

North Carolina Court of Appeals

Docket Sheet

State v. Garcia

Case Number: 17-912

As of: 05/18/2024

Case Closed: Yes

Close Date: 08-27-2018

Case Type: Criminal (Crim_othr)

Mediation: No

STATE OF NORTH CAROLINA

v.

ADAN GUTIERREZ GARCIA

SERGIO MAGANA PIEDRA

Docket Date: 08-28-2017

File Date: 08-25-2017

File Time: 08:22

Acquired Date: 08-25-2017

Bond Collected: No

Docket Fee: No

Pauper: Yes

Print Deposit: No

State Appeals: No

History

Venue: Haywood (43)

Heard In: Superior Court

To SC:

From SC:

Lower Court Number(s)

Location: Haywood (43)

Judge: J. Thomas Davis

Case #: 16CRS50695-96 16CRS50698-99

Tracking/Argue

Argue Date: 04-04-2018 (No oral argument by Rule 30(f))

Opinion

Opinion Date: 08-07-2018

Cert Date: 08-27-2018

Author: Honorable Chris Dillon

Decision: Affirmed

Opinion Notes:

Opinion Pages: 9

Opinion Cost: \$ 1.80

Cite:

Slip Opinion: <https://appellate.nccourts.org/opinions/?c=2&pdf=36693>

Documents

Document	Date Recvd	Cert of Service	Rec/Brf Due	Resp. Due	Resp. Recvd	Mailed Out	Ruling	Ruling Date
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(1) RECORD	08-25-2017	08-23-2017				08-29-2017		
(2) M-EXT-BR	09-27-2017	09-28-2017					Allowed	09-28-2017
(3) APPELLANT BRIEF	09-28-2017					09-29-2017		

(4) INFORM SHT	10-09-2017							
(5) M-EXT-BR	10-26-2017	10-26-2017					Allowed	10-27-2017
(6) APPELLANT BRIEF	10-30-2017					10-31-2017		
(7) APPELLEE BRIEF	12-01-2017					12-01-2017		
(8) APPELLEE BRIEF	12-01-2017					12-08-2017		
(9) REPLY	12-18-2017					12-19-2017		
(10) REPLY	12-18-2017					12-19-2017		
(11) ADD-AUTH	01-19-2018	01-19-2018						
(12) M-GEN	08-10-2018	08-10-2018					Denied	08-24-2018
(13) M-GEN	08-13-2018	08-13-2018			08-20-2018		Denied	08-24-2018

1 - RECORD

Filed: 08-25-2017 @ 08:22:00

FOR: Defendant-Appellant Piedra, Sergio Magana

BY : Ms. Michele A. Goldman

APPELLATE DEFENDER'S OFFICE

2 - M-EXT-BR (Allowed) - 09-28-2017

Filed: 09-27-2017 @ 16:24:07

FOR: Defendant-Appellant Garcia, Adan Gutierrez

BY : Ms. Allegra Collins

ALLEGRA COLLINS LAW

The following order was entered:

The motion filed in this cause on the 27th of September 2017 and designated 'Motion to Extend Time to File Defendant-Appellant Garcia's Brief' is allowed. Defendant-Appellant Garcia's brief shall be filed on or before 30 October 2017.

By order of the Court this the 28th of September 2017.

3 - APPELLANT BRIEF

Filed: 09-28-2017 @ 15:49:57

FOR: Defendant-Appellant Piedra, Sergio Magana

BY : Ms. Michele A. Goldman

APPELLATE DEFENDER'S OFFICE

4 - AIS INFORM SHT

Filed: 10-09-2017 @ 11:25:23

FOR: Defendant-Appellant Piedra, Sergio Magana

BY : Ms. Michele A. Goldman

APPELLATE DEFENDER'S OFFICE

5 - M-EXT-BR (Allowed) - 10-27-2017

Filed: 10-26-2017 @ 15:01:38

FOR: Plaintiff-Appellee State of North Carolina

BY : Mr. William A. Smith

N.C. DEPARTMENT OF JUSTICE

The following order was entered:

The motion filed in this cause on the 26th of October 2017 and designated 'Motion for Extension of Time to File and Serve Appellee's Brief in Response to Appellant Piedra' is allowed. State's brief in response to Appellant Piedra shall be filed on or before 30 November 2017.

By order of the Court this the 27th of October 2017.

6 - APPELLANT BRIEF

Filed: 10-30-2017 @ 15:59:06

FOR: Defendant-Appellant Garcia, Adan Gutierrez

BY : Ms. Allegra Collins

ALLEGRA COLLINS LAW

7 - APPELLEE BRIEF

Filed: 12-01-2017 @ 05:36:32

FOR: Plaintiff-Appellee State of North Carolina

BY : Mr. William A. Smith

N.C. DEPARTMENT OF JUSTICE

8 - APPELLEE BRIEF

Filed: 12-01-2017 @ 12:36:22

FOR: Plaintiff-Appellee State of North Carolina

BY : Mr. Nicholas Walker Yates

N.C. DEPARTMENT OF JUSTICE

9 - APPELLANT BRIEF REPLY

Filed: 12-18-2017 @ 15:45:50

FOR: Defendant-Appellant Piedra, Sergio Magana

BY : Ms. Michele A. Goldman

APPELLATE DEFENDER'S OFFICE

10 - APPELLANT BRIEF REPLY

Filed: 12-18-2017 @ 23:15:52

FOR: Defendant-Appellant Garcia, Adan Gutierrez

BY : Ms. Allegra Collins

ALLEGRA COLLINS LAW

11 - MEMOS ADD-AUTH

Filed: 01-19-2018 @ 11:38:45

FOR: Defendant-Appellant Piedra, Sergio Magana

BY : Ms. Michele A. Goldman

APPELLATE DEFENDER'S OFFICE

12 - MOTION DEFENDANT-APPELLANT PIEDRA'S MOTION TO STAY MANDATE AND WITHDRAW AND AMEND OPINION (Denied) - 08-24-2018

Filed: 08-10-2018 @ 16:03:23

FOR: Defendant-Appellant Piedra, Sergio Magana

BY : Ms. Michele A. Goldman

APPELLATE DEFENDER'S OFFICE

The following order was entered:

The motion filed in this cause on the 10th of August 2018 and designated 'Defendant-Appellant Piedra's Motion to Stay Mandate and Withdraw and Amend Opinion' is denied.

By order of the Court this the 24th of August 2018.

13 - MOTION MOTION TO STAY ISSUANCE OF THE MANDATE (Denied) - 08-24-2018

Filed: 08-13-2018 @ 16:38:50

FOR: Defendant-Appellant Garcia, Adan Gutierrez

BY : Ms. Allegra Collins

ALLEGRA COLLINS LAW

The following order was entered:

The motion filed in this cause on the 13th of August 2018 and designated 'Motion to Stay Issuance of the Mandate' is denied.

By order of the Court this the 24th of August 2018.

RESPONSE TO MOTION MOTION TO STAY ISSUANCE OF THE MANDATE

Filed: 08-20-2018

BY : Mr. Nicholas Walker Yates

N.C. DEPARTMENT OF JUSTICE

Financial Information**Receipts**

Date Charged	Charge Type	Amount Charged	Amount Paid	Document	Pages	Receipt #	Date Paid
09-05-2017	Printing	204.75	204.75	RECORD	117	R092032217	09-22-2017
10-03-2017	Printing	108.50	108.50	APPELLANT BRIEF	62	R102032717	10-13-2017

01-03-2018	Printing	36.75	36.75	APPELLANT BRIEF	21	R012032918	01-19-2018
	Assess	69.25	0.00				
01-03-2018	Printing	64.75	64.75	APPELLEE BRIEF	37	R012048118	01-26-2018
01-03-2018	Printing	50.75	50.75	APPELLEE BRIEF	29	R012048218	01-26-2018
12-12-2017	Printing	42.00	42.00	APPELLANT BRIEF	24	R122037817	12-29-2017
01-03-2018	Printing	21.00	21.00	APPELLANT BRIEF	12	R012033218	01-19-2018
	Assess	55.25	0.00				

Exhibits

Transcript(s) Electronically Filed

transcript-state-v.garcia-et-al.january-9-10-2017-volume-i-of-ii.pdf
transcript-state-v.garcia-et-al.january-11-12-2017-volume-ii-of-ii.pdf
certificate-of-delivery-state-v.garcia-and-piedra.pdf

Parties

Party Name	Role
State of North Carolina	Plaintiff-Appellee
Garcia, Adan Gutierrez	Defendant-Appellant
Piedra, Sergio Magana	Defendant-Appellant

Attorneys

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