

North Carolina Court of Appeals

DANIEL M. HORNE JR., Clerk

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

No. P20-184

**IN-RE: JAMES WILSON
PETITIONER**

From Pender
(00000000)

ORDER

The following order was entered:

The petition filed in this cause on the 11th of March 2020 and designated 'Application for Writ of Mandamus- Pursuant to the N.C.G.S. 7A-32(c)' is dismissed without prejudice.

By order of the Court this the 13th of March 2020.

The above order is therefore certified to the Clerk of the District Court, Pender County.

WITNESS my hand and the seal of the North Carolina Court of Appeals, this the 13th day of March 2020.

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

Copy to:
Attorney General, For State of North Carolina
Mr. James Wilson, For Wilson, James
Hon. Elizabeth Craver, Clerk of District Court

Supreme Court of North Carolina

IN RE:

JAMES WILSON

From N.C. Court of Appeals
(P20-184)
From Pender
(00000000)

ORDER

Upon consideration of the petition filed by Petitioner on the 26th of March 2020 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:

"Denied by order of the Court in conference, this the 29th of April 2020."

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

WITNESS my hand and the seal of the Supreme Court of North Carolina, this the 6th day of May 2020.



Amy L. Funderburk
Clerk, Supreme Court of North Carolina

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

Copy to:
North Carolina Court of Appeals
Mr. Daniel P. O'Brien, Special Deputy Attorney General, For State of North Carolina - (By Email)
Mr. James Wilson, For Wilson, James
Mr. Ben R. David, District Attorney
Hon. Elizabeth Craver, Clerk
West Publishing - (By Email)
Lexis-Nexis - (By Email)

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE 15 CrS 1250-51

v.

ADMINISTRATIVE ORDER DENYING DEFENDANT'S MOTION FOR APPROPRIATE RELIEF

THIS MATTER, which is a procedural determination as to whether the defendant is entitled to an evidentiary hearing on the Motion for Appropriate Relief filed with the Clerk on 8-16-18, came before the undersigned Senior Resident Superior Court Judge pursuant to N.C.G.S. 15A-1413. After reviewing the motion and the record as required by N.C.G.S. 15A-1413, 15A-1419 and 15A-1420, the Court finds:

- ☒ the defendant entered a plea of guilty and a review of the plea transcript, sentencing worksheet, and judgment reveal that the judgment complies with the structured sentencing provisions of N.C.G.S. 15A.
- ☒ the defendant received the benefit of the bargain that was negotiated with the state.
- ☒ Upon a previous motion made pursuant to Article 89 of N.C.G.S Chapter 15A, defendant was in a position to adequately raise the grounds or issues underlying the present motion but did not do so.
- ☒ the defendant has not demonstrated good cause for excusing the grounds for denial listed above and has not demonstrated actual prejudice resulting from the defendant's claim.
- ☒ defendant has not demonstrated that failure to consider the present claim will result in a fundamental miscarriage of justice.
- ☒ at least some of the matters complained of by the defendant were matters that could and should have been raised prior to the execution of the transcript of plea.
- ☒ the court has reviewed all of the defendant's contentions contained within his MAR and finds them to be wholly without merit.
- ☒ **BASED** upon the foregoing facts, the court **CONCLUDES AS A MATTER OF LAW**, that Defendant's MAR is without merit and therefore should be denied and dismissed.

IT IS THEREFORE ORDERED:

- ☒ that the Motion for Appropriate Relief above referenced is hereby DENIED and DISMISSED.
- ☒ An evidentiary hearing is not required. Defendant has no right to be present. It is not necessary for the State to file an answer.
- ☒ this ruling on the defendant's present motion will act as a bar to any future motion raised with the same or similar issue(s).

ORDERED and forwarded to those named below on this, the 17 day of August, 2018.

Nathaniel J. Poovey
NATHANIEL J. POOVEY,
SENIOR RESIDENT SUPERIOR COURT JUDGE
JUDICIAL DISTRICT 25B, CATAWBA COUNTY

Forwarded to:
David Learner, District Attorney

JAMES M. WILSON

APP. A

STATE OF NORTH CAROLINA
In the General Court of Justice
Superior Court Division
CATAWBA

County

15 CR 001251
File No.

Film No.

STATE VERSUS

DEFENDANT

JAMES MAURICE WILSON B/M 08/30/1970
78 LEE ALLEN DRIVE
TAYLORSVILLE, NORTH CAROLINA 28681

INDICTMENT

HABITUAL FELON (9922)

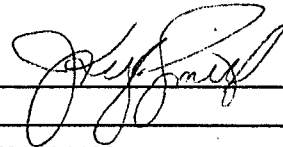
Date of Offense on or about
10/06/2014

Offense in Violation of G. S.
14-7.1

The jurors for the State upon their oath present that the defendant is a habitual felon in that:

1. On or about October 21, 1994 the defendant did commit the felony of Breaking or Entering in violation of N.C.G.S. § 14-54 and that on or about June 01, 1995 the defendant was convicted of the felony of Breaking or Entering in the Superior Court of Lee County, North Carolina, File Number 95 CRS 2105.
2. On or about July 18, 1999 the defendant did commit the felony of Common Law Robbery in violation of common law and N.C.G.S. § 14-87.1 and that on or about December 01, 1999 the defendant was convicted of the felony of Common Law Robbery in the Superior Court of Lee County, North Carolina, File Number 99 CRS 50303.
3. On or about May 10, 2003 the defendant did commit the felony of Larceny in violation of N.C.G.S. § 14-72(b) and that on or about August 19, 2003 the defendant was convicted of the felony of Larceny in the Superior Court of Lee County, North Carolina, File Number 03 CRS 52015.
4. At the time the defendant committed at least two of these offenses, he was at least 18 years of age, against the form of the statute in such case made and provided and against the peace and dignity of the State.

Signature of Prosecutor



WITNESSES

☒ M. L. ROLLINS,

HKYPD

☐ M. A. CHAPMAN,

HKYPD

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

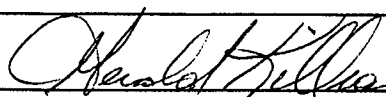
☒ A TRUE BILL by twelve or more grand jurors, and I the undersigned Foreman of the Grand Jury, attest the concurrence of twelve or more grand jurors in this Bill of Indictment.

☐ NOT A TRUE BILL

Date

2/2/15

Signature of Grand Jury Foreman



APP. E

14-8029

North Carolina Court of Appeals

From Catawba
(15CRS1250-51)

2018 MAY -9 PM 1:47
FILED
CLERK, CO. CLERK

STATE OF NORTH CAROLINA

v.

JAMES MAURICE WILSON

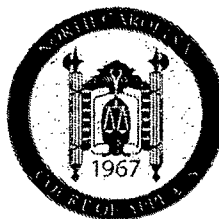
J U D G M E N T

This cause came on to be argued upon the transcript of the record from the Superior Court, Catawba County. Upon consideration whereof, this Court is of the opinion that there is no error in the record and proceedings of said trial tribunal.

It is therefore considered and adjudged by the Court here that the opinion of the Court, as delivered by the Honorable Rick Elmore, Judge, be certified to the said trial tribunal to the intent that the judgment is affirmed.

And it is considered and adjudged further, that the Defendant do pay the costs of the appeal in this Court incurred, to wit, the sum of Seventeen and 75/100 dollars (\$17.75), and execution issue therefor.

Certified to the Superior Court, Catawba County, this the 7th day of May 2018.



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

A TRUE COPY