

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 was indicted for a 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 3 June 2021. The State has requested one previous thirty-day extension of time. (See Docket Sheet in No. COA21-144)

6. In the time since the State was granted the previous extension of time, the undersigned counsel has submitted the State’s response to a petition

for writ of certiorari in State v. McKiver, No. P21-149, and an answer to a federal petition for writ of habeas corpus and a motion to dismiss in Vanover v. North Carolina, 1:21-cv-00113-LCB-LPA (M.D.N.C.).

7. In addition to preparing the State's brief in this case, the undersigned is also preparing the State's appellee briefs in the following cases: State v. Holley, No. COA20-760, a first-degree murder case due to be filed in this Court on or before 7 June 2021, and State v. Killette, No. 379PA18-2, due to be filed in our Supreme Court on or before 11 June 2021. The undersigned is also preparing the State's brief in State v. Lee, No. 21-13, a first-degree murder case in this Court. Furthermore, the undersigned is supervising a summer legal intern in his section within the Criminal Division of the North Carolina Department of Justice, which requires compiling and assigning work projects and subsequently supervising and providing feedback.

8. The issue raised in this appeal is not one that this Court has extensively addressed. See State v. Parker, 2021-NCCOA-217, ¶ 29 ("The issues raised by the recent legalization of hemp have yet to be analyzed by the appellate courts of this state."). An extension of time will allow counsel to prepare a more effective brief, aiding the process of appellate review.

9. Accordingly, upon researching and preparing the State's brief, the undersigned counsel for the State requests an additional thirty (30) days¹ to file the State's brief with this Court.

WHEREFORE, the State of North Carolina respectfully requests an extension of thirty (30) days, until 6 July 2021, within which to file and serve its brief in this case.

Electronically submitted this the 1st day of June, 2021.

JOSHUA H. STEIN
ATTORNEY GENERAL

Electronically Submitted
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¹ A thirty-day extension would make the State's brief due on 3 July 2021, a Saturday, and the following Monday, 5 July 2021, is a State holiday; therefore, the State respectfully requests until the next business day, 6 July 2021, to file and serve its brief.

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 1st day of June, 2021.

Electronically Submitted
Nicholas R. Sanders
Assistant Attorney General