

North Carolina Court of Appeals

Docket Sheet

State v. Gonzalez

Case Number: 18-228

As of: 03/29/2024

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: No

History

Venue: Forsyth (31)

Heard In: Superior Court

To SC:

From SC:

Lower Court Number(s)

Location: Forsyth (31)

Judge: Richard S. Gottlieb

Case #: 16CRS3823 16CRS50851

Tracking/Argue

Argue Date: 10-02-2018 (No oral argument by Rule 30(f))

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

BY : Ms. Katherine Jane Allen

N.C. APPELLATE DEFENDERS OFFICE

2 - APPELLANT BRIEF

Filed: 04-02-2018 @ 13:56:34

FOR: Defendant-Appellant

BY : Ms. Katherine Jane Allen

APPELLATE DEFENDER'S OFFICE

3 - AIS INFORM SHT

Filed: 04-02-2018 @ 13:57:07

FOR: Defendant-Appellant

BY : Ms. Katherine Jane Allen

APPELLATE DEFENDER'S OFFICE

4 - APPELLEE BRIEF

Filed: 05-07-2018 @ 12:02:49

FOR: Plaintiff-Appellee

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.

6 - M-EXT-BR (Allowed) - 10-08-2018
 Filed: 10-03-2018 @ 13:46:41
 FOR: Plaintiff-Appellee
 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.

7 - M-EXT-BR (Allowed) - 10-08-2018
 Filed: 10-04-2018 @ 09:27:12
 FOR: Defendant-Appellant
 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.

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

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

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
 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.

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

Parties Restricted

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