

IN THE SUPREME COURT OF NORTH CAROLINA

2022-NCSC-112

No. 255PA20

Filed 4 November 2022

STATE OF NORTH CAROLINA

v.

EDGARDO GANDARILLA NUNEZ

On writ of certiorari pursuant to N.C.G.S. § 7A-32(c) to review an order denying defendant's petition for writ of certiorari entered on 23 September 2019 by Judge Paul C. Ridgeway in Superior Court, Wake County. On 15 December 2020, pursuant to N.C.G.S. § 7A-31(a) and (b), and Rule 15(e)(1) of the North Carolina Rules of Appellate Procedure, the Supreme Court allowed defendant's petition for discretionary review prior to determination by the Court of Appeals. On 30 June 2020, this Court allowed the motion of the defendant in *State v. Diaz-Tomas*, 2022-NCSC-115, to consolidate these cases for oral argument. Heard in the Supreme Court on 6 January 2022.

*Joshua H. Stein, Attorney General, by Joseph L. Hyde, Assistant Attorney General, for the State-appellee.*

*Glenn Gerding, Appellate Defender and Nicholas C. Woomer-Deters, Assistant Appellate Defender, for defendant-appellant.*

*Erwin Byrd and Law Offices of Amos Tyndall PLLC, by Thomas K. Maher, for North Carolina Advocates for Justice, amicus curiae.*

STATE V. NUNEZ

2022-NCSC-112

*Opinion of the Court*

PER CURIAM.

For the reasons stated in *State v. Diaz-Tomas*, 2022-NCSC-115, the superior court's order is affirmed.

AFFIRMED.

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