

NORTH CAROLINA COURT OF APPEALS

STATE OF NORTH CAROLINA)	
)	
v.)	<u>From New Hanover</u>
)	
JAQUALYN ROBINSON)	

MOTION FOR EXTENSION OF TIME
TO FILE STATE'S BRIEF

**TO: THE HONORABLE CHIEF JUDGE AND ASSOCIATE JUDGES
OF THE NORTH CAROLINA COURT OF APPEALS**

The State of North Carolina, by and through Nicholas R. Sanders, Assistant Attorney General, respectfully requests, pursuant to Rule 27(c) of the North Carolina Rules of Appellate Procedure, that this Court grant additional time within which the State is required to file and serve its brief in this case. In support of this motion the undersigned shows as follows:

1. On 28 May 2020, Defendant indicted for window tint violation, carrying a concealed gun, possession of a Schedule I controlled substance, driving while license revoked, possession of a Schedule II controlled substance, possession of marijuana, possession with intent to manufacture, sell or deliver

(PWIMSD) a Schedule II controlled substance, possession of a controlled substance within 1000 feet of a park, and possession of a controlled substance within 1000 feet of a school. (R pp. 11–13)

2. After his motion to suppress was denied, Defendant pled guilty that same day to possession of cocaine and carrying a concealed gun, and, pursuant to a plea arrangement, the State dismissed the remaining charges. (R pp. 46–49).

3. In accordance with the plea agreement, the trial court sentenced Defendant to a minimum 4, maximum 14 months of imprisonment, and it suspended the sentence and placed Defendant on supervised probation for 12 months. (R p. 52)

4. On 2 March 2021, Defendant filed with this Court the record on appeal. Defendant subsequently filed a petition for writ of certiorari on 24 March 2021 and an appellant brief on 1 April 2021. (See Docket Sheet in No. COA21-144)

5. The State's brief as appellee is currently due to be filed on or before 4 May 2021. The State has not requested any previous extensions of time in this matter.

6. In the time since Defendant has filed his appellant brief, the undersigned counsel has submitted the State's response to Defendant's

petition for writ of certiorari in this matter and a response to a federal petition for writ of habeas corpus in Stallings v. Hooks, No. 1:21-cv-00037-WO-JEP (M.D.N.C.). Furthermore, the undersigned counsel has assisted another NCDOJ attorney by serving on a moot court in a post-conviction capital case heard before the North Carolina Supreme Court, which required reviewing voluminous filings.

7. In addition to reading the transcript and researching the issues in Defendant's brief, the undersigned is also preparing filings in the following cases with upcoming deadlines: State v. Killette, No. 379PA18-2, in our Supreme Court; State v. McKiver, No. P21-149, a petition for writ of certiorari in this Court; State v. Holley, No. COA20-760, a first-degree murder case in this Court; and Vanover v. State of North Carolina, 1:21CV113 (M.D.N.C.), a federal habeas case.

8. An extension of time will allow counsel to prepare a more effective brief, aiding the process of appellate review.

Accordingly, upon researching and preparing the State's brief, the undersigned counsel for the State requests an additional thirty (30) days to file the State's brief with this Court.

WHEREFORE, the State of North Carolina respectfully requests an extension of thirty (30) days, until 3 June 2021, within which to file and serve its brief in this case.

Electronically submitted this the 3rd day of May, 2021.

JOSHUA H. STEIN
ATTORNEY GENERAL

Electronically Submitted
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served the foregoing MOTION FOR EXTENSION OF TIME TO FILE STATE'S BRIEF upon the DEFENDANT by electronic mail, addressed to his ATTORNEY OF RECORD as follows:

Sarah Holladay
Email: sarah@holladaylawoffice.com

Electronically submitted this the 3rd day of May, 2021.

Electronically Submitted
Nicholas R. Sanders
Assistant Attorney General