

IN THE SUPREME COURT OF NORTH CAROLINA

No. 441A98-4

Filed 25 September 2020

STATE OF NORTH CAROLINA

v.

TILMON CHARLES GOLPHIN

On writ of certiorari pursuant to N.C.G.S. § 7A-32(b) to review an order dismissing defendant's motion for appropriate relief entered on 25 January 2017 by Judge W. Erwin Spainhour in Superior Court, Cumberland County. Heard in the Supreme Court on 27 August 2019.

*Joshua H. Stein, Attorney General, by Danielle Marquis Elder, Special Deputy Attorney General, and Jonathan P. Babb, Special Deputy Attorney General, for the State-appellee.*

*Jay H. Ferguson and Kenneth J. Rose for defendant-appellant.*

*Jeremy M. Falcone, Paul F. Khoury, Robert L. Walker, and Madeline J. Cohen for Former State and Federal Prosecutors, amici curiae.*

*Carlos E. Mahoney, Jin Hee Lee, and W. Kerrel Murray for NAACP Legal Defense and Educational Fund, Inc., amicus curiae.*

*Janet Moore for National Association for Public Defense, amicus curiae.*

*James E. Williams, Jr., Burton Craige, and Bidish Sarma for North Carolina Advocates for Justice, amicus curiae.*

*Grady Jessup for North Carolina Association of Black Lawyers, amicus curiae.*

*Cynthia F. Adcock for North Carolina Council of Churches, amicus curiae.*

*Lisa A. Bakale-Wise and Irving Joyner for North Carolina State Conference of the NAACP, amicus curiae.*

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*Opinion of the Court*

*Professors Robert P. Mosteller and John Charles Boger, amici curiae.*

*Joseph Blocher, for Social Scientists, amici curiae.*

PER CURIAM.

For the reasons stated in *State v. Robinson*, No. 411A94-6, 2020 WL 4726680 (N.C. Aug. 14, 2020), the decision of the trial court is vacated and this case is remanded to the Superior Court, Cumberland County, for the reinstatement of defendant's sentence of life imprisonment without parole.

VACATED AND REMANDED.

Chief Justice BEASLEY did not participate in the consideration or decision of this case.

Justice ERVIN concurring in the result.

If the Court were addressing for the first time the issue of whether the trial court's order should be reversed and the sentence of life imprisonment imposed upon defendant by Judge Weeks reinstated on double jeopardy and related grounds, I would dissent from that decision and hold, for the reasons stated in my dissenting opinion in *State v. Robinson*, No. 41194-6, 2020WL 4726680 (N.C. Aug. 14, 2020), that the trial court's order should be reversed and this case remanded to the Superior Court, Cumberland County, for a new Racial Justice Act proceeding in accordance with this Court's decision in *State v. Ramseur*, 374 N.C. 658, 843 S.E.2d 106 (2020), and our 2015 order in this case. The decision of the majority in *Robinson* is, however, the law of North Carolina to which I am now bound. For this reason, I concur in the result reached by the Court in this case.

Justice DAVIS joins in this concurring opinion.

Justice NEWBY dissenting.

For the reasons stated in my dissenting opinions in *State v. Robinson*, No. 411A94-6, 2020 WL 4726680 (N.C. Aug. 14, 2020), and *State v. Ramseur*, 374 N.C. 658, 843 S.E.2d 106 (2020), I respectfully dissent.