

SUPREME COURT OF NORTH CAROLINA

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

MOTION FOR EXTENSION OF TIME
TO FILE STATE'S NEW BRIEF

TO: THE HONORABLE CHIEF JUSTICE AND ASSOCIATE JUSTICES OF THE SUPREME COURT OF NORTH CAROLINA

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 new brief in this case. In support of this motion the undersigned shows as follows:

1. On 29 October 2020, Jaqualyn Robinson ("Defendant") pled guilty to felony possession of cocaine and carrying a concealed gun pursuant to a plea agreement with the State. In accordance with that plea agreement, the trial

court sentenced Defendant to 4 to 14 months' imprisonment, suspended the sentence, and placed Defendant on supervised probation for 12 months.

2. Defendant noticed appeal and also filed a petition for writ of certiorari in the Court of Appeals due to his failure to preserve his right to appeal the denial of his motion to suppress. On 28 December 2021, the Court of Appeals entered an order dismissing the appeal and denying the petition for writ of certiorari. Judge Jackson dissented from the order with explanation as to why he would have allowed the petition for writ of certiorari.

3. On 10 January 2022, Defendant filed a notice of appeal based on Judge Jackson's "dissent" and an alternative petition for writ of certiorari "to give this Court the opportunity to take jurisdiction should it feel that jurisdiction has not been automatically conferred." (See Petition p. 2) The State filed a motion to dismiss the appeal and a response to the petition for writ of certiorari. The State's motion to dismiss and Defendant's petition for writ of certiorari are currently pending. (See Docket Sheet in No. 11A22)

4. Defendant filed a new brief on 9 February 2022. (See Docket Sheet in No. 11A22)

5. The State's new brief is currently due to be filed on or before 13 April 2022. The State has requested one previous extension of time for thirty days in this matter.

6. In addition to preparing the State's new brief in this matter, the undersigned is also preparing a response to a federal petition for writ of habeas corpus in the Eastern District of North Carolina and an appellee brief in this Court with deadlines in the coming days. The undersigned is also preparing two appellee briefs in the Court of Appeals and a response to a federal petition for writ of habeas corpus in the Middle District of North Carolina with upcoming deadlines. Additionally, the undersigned is currently reviewing a potential State's appeal from an order allowing a motion to dismiss charges. Moreover, since the undersigned received the previous extension of time, he has submitted an appellee brief and appellant brief in the Court of Appeals and a response to a federal petition for writ of habeas corpus.

7. Due to the press of these other matters, the undersigned requests an extension of time within which to complete its new brief. An extension of time will allow counsel to prepare a more effective brief, aiding the process of appellate review. Appellate counsel for Defendant has no objection to the State's motion for an extension of time.

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 new brief with this Court.

WHEREFORE, the State of North Carolina respectfully requests an extension of thirty (30) days, until 13 May 2022, within which to file and serve its new brief in this case.

Electronically submitted this the 12th day of April, 2022.

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 NEW 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 12th day of April, 2022.

Electronically Submitted
Nicholas R. Sanders
Assistant Attorney General