendant's limited appeal from the 21 September 2015 order by Judge Parsons, it is further ordered: The Superior Court, Johnston County, shall determine whether petitioner is entitled: (1) to the appointment of counsel; (2) to proceed as an indigent; (3) to a copy of the transcript at the expense of the State; and (4) to be released on bond pending appeal. Review shall be limited to the superior court's determination that defendant's guilty plea to first degree murder was supported by the theory of premeditation and deliberation. 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 in accordance with N.C.R. App. P. 11, and the settled record on appeal shall be filed in this Court in accordance with N.C.R. App. P. 12(a).

#### 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
Jefferson, Delmonte Percell (Jr.)	Petitioner-Appellant

#### Attorneys

##### Attorney for Petitioner-Appellant - State of North Carolina

Mr. Robert C. Montgomery [Primary Attorney]

Special Deputy Attorney General

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**Attorney for Petitioner-Appellant - Jefferson, Delmonte Percell (Jr.)**

Ms. Allison Standard [Primary Attorney]

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