

# North Carolina Court of Appeals

## Docket Sheet

State v. Gonzalez

**Case Number:** 18-228

**As of:** 05/29/2023

**Case Closed:** Yes

**Close Date:** 02-04-2019

**Case Type:** Criminal (Felony Other)

**Mediation:** No

STATE OF NORTH CAROLINA

v.

FLORA RIANO GONZALEZ

**Docket Date:** 03-02-2018

**File Date:** 03-02-2018

**File Time:** 08:56

**Acquired Date:** 03-02-2018

**Bond Collected:** No

**Docket Fee:** No

**Pauper:** Yes

**Print Deposit:** No

**State Appeals:** -

### History

**Venue:** Forsyth (21)

**Heard In:** Superior Courts

**To SC:**

**From SC:**

### Lower Court Number(s)

**Location:** Forsyth (21)

**Judge:** Richard S. Gottlieb

**Case #:** 16CRS3823 16CRS50851

### Tracking/Argue

**Argue Date:** 10-02-2018 (No oral argument by Rule 30(e)) colspan=5

### Opinion

**Opinion Date:** 01-15-2019

**Cert Date:** 02-04-2019

**Author:** Honorable Richard Dietz

**Decision:** No Error

**Opinion Notes:**

**Opinion Pages:** 9

**Opinion Cost:** \$ 1.80

**Cite:**

**Slip Opinion:** <https://appellate.nccourts.org/opinions/?c=2&pdf=37312>

### 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	03-02-2018					03-02-2018		
(2) APPELLANT BRIEF	04-02-2018					04-03-2018		
(3) INFORM SHT	04-02-2018							
(4) APPELLEE BRIEF	05-07-2018					05-07-2018		

(5) COURT ORDER	09-25-2018						Other	09-25-2018
(6) M-EXT-BR	10-03-2018	10-03-2018					Allowed	10-08-2018
(7) M-EXT-BR	10-04-2018	10-04-2018					Allowed	10-08-2018
(8) SUPPLEMENTAL	10-18-2018					10-22-2018		
(9) SUPPLEMENTAL	10-18-2018					10-22-2018		
(10) M-GEN	10-18-2018	10-18-2018					Allowed	01-15-2019
(11) COURT ORDER	10-19-2018	10-19-2018					Special Order	10-19-2018

**1 - RECORD**

Filed: 03-02-2018 @ 08:56:00  
FOR: Defendant-Appellant Gonzalez, Flora Riano  
BY : Ms. Katherine Jane Allen  
N.C. APPELLATE DEFENDERS OFFICE

**2 - APPELLANT BRIEF**

Filed: 04-02-2018 @ 13:56:34  
FOR: Defendant-Appellant Gonzalez, Flora Riano  
BY : Ms. Katherine Jane Allen  
APPELLATE DEFENDER'S OFFICE

**3 - AIS INFORM SHT**

Filed: 04-02-2018 @ 13:57:07  
FOR: Defendant-Appellant Gonzalez, Flora Riano  
BY : Ms. Katherine Jane Allen  
APPELLATE DEFENDER'S OFFICE

**4 - APPELLEE BRIEF**

Filed: 05-07-2018 @ 12:02:49  
FOR: Plaintiff-Appellee State of North Carolina  
BY : Ms. Anne M. Middleton  
N.C. DEPARTMENT OF JUSTICE

**5 - CT\_ORDER COURT ORDER (Other) - 09-25-2018**

Filed: 09-25-2018 @ 12:06:01  
FOR:  
BY : Hon. Linda M. McGee

The following Order was entered:

The parties are requested to each file a supplemental brief addressing this Court's decision in *State v. Alonzo*, No. COA17-1186, \_\_\_ N.C. App. \_\_\_, \_\_\_ S.E.2d. \_\_\_, 2018 WL 3977546 (Aug. 21, 2018). The parties are specifically requested to address the following legal questions:

1. What precedential effect should this Court give to its decisions in *State v. McClamb*, 234 N.C. App. 753, 760 S. E.2d 337 (2014), and *State v. Alonzo*, No. COA17-1186, \_\_\_ N.C.App. \_\_\_, \_\_\_ S.E.2d. \_\_\_, 2018 WL 3977546 (Aug. 21, 2018)?
2. This Court has held that 'when there are conflicting lines of opinions from this Court, we generally look to our earliest relevant opinion in order to resolve the conflict.' *State v. Meadows*, \_\_\_ N.C. App. \_\_\_, \_\_\_, 806 S.E.2d 682, 693 (2017). Under *Meadows*, can this Court disregard more recent controlling precedent on the ground that it conflicts with earlier precedent even if the more recent precedent acknowledged and distinguished the earlier precedent?

The parties should file their supplemental briefs no later than October 8, 2018. To the extent possible, in the supplemental brief for the State, we call for the views of the Solicitor General. This Court will re-calendar this case after receipt of the parties' supplemental briefs.

SO ORDERED.

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6 - M-EXT-BR (Allowed) - 10-08-2018  
Filed: 10-03-2018 @ 13:46:41  
FOR: Plaintiff-Appellee State of North Carolina  
BY : Ms. Anne M. Middleton  
N.C. DEPARTMENT OF JUSTICE

The following order was entered:

The motion filed in this cause on the 3rd of October 2018 and designated 'Motion to Extend Time in Which to File the Appellant's Supplemental Brief' is allowed. Upon receipt of the parties, supplemental briefs, the Court anticipates setting this case for oral argument on 30 October 2018 at 9:30 a.m.

By order of the Court this the 8th of October 2018.

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7 - M-EXT-BR (Allowed) - 10-08-2018  
Filed: 10-04-2018 @ 09:27:12  
FOR: Defendant-Appellant Gonzalez, Flora Riano  
BY : Ms. Katherine Jane Allen  
APPELLATE DEFENDER'S OFFICE

The following order was entered:

The motion filed in this cause on the 3rd of October 2018 and designated 'Appellee's Motion for Extension of Time' is allowed. Upon receipt of the parties, supplemental briefs, the Court anticipates setting this case for oral argument on 30 October 2018 at 9:30 a.m.

By order of the Court this the 8th of October 2018.

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8 - APPELLEE BRIEF SUPPLEMENTAL  
Filed: 10-18-2018 @ 15:28:52  
FOR: Plaintiff-Appellee State of North Carolina  
BY : Ms. Anne M. Middleton  
N.C. DEPARTMENT OF JUSTICE

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9 - APPELLANT BRIEF SUPPLEMENTAL  
Filed: 10-18-2018 @ 16:33:19  
FOR: Defendant-Appellant Gonzalez, Flora Riano  
BY : Ms. Katherine Jane Allen  
APPELLATE DEFENDER'S OFFICE

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10 - MOTION APPELLANT'S MOTION TO TAKE JUDICIAL NOTICE OF THE FILES OF THIS COURT IN THE CASE OF STATE V. STOKES AND OF FILES OF THE NORTH CAROLINA SUPREME COURT IN THE CASE OF STATE V. ALONZO (Allowed) - 01-15-2019  
Filed: 10-18-2018 @ 16:34:01  
FOR: Defendant-Appellant Gonzalez, Flora Riano  
BY : Ms. Katherine Jane Allen  
APPELLATE DEFENDER'S OFFICE

The following order was entered:

The motion filed in this cause on the 18th of October 2018 and designated 'Appellant's Motion to Take Judicial Notice of the Files of this Court in the Case of State v. Stokes and of Files of the North Carolina Supreme Court in the Case of State v. Alonzo' is allowed.

By order of the Court this the 15th of January 2019.

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11 - CT\_ORDER COURT ORDER (Special Order) - 10-19-2018  
Filed: 10-19-2018 @ 13:55:40  
FOR:  
BY : Hon. Linda Mcgee

The following Order was entered:

The above captioned case was calendared to be determined without oral argument pursuant to Rule 30(f) of the North Carolina Rules of Appellate Procedure on Tuesday, 2 October 2018, before a panel made up of Judge Wanda G. Bryant, Judge Richard Dietz and Judge Lucy N. Inman.

Having concluded that oral argument will be of assistance to the Court, the Court hereby rescinds its Rule 30(f) order and reinstates the oral argument.

IT IS NOW ORDERED that this case shall be orally argued before the same panel on Tuesday, 30 October 2018, at 9:30 a.m.

**Receipts**

Date Charged	Charge Type	Amount Charged	Amount Paid	Document	Pages	Receipt #	Date Paid
06-06-2018	Printing	49.00	49.00	APPELLEE BRIEF	28	R062052218	06-29-2018
11-05-2018	Printing	50.75	50.75	APPELLEE BRIEF	29	R122009818	12-07-2018
04-05-2018	Printing	112.00	112.00	RECORD	64	R042013718	04-13-2018
05-07-2018	Printing	35.00	35.00	APPELLANT BRIEF	20	R052012218	05-11-2018
11-05-2018	Printing	80.50	80.50	APPELLANT BRIEF	46	R112026618	11-09-2018
	Assess	108.75	0.00				

**Payments**

Payment Date	Payment Type	Amount	Check Number
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**Exhibits****Transcript(s) Electronically Filed**

0417-to-19-17-fp.pdf  
0425-to-26-17-fp.pdf  
0427-to-28-17-fp.pdf  
042017-fp.pdf  
042117-fp.pdf  
042417-fp.pdf

**Parties**

Party Name	Role
State of North Carolina	Plaintiff-Appellee
Gonzalez, Flora Riano	Defendant-Appellant

**Attorneys****Attorney for Defendant-Appellant - Gonzalez, Flora Riano**

Ms. Katherine Jane Allen [Primary Attorney]

Assistant Appellate Defender

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Mr. Glenn Gerding

Appellate Defender

Glenn.Gerding@nccourts.org

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**Attorney for Plaintiff-Appellee - State of North Carolina**

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Special Deputy Attorney General

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