

Supreme Court of North Carolina

STATE OF NORTH CAROLINA

v

SALIM ABDU GOULD

From N.C. Court of Appeals
(18-425)
From Bertie

(14CR50864 13CRS50001 13CRS50002 13R04130 17CRS50)

Shub - Bert, filed 3-22-19

ORDER

Upon consideration of the petition filed by Defendant on the 13th of July 2018 in this matter for a writ of certiorari to review the order of the North Carolina Court of Appeals, the following order was entered and is hereby certified to the North Carolina Court of Appeals:

"Dismissed by order of the Court in conference, this the 20th of September 2018."

**s/ Morgan, J.
For the Court**

The following order has been entered on the motion filed on the 13th of July 2018 by Defendant to Proceed In Forma Pauperis:

"Motion Dismissed by order of the Court in conference, this the 20th of September 2018."

**s/ Morgan, J.
For the Court**

** Same petition **

The following order has been entered on the motion filed on the 25th of July 2018 by Defendant for Writ of Immediate Appeal:

"Motion Dismissed by order of the Court in conference, this the 20th of September 2018."

**s/ Morgan, J.
For the Court**

** ONE petition **

The following order has been entered on the motion filed on the 25th of July 2018 by Defendant in Limine:

"Motion Dismissed by order of the Court in conference, this the 20th of September 2018."

**s/ Morgan, J.
For the Court**

WITNESS my hand and the seal of the Supreme Court of North Carolina, this the 27th day of September

Supreme Court of North Carolina

STATE OF NORTH CAROLINA

v

SALIM ABDU GOULD

From N.C. Court of Appeals
(18-425)
From Bertie

(14CR50864 13CRS50001 13CRS50002 13R04130 17CRS50)

ORDER

The following order has been entered on the motion filed on the 17th of September 2018 by Defendant for Temporary Stay:

"Motion Dismissed by order of the Court in conference, this the 17th of September 2018."

s/ Jackson, J.
For the Court

Upon consideration of the petition filed by Defendant on the 17th of September 2018 for Writ of Supersedeas of the judgment of the Court of Appeals, the following order was entered and is hereby certified to the North Carolina Court of Appeals:

"Dismissed by order of the Court in conference, this the 17th of September 2018."

s/ Hudson, J.
For the Court

WITNESS my hand and the seal of the Supreme Court of North Carolina, this the 17th day of September 2018.



Amy L. Funderburk
Clerk, Supreme Court of North Carolina

M. C. Hackney
M. C. Hackney
Assistant Clerk, Supreme Court Of North Carolina



North Carolina Court of Appeals

DANIEL M. HORNE JR., Clerk
Court of Appeals Building
One West Morgan Street
Raleigh, NC 27601
(919) 831-3600

Mailing Address:
P. O. Box 2779
Raleigh, NC 27602

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From Bertie
(13CRS50001-2 17CRS50)

No. 18-425

STATE OF NORTH CAROLINA

v.

SALIM ABDU GOULD

ORDER

The following order was entered:

The motion and petition filed in this cause by Salim Abdu Gould on 20 August 2018 and designated 'Petition for Writ of Supersedeas and Motion for Temporary Stay' are dismissed.

By order of the Court this the 23rd of August 2018.

WITNESS my hand and official seal this the 23rd day of August 2018.

Daniel M. Horne Jr.
Clerk, North Carolina Court of Appeals

Copy to:

Mr. William D. Spence, Attorney at Law, For Gould, Salim Abdu
Mr. Kenneth A. Sack, Assistant Attorney General
Mr. Salim Abdu Gould, For Gould, Salim Abdu
Hon. Vastie F. James, Clerk of Superior Court

STATE OF NORTH CAROLINA

In the General Court of Justice
Superior Court Division

Bertie County

File No. 13CRS50002

Film No.

STATE OF NORTH CAROLINA VERSUS

Defendant

SALIM ABDU GOULD

**INDICTMENT
POSSESSION OF FIREARM BY CONVICTED FELON**

Date of Offense

12-31-12

Offense in Violation of G.S.

§ 14-415.1

The jurors for the State upon their oath present that on or about the date of offense shown and in the county named above the defendant named above unlawfully, willfully and feloniously did possess and have in the defendant's care, custody, and control a 12 gauge shotgun, which is a firearm. The defendant had previously been convicted of the felony of Possession of Firearm by Felon which was punishable by a maximum of 44 months incarceration as a Class G felony. This felony was committed on September 12, 2005 and the defendant pled guilty to the felony on April 18, 2006 in Bertie County Superior Court in Windsor, North Carolina and was sentenced to 15 to 18 months in the North Carolina Department of Corrections.

WTC
3-2-12
[Handwritten initials]

Signature of Prosecutor

Charles L. Krueger

WITNESSES

Dep. N. Wiggins, BCSO

The witnesses marked "X" were sworn by the undersigned Foreman of the Grand Jury and, after hearing testimony, this bill was found to be:

A TRUE BILL by twelve or more grand jurors, and I the undersigned Foreman of the Grand Jury, attest the concurrence of twelve or more grand jurors in the Bill of Indictment.

NOT A TRUE BILL

Date

7-29-13

Signature of Grand Jury Foreman

Carlton Byrum

DA-4

Rev. 5/91

DA-4

Printed on 01/02/2013 14:34 PM

File No. 13CR 050002

Law Enforcement Case No.

LID No.

SID No.

FBI No.



WARRANT FOR ARREST

Offense
I POSSESSION OF FIREARM BY FELON

STATE OF NORTH CAROLINA

BERTIE County In The General Court Of Justice
District Court Division

THE STATE OF NORTH CAROLINA VS.

Name And Address Of Defendant
SALIM ABDU GOULD

344 PINE ST.

LEWISTON WOODVILLE NC 27849
BERTIE COUNTY (252) 287-8131

To any officer with authority and jurisdiction to execute a warrant for arrest for the offense(s) charged below:
I, the undersigned, find that there is probable cause to believe that on or about the date of offense shown and in the county named above the defendant named above unlawfully, willfully and feloniously did possess and have in the defendant's control a 12 GA. SHOTGUN, which is a firearm. The defendant has previously been convicted of the felony of POSSESSION OF FIREARM BY FELON which was punishable AS A CLASS G FELONY WITH A MAXIMUM PUNISHMENT OF TEN YEARS. This felony was committed on SEPTEMBER 12, 2005 and the defendant plead guilty to the felony on APRIL 18, 2006 in BERTIE COUNTY SUPERIOR COURT, WINDSOR, N. C. and was sentenced to 15 TO 18 MONTHS IMPRISONMENT.

Race B Sex M Date Of Birth 06/02/1980 Age

Social Security No./Tax ID No. 149-70-0198 Drivers License No. & State

Name Of Defendant's Employer

Offense Code(s) I 5224 Offense In Violation Of G.S. I 14-415.1

Date Of Offense 12/31/2012

Date Of Arrest & Check Digit No. (As Shown On Fingerprint Card)

Complainant (Name, Address Or Department)
NAOMI WIGGINS
BERTIE COUNTY SHERIFFS OFFICE
104 DUNDEE ST
WINDSOR NC 27983
BERTIE COUNTY (252) 794-5330

Names & Addresses Of Witnesses (Including Counties & Telephone Nos.)
JEFFERY LYNN PERRY
114 HWY 11 N

LEWISTON WOODVILLE NC 27849
BERTIE COUNTY

Handwritten signatures and date: 3-22-14

This act(s) was in violation of the law(s) referred to in this Warrant. This Warrant is issued upon information furnished under oath by the complainant listed. You are DIRECTED to arrest the defendant and bring the defendant before a judicial official without unnecessary delay to answer the charge(s) above.

Misdemeanor Offense Which Requires Fingerprinting Per Fingerprint Plan Date Issued 01/01/2013

Signature A J WATFORD JR
 Magistrate Deputy CSC
 Assistant CSC Clerk Of Superior Court

Location Of Court Bertie County Courthouse; 0002
108 DUNDEE ST
WINDSOR, NC 27983

Court Date
Court Time 09:00 AM PM

If this Warrant For Arrest is not served within one hundred and eighty (180) days, it must be returned to the Clerk of Court in the county in which it was issued with the reason for the failure of service noted thereon. The officer must state all steps taken by the department in attempting to execute the Warrant and any information obtained about the whereabouts of the defendant.

RETURN OF SERVICE

I certify that this Warrant was received and served as follows:

Date Received 01/02/13 Date Served 01/02/13 Time Served 12:31 AM PM Date Returned 01/02/13

By arresting the defendant and bringing the defendant before:

Name Of Judicial Official JW Davis

This Warrant WAS NOT served for the following reason:

Signature Of Officer Making Return [Signature] Name Of Officer (Type Or Print) N Wiggins

Department Or Agency Of Officer Bentley GSO

REDELIVERY/REISSUANCE

Date _____ Signature _____ Dep. CSC Assist. CSC CSC

RETURN FOLLOWING REDELIVERY/REISSUANCE

I certify that this Warrant was received and served as follows:

Date Received _____ Date Served _____ Time Served AM PM Date Returned _____

By arresting the defendant and bringing the defendant before:

Name Of Judicial Official _____

This Warrant WAS NOT served for the following reason:

Signature Of Officer Making Return _____ Name Of Officer (Type Or Print) _____

Department Or Agency Of Officer _____

APPEAL ENTRIES

The defendant, in open court, gives notice of appeal to the Superior Court.

The current pretrial release order is modified as follows:

Date _____ Signature Of District Court Judge _____

WAIVER OF PROBABLE CAUSE HEARING

The undersigned defendant, with the consent of his/her attorney, waives the right to a probable cause hearing.

Date Waived _____ Signature Of Defendant _____

Signature Of Attorney _____

District Attorney Waived Not Indigent Attorney For Defendant Appointed Retained

PRIOR CONVICTIONS:
No./Level: 0 I (0) II (1-4) III (5+)

PLEA: guilty no contest _____ VERDICT: guilty _____ M.CL. A1 1 2 3
 guilty no contest _____ guilty _____ M.CL. A1 1 2 3
 guilty no contest _____ guilty _____ M.CL. A1 1 2 3
 not guilty _____ not guilty _____

JUDGMENT: The defendant appeared in open court and freely, voluntarily and understandingly entered the above plea; on the above verdict, it is ORDERED that the defendant: pay costs and a fine of \$ _____
 be imprisoned for a term of _____ days in the custody of the sheriff. DAC.* Pretrial credit _____ days served.
 Work release is recommended. is not recommended. [is ordered. (use form AOC-CR-602)]
 The Court finds that a longer shorter period of probation, than that which is specified in G.S. 15A-1343.2(d) is necessary.
 Execution of the sentence is suspended and the defendant is placed on unsupervised probation* for _____ months, subject to the following conditions: (1) commit no criminal offense in any jurisdiction. (2) possess no firearm, explosive or other deadly weapon listed in G.S. 14-269. (3) remain gainfully and suitably employed or faithfully pursue a course of study or of vocational training, that will equip the defendant for suitable employment, and abide by all rules of the institution. (4) satisfy child support and family obligations, as required by the Court. (5) pay to the Clerk the costs of court and any additional sums shown below.

Fine \$ _____ Restitution** \$ _____ Attorney's Fee \$ _____ Community Service Fee \$ _____ Other \$ _____

**Name(s), address(es), and amount(s) for aggrieved party(ies) to receive restitution: (Note To Clerk: Record SSN or Tax ID No. of aggrieved party(ies) on AOC-CR-382, "Certification Of Identity (Victims' Restitution)/Certification Of Identity (Witness Attendance).")

- 6. complete _____ hours of community service during the first _____ days of probation, as directed by the community service coordinator, and pay the fee prescribed by G.S. 143B-708 within _____ days.
- 7. not be found in or on the premises of the complainant or _____
- 8. not assault, communicate with or be in the presence of the complainant or _____
- 9. provide a DNA sample pursuant to G.S. 15A-266.4. (AOC-CR-319)
- 10. Other: _____

It is ORDERED that this: Judgment is continued upon payment of costs.
 case be consolidated for judgment with _____
 sentence is to run at the expiration of the sentence in _____

COMMITMENT: It is ORDERED that the Clerk deliver two certified copies of this Judgment and Commitment to the sheriff and that the sheriff cause the defendant to be retained in custody to serve the sentence imposed or until the defendant shall have complied with the conditions of release pending appeal.

PROBABLE CAUSE: Probable cause is found as to all Counts except _____, and the defendant is bound over to Superior Court for action by the grand jury. No probable cause is found as to Count(s) _____ of this Warrant, and the Count(s) is dismissed.

Date _____ Name Of District Court Judge (Type Or Print) _____ Signature Of District Court Judge _____

CERTIFICATION

I certify that this Judgment is a true and complete copy of the original which is on file in this case.

Date _____ Date Delivered To Sheriff _____ Signature _____ Deputy CSC Assist. CSC CSC