

APPENDIX

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APPENDIX A

STATE OF NORTH CAROLINA **FILED** IN THE GENERAL COURT OF JUSTICE
STOKES COUNTY **CS** SUPERIOR COURT DIVISION
STOKES COUNTY This 20 day of November 97 CRS 4409-11

STATE OF NORTH CAROLINA 2023 at 11:04 am (pm)

v. By BR **ORDER**
)
)
WILLIAM SHAWN WALKER,)
Defendant.)

THIS MATTER is before the undersigned Superior Court Judge on defendant's Motion For Appropriate Relief ("MAR") filed on 13 April 2013, and Amendment to Motion For Appropriate Relief ("AMAR") filed on 7 September 2018 for resentencing pursuant to Miller v. Alabama, 567 U.S. 460 (2012), and its progeny. The resentencing hearing took place on 11 October 2023 through 13 October 2023 and concluded on 20 November 2023. The State was represented by and through District Attorney Tim R. Watson and Assistant District Attorney Quentin Harris. Defendant was present at all times during the hearing and was represented by his attorneys Lauren E. Miller and Molly S. Petrey.

The Court has carefully considered the record, the MAR, the AMAR, defendant's Bench Memo filed on 23 January 2023, the evidence presented at the resentencing hearing including all of the State's exhibits (numbers 1-11) and defendant's exhibits (numbers 1-9(a), 9(b), 9(c), 9(d), 9(e), and numbers 10-17) and the sworn testimony of all of the witnesses that testified at the hearing, the N.C. Court of Appeals decision that affirmed defendant's convictions in State v. Walker, 2000 N.C. App. LEXIS 42 (2000) (unpublished), cert. denied, 2008 N.C. LEXIS 376 (2008), the written submissions of the parties, the arguments of the parties and legal authorities cited by the parties. State's exhibit #1 was the trial transcript in this case consisting of volumes I-XXIII and a total of approximately 3,883 pages. The Court considered all of the evidence and gave all of the evidence the appropriate weight the Court determined it to have. The Court had the opportunity to observe each and every witness and determine the weight and credibility to give each witness's testimony.

A complete copy of said N.C. Court of Appeals case was included in the court files, and the Court adopts the facts as stated in said N.C. Court of Appeals case, and makes the following additional findings of fact about the procedural history, circumstances of the offenses, and particular circumstances of defendant which the Court finds relevant to the sentencing decision in this case. Any citations, if included, are for illustrative purposes only and are not intended to be exhaustive.

PROCEDURAL HISTORY

1. The trial in this matter began on 2 March 1998. (See State's ex. #1, vol. I).

2. Defendant was convicted of two counts of first degree murder (97 CRS 4409-10), one count of robbery with a dangerous weapon (97 CRS 4411), one count of breaking or entering (98 CRS 672, count I) and one count of larceny (98 CRS 672, count II).
3. On or about 9 April 1998, after a capital sentencing hearing, defendant received two consecutive sentences of life without parole in 97 CRS 4410 (first sentence) and 97 CRS 4409 (second sentence) after the trial court found that the jury was deadlocked in the sentencing phase and could not unanimously agree to a sentencing recommendation for either first degree murder conviction.
4. Additionally, the trial court sentenced defendant to a third consecutive sentence of 51 to 71 months for the robbery with a dangerous weapon conviction to be served at the expiration of the sentence in 97 CRS 4409.
5. The trial court also arrested judgment for the breaking or entering and larceny convictions.
6. Defendant's convictions and sentences were affirmed in State v. Walker, 2000 N.C. App. LEXIS 42 (2000)(unpublished), cert. denied, 2008 N.C. LEXIS 376 (2008).
7. Defendant's date of birth is 12 December 1979.
8. The offense date for both counts of first degree murder (and for robbery with a dangerous weapon) is 26 July 1997.
9. Defendant was approximately 17 years, 7 months, and 14 days old at the time of the murders.
10. As set forth above, defendant filed the MAR on 13 April 2013 and the AMAR on 7 September 2018 for resentencing pursuant to Miller v. Alabama, 567 U.S. 460 (2012) and its progeny, and is asking this Court to resentence defendant to life with parole and to run his sentences concurrently.
11. The matter initially came on for hearing in front of current Senior Resident Superior Court Judge for Judicial District 17B Angela Puckett on 9 February 2023. However, after beginning the hearing but before ruling on defendant's MAR and AMAR, Judge Puckett determined that she had a conflict and recused herself from hearing this matter. The undersigned was ultimately assigned to preside over this matter.

CIRCUMSTANCES OF THE OFFENSES

12. As stated in State v. Walker, 2000 N.C. App. LEXIS 42 (2000) (unpublished), cert. denied, 2008 N.C. LEXIS 376 (2008), the facts of this case include:

“...on the morning of 26 July 1997, defendant visited his grandparents, James and

Margaret White, the victims. After eating breakfast with them, defendant asked his grandparents for a \$100 advance on the Christmas and birthday money he anticipated they would give him in the future. Defendant needed the money to repair his automobile. Although his grandparents refused to make such a gift, they loaned \$100 to defendant.

Defendant spent the next several hours attempting to borrow or buy a gun. The State correlated telephone toll records with the testimony of witnesses to establish that between 11:00 a.m. and 12:00 noon, defendant asked to borrow a gun from Kevin Johnson; at 1:10 p.m., he told Danielle Sawyer he needed a gun; at 1:30 p.m., he asked Donald Kiger if he could borrow a gun; at 1:52 p.m., he asked Melissa Hardy if she knew anywhere he could get a gun; and at 1:58 p.m., he asked Traci Boyles if she had a gun.

At 2:30 p.m., defendant arrived at the home of Stephanie Southern, his cousin, and her husband Jamie. He borrowed a .22 caliber rifle from the Southernns, telling them he wanted the gun for a camping trip. Defendant left the Southernns' house around 3:00 p.m. with the rifle and a handful of shells. He returned the rifle approximately one-half hour later but did not return any shells. Police research indicated that the victims lived approximately five miles from the Southernns' home and that the trip could be made in approximately seven minutes in fairly slow traffic.

Defendant's grandparents were found dead in their home at approximately 7:00 p.m. on 26 July 1997. They were last seen alive at 3:00 p.m. the same day. There were no signs of forced entry. Police found Mrs. White seated in a chair with a bullet wound to the back of her head; Mr. White was sprawled in a hallway. Numerous witnesses testified that Mr. White routinely carried large sums of money in his wallet. Mr. White's shirt had been pulled out of his trousers and twisted; police never recovered his wallet. Forensic testing of cartridge casings found at the murder scene established that the casings had been fired in the rifle defendant borrowed from Jamie Southern, to the exclusion of all other weapons.

The State presented evidence that defendant attempted to create an alibi. At 7:17 a.m. on 27 July 1997, defendant called Matt Oakley to suggest that, if interviewed, Oakley should tell the police that he and defendant had been with two girls at Belews Lake between 2:30 and 3:30 p.m. the previous day. Defendant also called the Southernns' home and asked Stephanie not to tell the police he had borrowed the rifle."

13. On 26 July 1997, around 3:00 p.m., defendant borrowed a .22 caliber bolt-action rifle from Jamie Southern and used it to murder his grandparents, took his grandfather's wallet and then returned the rifle to the Southernns on 26 July 1997 around 3:30 p.m., but lied about why he was returning the rifle to them. (*See* Court of Appeals case above and State's ex. #1 vol. VII, pp. 1180-2; vol. XXIII, pp. 3633-4).
14. Defendant also took the money from his grandfather's wallet and then threw the wallet in a creek. (*See* State's ex. #1 vol. XXIII, pp. 3633-4).

15. Defendant shot his grandmother one time in the back of her head, from a distance, as she was watching television. (See State's ex. #1, vol. VII, pp. 1105, line 15-p. 1106, 1113-1114, 1188-9, 1198; vol. XXIII, p. 3637, lines 22-25; vol. XIV, pp. 2263, 2278).
16. As he shot his grandmother, his grandfather was pulling up in the driveway. (See State's ex. #1, vol. XXIII, p. 3638).
17. Thereafter, when his grandfather entered the house, defendant shot him two times in the head. As his grandfather was on the ground after the first head shot, defendant shot him a second time in the head to make sure he was dead. (See State's ex. #1, vol. XXIII, pp. 3637, lines 19-21, 3638; vol. XIV, pp. 2265, 2272-3, 2278).
18. Defendant gave no warning to his grandparents before he murdered them and neither defendant's grandmother nor grandfather knew that defendant was going to murder them. (See State's ex. #1, vol. VII, pp. 1174, 1177-9; vol. XXIII, p. 3638, lines 12-17).
19. Neither defendant's grandmother nor grandfather did anything to provoke defendant or to cause defendant to murder them.
20. Defendant shot a total of three times at the victims and did not miss his targets.
21. Defendant shot his grandmother in the head from a distance without missing which required defendant to aim and shoot accurately.
22. Defendant shot his grandfather in the head two times without missing which also required defendant to aim and shoot accurately.
23. Although Jamie Southern gave defendant bullets or shells for the rifle when defendant borrowed it, the rifle itself was unloaded when Jamie Southern gave it to defendant to borrow and when defendant returned it to Jamie Southern. (See Court of Appeals case above; State's ex. #1, vol. VIII, pp. 1428-9; vol. IX, p. 1502; vol. X, pp. 1696-9).
24. The rifle used by defendant to kill his grandparents was not an automatic weapon, and when he borrowed it from Jamie Southern, it was unloaded.
25. Before murdering his grandparents, defendant had to first, intentionally and deliberately, remove the rifle's "magazine follower," then intentionally and deliberately load bullets in the loading port, and then intentionally and deliberately reinsert the "follower tube," then intentionally and deliberately push the bolt forward, then intentionally and deliberately rotate the bolt handle down, and then intentionally and deliberately place his finger on the trigger and intentionally and deliberately pull it to fire a first shot. To fire a second shot, defendant had to intentionally and deliberately rotate the bolt handle back up and intentionally and deliberately pull it to the rear of the rifle which would eject the spent cartridge case and then intentionally and deliberately push the bolt forward to load another round into the chamber, then intentionally and deliberately rotate the bolt to the

right again and then intentionally and deliberately place his finger on the trigger and intentionally and deliberately pull it to fire a second shot. Finally, to fire the third shot, defendant had to intentionally and deliberately rotate the bolt handle back up and intentionally and deliberately pull it to the rear of the rifle which would eject the spent cartridge case and then intentionally and deliberately push the bolt forward to load another round into the chamber, then intentionally and deliberately rotate the bolt to the right again and then intentionally and deliberately place his finger on the trigger and intentionally and deliberately pull it to fire the third and final shot. (See State's ex. #1, vol. VIII, pp. 1427, 1430-1; vol. X, p. 1698; vol. XI, pp. 1896-8.)

26. Although defendant possessed cocaine before he killed his grandparents, defendant did not use drugs on 26 July 1997, until sometime after 3:30 p.m., after he murdered his grandparents. (See State's ex. #1, vol. XV, pp. 2315, 2319, 2461, line 13-p. 2462, vol. XII, p. 1988).
27. During the investigation of this case, before the trial began, defendant lied on many occasions, or asked others to lie for him, for example:
 - a. Defendant asked Donald Kiger, Stephanie Southern, Traci Boyles, Matt Oakley and William Kiger to lie for him. (See State's ex. #1, vol. VIII, pp. 1380-3, 1447, 1480-1; XII, p. 2046-7; vol. XIII, pp. 2151-3, 2155-7; vol. XIV, pp. 2213-4, 2235);
 - b. Defendant lied to law enforcement officers about his involvement in the murder of his grandparents. (See State's ex. #1, vol. XI, pp. 1761, 1815-1820, 1883; vol. XVIII, p. 2897, lines 11-15, 2898, lines 7-9);
 - c. Defendant lied to mental health experts about his involvement in the murder of his grandparents. (See Def.'s ex. #8: Dr. John F. Warren's report dated 24 Feb. 1998; Dr. Robert Rollins' report dated 14 August 1997; Dr. Robert Rollins' letter dated 6 November 1997; Dr. Robert Rollins' report dated 6 November 1997; Dr. Tricia Hahn's report dated 6 November 1997);
 - d. Defendant lied to others about his involvement in the murder of his grandparents. (See State's ex. #1, vol. XII, pp. 2046; vol. XIII, p. 2098; vol. XIV, p. 2202, 2215, 2228); and
 - e. Defendant lied about why he wanted the rifle and what he did with the rifle. (See State's ex. #1, vol. VIII, pp. 1370-3; 1422-4, 1427, 1435-7, 1471-2; vol. XI, p. 1933; vol. XII, pp. 1965-7, 1983).
28. During the course of defendant's trial, defendant gave testimony, under oath, on 3 different occasions. On each occasion, defendant was subjected to questions from the prosecutor. Before each time he testified, defendant was advised of his rights, understood his rights, waived his rights, and then testified voluntarily and freely without any coercion or duress. Defendant had both of his attorneys with him at all times,

representing him, from the moment he was first advised of his rights on each occasion to the moment his testimony ended on each occasion. (*See State's ex. #1, vol. XV, pp. 2307-2312; vol. XXIII, pp. 3631-3633, pp. 3707-3710*).

29. On 25 March 1998, when defendant was approximately 18 years, 3 months, and 13 days old, defendant gave testimony in the first (guilt/innocence) phase of the jury trial in front of the jury ("First occasion defendant gave testimony").
30. On 6 April 1998 beginning at 11:10 a.m., when defendant was approximately 18 years, 3 months, and 25 days old, defendant gave testimony to the prosecutors in chambers, but was not in the presence of the jury ("Second occasion defendant gave testimony").
31. Again on 6 April 1998 beginning at 2:53 p.m., defendant gave testimony in the second (penalty) phase (for the first degree murder convictions) of the jury trial in front of the jury ("Third occasion defendant gave testimony").
32. On the First occasion defendant gave testimony, defendant lied and/or admitted he lied on numerous occasions. For example:
 - a. Defendant lied when he testified, "Sir, I'm just here to let this jury know I'm innocent and I didn't do it." (*See State's ex. #1, vol. XV, p. 2394, lines 7-8*); when he testified, "I didn't kill my grandparents, and that's the truth." (*See State's ex. #1, vol. XV, p. 2436, lines 1-2*); and when he testified, "I'm telling the truth right now." (*See State's ex. #1, vol. XV, p. 2449, line 1*);
 - b. Defendant lied about why he wanted the rifle and what he did with the rifle. (*See State's ex. #1, vol. XV, pp. 2321, 2324, 2381, 2363-2364, 2447, 2449, 2454*)
 - c. Defendant lied to law enforcement officers and admitted he lied to law enforcement officers during the course of the investigation of this case before the trial began. (*See State's ex. #1, vol. XV, pp. 2360, 2365-6, 2388-9, 2406-7*);
 - d. Defendant lied to other people and tried to get other people to lie for him before the trial began, and admitted he lied to other people or tried to get other people to lie for him before the trial began. (*See State's ex. #1, vol. XV, pp. 2362, 2366, 2398-9, 2405-7, 2411-2*);
 - e. Defendant lied about his involvement with the murder of his grandparents. (*See State's ex. #1, vol. XV, pp. 2340, 2351, 2354, 2366-7, 2393, lines 16-17, 2394, 2396, 2399, 2403, lines 11-21, 2424-2426, 2427, lines 22-23, 2428-9*);
 - f. Stephanie Southern is defendant's cousin. (*See State's ex. #1, vol. VIII, p. 1465-6*). During an exchange between the prosecutor and defendant about whether Jamie and Stephanie Southern and Rodney Miller were involved in these murders, defendant lied when he told the prosecutor that he was not sure if they committed the

- murders or not. (*See State's ex. #1, vol. XV, pp. 2393-4, 2452-3*);
- g. The prosecutor asked defendant, "Mr. Walker, you lie anywhere, anytime for any reason, won't you?" Defendant responded, "Sir, now is not the time to lie[.]" and then proceeded to continue lying about his involvement with the murders in this case. (*See State's ex. #1, vol. XV, p. 2428, line 25-p. 2429, line 2*); and
- h. The prosecutor asked defendant, "You lie pretty quick, don't you, Mr. Walker?" Defendant responded, "I won't say quick. But I know I'm not lying about what I'm saying on the stand[.]" which was a lie and defendant then continued lying about his involvement with the murder of his grandparents. (*See State's ex. #1, vol. XV, pp. 2399, lines 13-15; 2403, lines 11-21, 2424-2426, 2454, lines 16-17, 2453, lines 10-11*).
33. On the First occasion defendant gave testimony, defendant admitted that he did not use drugs on 26 July 1997, until sometime well after 3:30 p.m. (*See State's ex. #1, vol. XV, pp. 2315, 2319, 2461, line 13-p. 2462*).
34. On the First occasion defendant gave testimony, defendant admitted that the last time he had visited his sister's grave was in January or February of 1997. (*See State's ex. #1, vol. XV, p. 2357, lines 22-24*).
35. On the First occasion defendant gave testimony, defendant admitted that his grandparents were the nicest people he knew. (*See State's ex. #1, vol. XV, p. 2438, lines 17-18*).
36. On the Second occasion defendant gave testimony, defendant admitted he borrowed the rifle from Jamie and Stephanie Southern, used it to murder his grandparents, took his grandfather's wallet and then returned the rifle to the Southern. (*See State's ex. #1 vol. XXIII, pp. 3633-4*).
37. On the Second occasion defendant gave testimony, defendant also admitted he took the money from his grandfather's wallet and then threw the wallet in a creek. (*See State's ex. #1 vol. XXIII, pp. 3633-4*).
38. On the Second occasion defendant gave testimony, defendant admitted he acted alone and specifically denied that Jamie or Stephanie Southern or Rodney Miller had anything to do with the murders in this case. (*See State's ex. #1 vol. XXIII, pp. 3635, lines 5-10*).
39. On the Second occasion defendant gave testimony, defendant lied about drugs when he said he was under the influence of drugs, specifically cocaine and marijuana, at the time he murdered his grandparents. (*See State's ex. #1, vol. XV, pp. 2315, 2319, 2461, line 13-p. 2462; vol. XII, p. 1988; vol. VIII, pp. 1416, 1444; vol. X, pp. 1665-6; vol. XIV, pp. 2225-6, 2238-41, 2244, 2252; vol. XXIII, p. 3635, lines 20-24*).
40. On the First occasion defendant gave testimony, defendant admitted he would lie about

drugs. (See State's ex. #1 vol. XV, p. 2367, lines 5-6).

41. Defendant lied about drugs, and lied by exaggerating about his drug use when it was convenient for him to do so to fit the exigencies of the moment. (See State's ex. #1 vol. XV, p. 2367, lines 5-6).
42. On the Second occasion defendant gave testimony, defendant admitted that this was the first time he told his attorneys or anyone else about this version of what he did in this case. (See State's ex. #1, vol. XXIII, p. 3634).
43. On the Second occasion defendant gave testimony, defendant testified that there was no particular reason why he shot his grandparents, and he specifically denied he was angry at them. (See State's ex. #1, vol. XXIII, p. 3639, lines 5-10).
44. On the Third occasion defendant gave testimony, defendant again lied on numerous occasions. For example:
 - a. Defendant lied about Jamie Southern and Rodney Miller being involved in the murder of his grandparents, and lied about Rodney Miller shooting his grandparents. (See State's ex. #1, vol. XXIII, pp. 3633-3635, 3713-3715);
 - b. Defendant lied when he testified that he did not tell the jury in the first phase about the involvement of Jamie Southern and Rodney Miller in killing his grandparents because of Jamie's little baby. (See State's ex. #1, vol. XXIII, p. 3718, 3724);
 - c. Defendant lied when he testified that he used drugs, specifically crack cocaine, before he murdered his grandparents on 26 July 1997. (See State's ex. #1, vol. XV, pp. 2315, 2319, 2461, line 13-p. 2462; vol. XII, p. 1988; vol. XXIII, p. 3712); and
 - d. Defendant lied when he told the jury "I'm telling y'all the truth. I'm telling everybody the truth." (See State's ex. #1, vol. XXIII, pp. 3720, 3733, lines 11-17).
45. On the Third occasion defendant gave testimony, defendant admitted he lied to the jury in the first phase of the trial when he told them he didn't have anything to do with the murders. (See State's ex. #1, vol. XXIII, p. 3711, lines 5-8, 3718).
46. On the Third occasion defendant gave testimony, defendant falsely accused Jamie Southern and Rodney Miller of something they did not do and could have resulted in criminal charges being filed against them.
47. On the Third occasion defendant gave testimony, defendant admitted that he lied to his mother, and because she loved him, she believed him and therefore testified for him in the first phase of the trial. (See State's ex. #1, vol. XXIII, p. 3729, line 22-p. 3730, line 3).

48. On the Third occasion defendant gave testimony, defendant admitted that this was the first time he told his attorneys or anyone else about this version of what he did in this case. (*See State's ex. #1, vol. XXIII, p. 3717*).
49. Defendant also later admitted that what he told the jury in the second (penalty) phase of the trial about "his cousin and her spouse" being accomplices was a lie, and stated that "everybody knew it was a lie." (*See Def.'s ex. # 7, p. 13*).
50. Defendant understood his legal situation and could assist in his defense. (*See State's ex. #1, vol. XXIII, p. 3669; Defendant's ex. #8: Dr. John F. Warren's report dated 24 Feb. 1998*).
51. Defendant understood the nature and object of the proceedings against him, understood his position with regard to the law, was able to cooperate with his attorneys so that any available defense could be interposed and he could conduct his defense in a rational manner. (*See Def.'s ex. #8: Dr. Robert Rollins' report dated 14 August 1997; Dr. Robert Rollins' report dated 6 November 1997*).
52. Defendant did not suffer from any major mental disorder or personality disorder. (*See State's ex. #1, vol. XXIII, p. 3676; Def.'s ex. #8: Dr. John F. Warren's report dated 24 Feb. 1998*).
53. Defendant did not suffer from any impairment that would prevent premeditation or formation of specific intent. (*See Def.'s ex. #8: Dr. Robert Rollins' letter dated 6 November 1997; Dr. Robert Rollins' report dated 6 November 1997*).
54. Defendant's intelligence quotient "IQ" was in the low average range. (*See State's ex. #1, vol. XXIII, pp. 3675-6; Def.'s ex. #8: Dr. John F. Warren's report dated 24 Feb. 1998; Dr. Robert Rollins' report dated 14 August 1997; Dr. Robert Rollins' report dated 6 November 1997*).
55. Defendant knew the nature and consequences of his actions and their wrongfulness. (*See State's ex. #1, vol. XXIII, p. 3677; Def.'s ex. #8: Dr. John F. Warren's report dated 24 Feb. 1998*).
56. Defendant knew what he was doing and knew the difference from right and wrong. (*See State's ex. #1, vol. XXIII, p. 3677*).
57. Defendant was of average maturity. (*See State's ex. #1, vol. XXIII, pp. 3686-7, 3689, 3701, 3703*).
58. At the time immediately before he murdered his grandparents, at the time he murdered his grandparents, and at the time immediately after he murdered his grandparents, defendant was not under the influence of an impairing substance or otherwise impaired to any appreciable degree. (*See State's ex. #1, vol. VIII, pp. 1416, 1444; vol. X, pp. 1665-6*).

vol. XIV, pp. 2225-6, 2238-41, 2244, 2252)

59. During the early morning hours of 27 July 1997, the day after defendant murdered his grandparents, defendant talked to law enforcement officers. Defendant was not under the influence of an impairing substance or otherwise impaired to any appreciable degree immediately before he talked to law enforcement officers or when he talked to law enforcement officers on 27 July 1997. (See State's ex. #1, vol. XI, pp. 1864; vol. XVI, p. 2619, line 21-p. 2620, pp. 2629, lines 14-21, p. 2663, line 18-p. 2664, line 9, 2670, lines 21-24.)
60. Defendant had a loving family and had a good family situation. (See State's ex. #1, vol. XXIII, p. 3704; Def.'s ex. #8: Dr. Tricia Hahn's report dated 6 November 1997, p.1).
61. Defendant's parents were present at his trial, supported him at his trial, even testified for him and loved him. (See State's ex. #1, vol. XVIII, pp. 2912-3003, 3008-3066; vol. XIX, pp. 3070-3091; vol. XXIII, p. 3730).
62. Defendant loved his childhood and had no history of mental, physical, or sexual abuse. (See Def.'s ex. #8: Dr. Tricia Hahn's report dated 6 November 1997, p. 1).
63. Defendant's grandparents were the nicest people defendant knew. (See State's ex. #1, vol. XV, p. 2438, lines 17-18).
64. Defendant was not angry at his grandparents. (See State's ex. #1, vol. XXIII, p. 3639, lines 5-10).
65. Defendant's sister Jenny committed suicide in 1993. (See Def.'s ex. 8: Dr. Robert Rollins' report dated 6 November 1997).
66. The last time defendant visited his sister's grave before this trial began was in January or February, 1997. (See State's ex. #1, vol. XV, p. 2357, lines 22-24).
67. Defendant told Dr. Hahn without qualification that his sister killed herself in 1993 because she had Crohn's disease. (See Def.'s ex. #8: Dr. Tricia Hahn's report dated 6 November 1997, p. 1).
68. Defendant's sister killed herself in 1993 because she had Crohn's disease. (See Def.'s ex. #8: Dr. Tricia Hahn's report dated 6 November 1997, p. 1).
69. Defendant did not kill his grandparents because of any alleged sexual molestation.
70. Defendant never saw his grandfather sexually molest his sister Jenny.
71. Dr. Robert Rollins did not consider the death of defendant's sister to be an indication of any mental disorder that would give rise to a mitigating factor. (See Def.'s ex. #8: Dr.

Robert Rollins' letter dated 6 November 1997; Dr. Robert Rollins' report dated 6 November 1997).

72. Defendant acted intentionally, deliberately, and alone in all material aspects of this case.
73. Defendant acted intentionally, deliberately, with premeditation, deliberation and with malice aforethought when he murdered his grandparents.
74. Defendant acted intentionally, deliberately, and alone when he planned the murder of his grandparents, when he killed his grandparents, when he attempted to avoid responsibility for the murders by destroying evidence when he threw his grandfather's wallet in a creek, when he attempted to hide evidence by giving the murder weapon to another person and when he attempted to create various alibi defenses by asking his friends to lie for him. (See State's ex. #1, vol. XXIII, pp. 3635, lines 5-10).
75. Defendant was the shooter and the only shooter.
76. Defendant intended to kill his grandparents and did kill his grandparents.
77. Defendant acted intentionally, deliberately, and alone when he lied to law enforcement officials and others before the trial, and lied to the jury during the first (guilt/innocence) phase of the trial in an attempt to help himself get a more favorable outcome in this case, to be found not guilty, and because he never thought he would be convicted. (See State's ex. #1, vol. XXIII, p. 3729).
78. Defendant acted intentionally, deliberately, and alone when he lied to the jury during the second (penalty) phase of the trial in an attempt to help himself get a more favorable outcome in this case.
79. Although it is not clear exactly why the jury was unable to reach a unanimous sentencing recommendation in the second phase of the jury trial, it is possible that at least one juror believed defendant's testimony as to how and under what circumstances the murders were committed and why he lied to the jury in the first phase of the trial. Regardless, defendant was ultimately successful in getting the best outcome for himself at the time because he received a sentence of life in prison without parole instead of the death penalty.
80. Before defendant went to prison in this case, defendant had people that supported him, believed in him and came to court to testify for him at trial, including his friend Traci Boyles, who testified to the jury that defendant "did not commit this crime[.]" (See State's ex. #1, vol. XV, p. 2542, lines 8-10), and his mother (whose parents defendant was accused of killing) who testified to the jury that "...I know he didn't kill my mama and daddy." (See State's ex. #1, vol. XIX, p. 3074, lines 17-18)(See also State's ex. #1, vol. XVI, pp. 2615-2716).

81. Before defendant went to prison in this case, he had many friends, including close friends and a best friend. (*See* State's ex. #1, vol. XI, p. 1927; vol. XII, pp. 1962, 1985, 2043; vol. XIII, p. 2155; vol. XIV, pp. 2195-2196, 2206).
82. Defendant exaggerated about the extent of his drug use in an attempt to help himself get a more favorable outcome in this case.
83. Defendant intentionally and deliberately lied to prosecutors, his friends, mental health experts, his attorneys, his mother, and the jury over and over again in an attempt to help himself obtain a more favorable outcome in this case.
84. Defendant committed perjury during the trial of the case.
85. Defendant will lie anywhere, anytime for any reason.
86. Defendant will lie "pretty quick," and is a convenient liar to fit the exigencies of the moment.

PARTICULAR CIRCUMSTANCES OF DEFENDANT

87. Since defendant has been in prison, defendant has had people support him, believe in him, and testify for him at this resentencing hearing.
88. Since defendant has been in prison, he has made many friends and has supported and helped his friends and others.
89. Defendant has completed numerous programs throughout the course of his incarceration.
90. Since defendant has been in prison, he has become a very good dog trainer.
91. Defendant has had 3 infractions since he has been in prison, including one on or about 12 May 2011, when defendant was 31 years old. In this infraction, defendant alleged that he had been assaulted by a staff member at Craggy Correctional Center. Defendant's allegations "were proven through an extensive investigation to be false." (*See* Def.'s ex. # 5, p. M-1289). Defendant falsely accused the staff member of something the staff member did not do and could have resulted in criminal charges being filed against the staff member. Defendant pled guilty to False Allegations Against Staff. (*See* Mary Beth Carroll's testimony from Oct., 2023 hearing; Def.'s ex. #5, p. M-1288-9).
92. After defendant began serving his prison sentence, defendant lied on numerous occasions about the circumstances surrounding the murder of his grandparents. For example:
 - a. In or around 2004, when defendant was approximately 24 years, defendant lied when he told Christopher Boone: that he saw his grandfather raping his sister, Jenny, although his grandfather did not see him; that his grandmother

was also keeping the sexual molestation a secret; that he murdered his grandparents because of the sexual molestation; and that he then attempted to commit suicide by putting the gun in his mouth, although he ultimately could not pull the trigger and chipped his tooth in the process. Mr. Boone specifically remembered that defendant told him the gun he used was a handgun, which was a lie as defendant used a rifle in this case. Defendant also lied to Mr. Boone when he said the murders were induced, in part, by alcohol and drugs. (*See Boone's testimony from Oct., 2023 hearing*).

- b. In or around 2005, when defendant was approximately 25 years old, defendant lied when he told Reverend George Holley: that when he was 7 years old, he saw his grandfather sexually molesting his sister, Jenny; that his grandmother was in some way complicit in the sexual molestation; that on the day of the murders, he went to the cemetery; that he was drinking alcohol, and then decided to murder his grandparents because of the sexual molestation. (*See Holley's testimony from Oct., 2023 hearing*)
- c. In or around 2005, when defendant was approximately 25 years old, defendant lied when he told Father James Garneau that he never intended to kill his grandmother, but that she went to save the life of her husband and defendant ended up killing both of them. (*See Father Garneau's testimony from Oct., 2023 hearing*).
- d. In the Spring of 2012, when defendant was approximately 32 years old, defendant wrote an article which was printed in a publication for Alcoholics Anonymous where defendant blamed the murders he committed on alcoholism. Defendant made no allegation or claim that drugs, specifically crack cocaine, cocaine, or marijuana, had anything to do with the murders. (*See Def.'s ex. # 16, p. 140 and see paragraphs 39 and 44(c) above where defendant claims he was impaired from cocaine and marijuana at the time of the murders and had used crack cocaine before the murders.*)
- e. Defendant first met with Dr. Cindy Cottle, one of his mental health experts, on 20 September 2013 when defendant was approximately 33 years old, and lied when he told her that when he was between 8 and 10 years old, he saw his grandfather sexually molesting his sister, Jenny. Dr. Cottle, who did not interview anyone other than defendant and his mother, Carolyn Walker, also learned from defendant's mother that defendant claimed he killed his grandparents because of the sexual molestation, which was also a lie. (*See Dr. Cottle's testimony from Oct., hearing, on re-direct; Def.'s ex. # 7, p. 6*). Also, as set forth above, defendant gave multiple sworn statements at trial, and the one Dr. Cottle included in her report is the one where defendant claims he was under the influence of marijuana and cocaine at the time of the shooting. (*See Dr. Cottle's testimony from Oct., 2023 hearing; Def.'s ex. #7, p.17 under "Sworn Statements" section*).

- f. Defendant first met with Dr. George Corvan in 2023 when defendant was approximately 43 years old, and defendant lied when he told Dr. Corvan: that when he was approximately 9 years old, he saw his grandfather sexually molesting his sister, Jenny; that he blamed his sister's suicide on his grandparents; that he attempted to get his grandfather to tell him why he molested his sister but got no answer; that he shot his grandmother first and then attempted suicide by putting the rifle in his mouth (which is obviously a different version than what he told to Christopher Boone); that, unable to commit suicide and chipping his tooth in the process, he shot his grandfather a second time. (See Dr. Corvan's testimony from Oct., 2023 hearing).
93. Christopher Boone, after listening to defendant's version of the story about murdering his grandparents because his grandfather raped his sister and because his grandmother knew what his grandfather had done, and then attempting suicide, could "at least understand why [defendant] did what he did." (See Boone's testimony from Oct., 2023 hearing; Def.'s ex. #16, p. 182).
94. George Holley found that defendant's version of the story about going to the cemetery and then murdering his grandparents because his grandfather molested his sister and because his grandmother knew what his grandfather had done, was "gripping," "unforgettable," "extremely powerful," "very dramatic," "very emotional," "even tearful at times," "heart-rendering," "heartbreaking" and a "compelling story." (See Holley's testimony from Oct., 2023 hearing; Holley's testimony from Feb., 2023 hearing at p. 141, Def.'s ex. #16, p. 166-7).
95. Defendant lied about killing his grandparents due to the sexual molestation of his sister because it is a compelling story to attempt to get sympathy and help from those he tells and, as it turns out now, to attempt to help himself get a more favorable outcome in this case.
96. It is also convenient for defendant that only 4 people knew of this alleged sexual molestation, and 3 of those 4 people are now dead. Therefore, there is no one who can contradict defendant's story. You have to take his word for it. (See Dr. Cottle's testimony, Oct., 2023 hearing ("...the alleged molestation that the defendant witnessed the grandfather allegedly committing on his deceased sister, ultimately deceased sister. How do you know that happened? [Dr. Cottle's answer:] I don't.")).
97. Defendant exaggerated about the extent of his drug use to his mental health experts in an attempt to help himself get a more favorable outcome in this case.
98. Defendant exaggerated about the extent of his drug use to his mental health experts because he will "lie about drugs." (See State's ex. #1, vol. XV, p. 2367, lines 5-6).
99. Again, in those instances where defendant self-reported about his drug use, it is

convenient for him to do so because no one can contradict what he says. You have to take his word for it. (See Dr. Corvan's testimony, Oct., 2023 hearing ("Doctor, on the self-reporting from the defendant about the amount of drug use that he had, it all depends on whether he is telling the truth or not? [Dr. Corvan's answer:] Also true."))

100. Both Dr. Corvan and Dr. Cottle used defendant's story, in part, about witnessing his grandfather sexually molest his sister, and his self-reports about drug use, in making their assessments about defendant. (See Def.'s ex. #7, pp. 6-7, p. 17, p. 30, including "[Defendant] also has a history of distress related to his observing and knowing of the sexual abuse of his sister, and of her emotional difficulties and medical conditions."; Dr. Corvan's testimony, Oct., 2023 hearing).
101. Since beginning his prison sentence for the murder convictions, Defendant has intentionally and deliberately lied to friends and mental health experts to attempt to gain sympathy and help, and as it turns out now, to attempt to help himself get a more favorable outcome in this case.
102. Defendant will lie anywhere, anytime for any reason.
103. Defendant will lie "pretty quick," and is a convenient liar to fit the exigencies of the moment.
104. The Court finds that defendant elected to make a statement to the Court at the end of the hearing on 13 October 2023, and further elected to make a motion to prohibit either the Court or the State from asking defendant any questions, which the Court allowed. The Court, having observed defendant's demeanor and having listened to his statement, finds defendant's statement was self-serving and not genuinely remorseful because, in part, defendant failed to meaningfully address the many contradictions, inconsistencies, and misrepresentations in his previous statements, both under oath and not under oath, as set forth above.

MITIGATING FACTORS OF YOUTH

ANALYSIS PURSUANT TO N.C.G.S. SECTION 15A-1340.19B

Pursuant to N.C.G.S. section 15A-1340.19B, the Court specifically considered the following factors in its determination in this case:

1. Age. Again, the Court finds that defendant was approximately 17 years, 7 months, and 14 days old at the time of the murders. The Court finds defendant's chronological age is a mitigating factor. However, the Court assigns this factor little weight because at the time of the offense, defendant was only 5 months away from the age of criminal adult responsibility.

Considering Miller v. Alabama to be instructive as to this factor, the Court notes that the two defendants in Miller, Jackson and Miller, were 14 years old at the time they committed the murders for which they were convicted. The Court therefore finds that defendant's age in this case does not carry significant mitigating weight.

2. Immaturity. The Court has considered defendant's immaturity and finds it is not significantly mitigating based on all of the evidence. The Court notes that any juvenile by definition is going to be immature compared to an adult, but finds based on the evidence presented that defendant was of average maturity for his age, and finds there was no evidence presented of any specific immaturity particular to defendant that mitigated the culpability of his conduct in this case. The Court finds this factor does not carry significant mitigating weight.
3. Ability to appreciate the risks and consequences of the conduct. The Court has considered defendant's ability to appreciate the risks and consequences of his conduct and does not find this to be significant considering that not only was he an active participant in the murders, but he was also the only participant as he acted alone. He searched for a gun and when he finally got one, wasted no time in carrying out the murders with precision. Defendant intended to kill and did kill his grandparents. The Court also finds that defendant had a guilty-mind and knew right from wrong when he attempted to hide or destroy evidence (the grandfather's wallet and the rifle used to kill his grandparents) that would inculcate him, when he tried to escape detection for these crimes by attempting to create an alibi, and when he lied over and over again about his actions and the murders in this case. Defendant knew the difference between right and wrong, and knew the nature and consequences of his actions and their wrongfulness. Defendant made his own choice to commit these murders. The Court finds this factor does not carry significant mitigating weight.
4. Intellectual capacity. The Court does not find this to be a mitigating factor based on the fact that defendant's IQ is in the low average range and did not mitigate the culpability of his conduct in this case.
5. Prior record. The Court finds that although defendant did not have any prior convictions, he engaged in criminal activity by possessing and using illegal drugs to some extent as a juvenile as set forth above in the findings although he was never charged with such a crime. Accordingly, the Court finds this factor is mitigating, but does not carry significant mitigating weight. The Court also finds that defendant again engaged in criminal activity later by committing perjury during his trial, but was never charged with such crime.
6. Mental health. The Court has considered all of the mental health reports and testimony in this case, and finds that nothing reduces his culpability for his conduct in this case. Defendant knew exactly what he was doing and knew the difference between right and wrong. Defendant also knew the nature and consequences of his actions and their wrongfulness. The Court finds this factor does not carry significant mitigating weight.

7. Familial or peer pressure exerted upon defendant. As set forth above, defendant had a loving family and had a good family situation, and defendant loved his childhood and had no history of mental, physical, or sexual abuse. The Court finds that defendant had two parents who loved him, were present at this trial, supported him at his trial and even testified for him. Again, defendant was the shooter and the only shooter, and he acted alone in planning the murders, carrying out the murders and in trying to avoid detection after he committed the murders. The Court finds there was no familial or peer pressure exerted upon defendant to cause him to do any of these things. Defendant knew the difference between right and wrong, and knew the nature and consequences of his actions and their wrongfulness. Defendant made his own choice to commit these murders. The Court has carefully considered this fact and finds it does not carry any mitigating weight.
8. Likelihood that defendant would benefit from rehabilitation in confinement. The Court carefully considered the likelihood defendant would benefit from rehabilitation in confinement, including evidence that since he has been in prison he has completed numerous programs, he has supporters, and has helped others, is a very good dog trainer and has made friends. The Court also considered the fact that, before he ever went to prison, he also had supporters and friends, even close friends and a best friend.

The Court also considered that while incarcerated, defendant committed an infraction on or about 12 May 2011, when defendant was 31 years old. The Court appreciates and recognizes that defendant's infractions are low in number, but numbers alone without considering the facts of the entire case do not tell the entire story. In this infraction, defendant's allegations that he was assaulted by a staff member "were proven through an extensive investigation to be false[.]" and defendant ultimately pled guilty to False Allegations Against Staff. Defendant falsely accused the staff member of something the staff member did not do and could have resulted in criminal charges being filed against the staff member, just like when, on the Third occasion defendant gave testimony, defendant falsely accused Jamie Southern and Rodney Miller of something they did not do and could have resulted in criminal charges being filed against them.

Moreover and even more concerning to the Court, defendant continues to lie about significant events in this case, about his grandfather sexually molesting his sister Jenny and about his drug use as set forth above. The Court finds that it is in defendant's nature to lie anywhere, anytime for any reason, and that he is a convenient liar to fit the exigencies of the moment. In short, the Court finds that his behavior has not changed, and that he continues to lie in an effort to get a favorable outcome in this case. Defendant continues to lie in an attempt to have his sentences changed from life without parole, to life with the possibility of parole. The Court has thoughtfully considered this factor and finds that it does not carry any mitigating weight.

9. Any other mitigating factor or circumstance. The Court has also carefully considered defendant's other requested mitigating factors set forth in defendant's exhibit #17 and, considering all of the findings set forth above and below, and considering the totality of

the facts and circumstances of this case, as well as the credible and believable evidence in this case, finds that they do not carry any mitigating weight.

The Court finds this case is not one of transient immaturity. Instead, the Court finds this is a rare case where defendant should be sentenced to life imprisonment without the possibility of parole.

The Court has considered the circumstances of the offenses, the particular circumstances of defendant and the mitigating factors of youth in assessing the proportionality of the punishment it imposes, and in the exercise of its informed discretion, under the appropriate standards of review, finds that defendant's sentences for his murder convictions shall remain life imprisonment without parole and shall remain consecutive sentences, and defendant's sentence of 51 to 71 months for his robbery with a dangerous weapon conviction shall also remain a third consecutive sentence to run at the expiration of the second murder sentence as originally ordered.

SO ORDERED, this the 20th day of November, 2023.



R. Stuart Albright
Superior Court Judge

APPENDIX B

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority. Citation is disfavored, but may be permitted in accordance with the provisions of Rule 30(e)(3) of the North Carolina Rules of Appellate Procedure.

IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA24-732

Filed 20 August 2025

Stokes County, Nos. 97CRS004409-840, 97CRS004410-840, 97CRS004411-840

STATE OF NORTH CAROLINA

v.

WILLIAM SHAUN WALKER, Defendant.

Appeal by defendant from order entered 20 November 2023 by Judge R. Stuart Albright in Stokes County Superior Court. Heard in the Court of Appeals 10 April 2025.

Attorney General Jeff Jackson, by Assistant Attorney General Heidi M. Williams, for the State-appellee.

Appellate Defender Glenn Gerding, by Assistant Appellate Defender David W. Andrews, for defendant-appellant.

GORE, Judge.

Defendant appeals the sentencing order entered after the resentencing hearing pursuant to “*Miller v. Alabama* and its progeny.” 567 U.S. 460 (2012). Defendant raises multiple issues alleging violations of the Eighth Amendment applied to the states through the Fourteenth Amendment; of Article I, § 27 of the North Carolina

Constitution; and of N.C.G.S. § 15A-1340.19B. Upon review of the briefs, the record, and the trial court’s findings and conclusions of law, we affirm.

I.

In 1997, defendant was indicted on two counts of first-degree murder, one count of armed robbery, one count of felony larceny, one count of felony breaking and entering, and one count of possession of stolen goods. In 1998, the jury found defendant guilty of the counts for first-degree murder, armed robbery, felony larceny, and felony breaking and entering. The trial court dismissed the possession of stolen goods offense, and arrested judgment for the larceny and breaking and entering felonies. The jury could not agree during the sentencing phase; the trial court ultimately imposed two consecutive life without parole sentences (“LWOP”) for the murder convictions and an additional consecutive sentence for armed robbery. Defendant’s convictions were affirmed on appeal. This Court previously addressed the underlying facts of this case when defendant originally appealed his convictions. *See State v. Walker*, 2000 N.C. App. LEXIS 42 (2000) (unpublished), *cert. denied*, 2008 N.C. LEXIS 376 (2008).

In 2012, the Supreme Court of the United States decided *Miller*. It held that a mandatory LWOP sentence for juveniles, those under the age of 18 at the time of the crime, is a violation of the Eighth Amendment. 567 U.S. at 470–71. Our General Assembly codified statutes to address the *Miller* holding for juveniles “convicted of first-degree murder.” N.C.G.S. §§ 15A-1340.19A–.19D (2012). Defendant filed a

Motion for Appropriate Relief in April 2013. The resentencing hearing occurred in October 2023. Defendant presented mitigating evidence through multiple testimonies, and hundreds of pages of exhibits with psychologist and psychiatrist reports, a prison management report, an infraction history, a job history, certificates and degrees earned in prison, and letters of support by those impacted by his life.

At the end of the three-day resentencing hearing, the trial court resentenced defendant to two consecutive LWOP sentences and 51 to 71 months imprisonment for armed robbery. The trial court entered an order with over 100 findings and with analysis of the mitigating factors as required in section 15A-1340.19B. The trial court recognized multiple times in the findings that defendant told people he killed his grandparents because his grandfather had sexually abused his sister and his grandmother was complicit. The trial court found inconsistencies in the stories and that defendant failed to recognize and address the many “contradictions and inconsistencies.” The trial court found that defendant was a compulsive liar and found defendant utilized the claims about sexual abuse and drugs and alcohol “in an effort to get a more favorable outcome in this case.” The trial court concluded in the order that it found defendant’s “case is not one of transient immaturity. Instead, the [c]ourt f[ou]nd this is a rare case where defendant should be sentenced to life imprisonment without the possibility of parole.” Defendant timely appealed.

II.

Defendant appeals of right pursuant to N.C.G.S. §§ 7A-27(b) and 15A-1444(a). Defendant raises multiple constitutional challenges as applied to him. Defendant seeks review of the following: (1) a constitutional as-applied challenge pursuant to the Eighth Amendment and Article I, § 27 of the North Carolina Constitution for re-sentencing him to life without parole; (2) a constitutional as-applied challenge that the trial court disregarded mitigating evidence and determined the mitigating evidence carried little weight; and (3) that the “*Miller*-fix” law is unconstitutional as-applied to him because it lacks a presumption against life without parole sentences or at least “sufficient protections” to only sentence life without parole to the “rare juvenile” offenders that cannot be rehabilitated.

Defendant states this Court reviews constitutional challenges de novo and seeks de novo review of each issue. Yet, he also challenges multiple factual findings in the trial court’s order and argues the trial court improperly weighed some evidence and ignored other mitigating evidence. We review the factual findings in a trial court’s order to determine whether competent evidence supports the findings. *State v. Sims*, 260 N.C. App. 665, 671 (2018), *aff’d*, 912 S.E.2d 767 (N.C. 2025). Unchallenged findings are binding on appeal. *State v. Golphin*, 292 N.C. App. 316, 325 (2024). Further, we review sentencing orders that weigh the *Miller* factors for abuse of discretion. *Id.* at 322; *State v. Sims*, 912 S.E.2d 767, 780 (N.C. 2025).

A.

Defendant asserts constitutional challenges and quotes the language of landmark cases from the Supreme Court of the United States to support his argument. *Miller*, 567 U.S. at 476; *Montgomery v. Louisiana*, 577 U.S. 190 (2016); *Jones v. Mississippi*, 593 U.S. 98 (2021). Our Courts have handled multiple appeals involving the resentencing of juveniles with mandatory LWOP sentences since the *Miller* Court retroactively applied its holding that these mandatory sentences violate the Eighth Amendment. Our Supreme Court issued three opinions just this year addressing this area of law. *State v. Borlase*, 912 S.E.2d 795 (N.C. 2025); *Sims*, 912 S.E.2d 767; *State v. Tirado*, 387 N.C. 104 (2025). Accordingly, we recognize and consolidate what has been established in the case law thus far.

First, the Supreme Court’s holding in *Miller* is more limited than defendant asserts. In *Miller*, it held a juvenile may only be “sentenced to life without parole . . . if the sentence is not mandatory and the sentencer . . . has discretion to impose a lesser punishment.” *Jones*, 593 U.S. at 100 (citing *Miller*, 567 U.S. at 479). The Court in *Miller* reasoned that by providing discretion to the trial court in which it could consider the youth of the murderer, it would result in fewer LWOP sentences. *Id.* at 112. While the U.S. Supreme Court clarified that it did not require an explicit finding that the juvenile was incorrigible to hand down a LWOP sentence, it also stated that the lack of this required finding was not permission to give LWOP sentences to juveniles “whose crimes reflect transient immaturity” because such action would be a “disproportionate” punishment and violation of the Eighth Amendment.

Montgomery, 577 U.S. at 211 (cleaned up). Our Supreme Court summarized the current Supreme Court of the United States case law as follows:

(1) juvenile offenders may not be subject to the death penalty under any circumstances; (2) juvenile offenders may not be subject to mandatory life sentences without the possibility of parole; (3) state laws establishing juvenile sentencing parameters must, at a minimum, provide discretion to the sentencing authority to impose a lesser sentence than life without parole for juvenile offenders; (4) [the] Supreme Court of the United States case precedent does not require a sentencing authority to make a specific finding that a juvenile offender is incorrigible before the sentencer exercises its discretion to impose a sentence of life without parole; and (5) individual states are free to create additional limits and requirements regarding the sentencing of juvenile offenders.

State v. Conner, 381 N.C. 643, 666 (2022) (cleaned up).

Second, in response to *Miller*, our General Assembly enacted and codified N.C.G.S. § 15A-1340.19A to 15A-1340.19D, the “*Miller*-fix” statutes, to provide the trial court with discretion and a framework to consider whether the juvenile is to be sentenced to life imprisonment with or without parole. *Conner*, 381 N.C. at 663. Our Supreme Court reviewed the constitutionality of these provisions and determined the statutes are facially constitutional. *Id.* at 666.

Third, our Supreme Court recently articulated the Eighth Amendment affords greater protections than the plain text of Article I, § 27, and therefore, review of the limits of the Federal Constitution covers the protections afforded under Article I, § 27. *Tirado*, 387 N.C. at 105. *But see State v. Kelliher*, 381 N.C. 558, 584 (2022) (stating “article I, section 27 of the North Carolina Constitution need not be

interpreted in lockstep with the Eighth Amendment to the United States Constitution,” when deciding whether consecutive sentences of life with parole ran afoul of Article I, section 27). Further, our Supreme Court has held that the “*Miller-fix*” statutes “do not incorporate a presumption in favor of a sentence of life without parole.” *State v. James*, 371 N.C. 77, 99 (2018). In light of this precedent, we review defendant’s challenges to the constitutionality of his sentence within the framework of the “*Miller-fix*” statutes.

B.

The “*Miller-fix*” statutes expressly require the trial court to hold a sentencing hearing to determine whether the defendant’s sentence should be the lesser sentence, life imprisonment with parole, or the greater punishment of life imprisonment without parole. N.C.G.S. § 15A-1340.19B(a)(2)(2023). During the hearing, the defendant

may submit mitigating circumstances to the court, including, but not limited to, the following factors:

- (1) Age at the time of the offense.
- (2) Immaturity.
- (3) Ability to appreciate the risks and consequences of the conduct.
- (4) Intellectual capacity.
- (5) Prior record.
- (6) Mental health.
- (7) Familial or peer pressure exerted upon the defendant.
- (8) Likelihood that the defendant would benefit from rehabilitation in confinement.
- (9) Any other mitigating factor or circumstance.

N.C.G.S. § 15A-1340.19B(c)(2023). The trial court is then required to consider any of the presented mitigating factors to determine the defendant’s sentence of life imprisonment with or without parole. N.C.G.S. § 15A-1340.19C(a)(2023). Further, the trial court must include findings regarding the “absence or presence of any mitigating factors and such other findings as the court deems appropriate to include in the order.” *Id.* Upon review, we yield determinations of credibility and the weight given to the mitigating factors to the trial court’s judgment, recognizing it is not our “role to substitute our own judgment for that of the sentencing judge.” *Golphin*, 292 N.C. App. at 328 (cleaned up). We only consider the weight given to the findings for the purpose of determining whether the trial court abused its discretion. *Id.* at 325–26.

Defendant broadly challenges the trial court’s findings as focused upon his credibility rather than his ability to be rehabilitated. We limit our review to the specifically challenged findings of fact and consider the unspecified challenged findings to be conclusive on appeal. *See State v. Phillips*, 151 N.C. App. 185, 190–91 (2002). Defendant specifically challenges findings of fact 70, 82, 92, 95, 97, 98, 99, 100, 101 and finding 8 (within the mitigating factors section) as unsupported by the evidence, and therefore, unable to support the trial court’s conclusion that defendant’s actions were not the result of transient immaturity.

Specifically, defendant challenges finding of fact 70 that “defendant never saw his grandfather sexually molest his sister Jenny.” Defendant argues the court also

admitted in finding of fact 96 that no one can contradict defendant's claim because he is the only one living of the four people that allegedly knew about any sexual molestation. However, looking to the evidence in the record, there is also evidence as articulated in other unchallenged findings that defendant provided various inconsistent stories as to why he murdered his grandparents: from being under the influence of drugs, to the allegations about his sister being molested, to only killing his grandmother because she tried to protect his grandfather, to claiming his cousin murdered his grandparents, to having no particular reason for shooting his grandparents, and stating he was not angry with them. As stated by the trial court in finding 104,

defendant elected to make a statement to the [c]ourt The [c]ourt, having observed defendant's demeanor and having listened to his statement, finds defendant's statement was self-serving and not genuinely remorseful because, in part, defendant failed to meaningfully address the many contradictions, inconsistencies, and misrepresentations in his previous statements, both under oath and not under oath.

Accordingly, competent evidence supports the trial court's finding of fact 70.

Next, defendant challenges finding of fact 82 that "[d]efendant exaggerated about the extent of his drug use in an attempt to help himself get a more favorable outcome in this case"; he challenges the portions of findings of fact 97, 98, 99, and 100 that discuss defendant exaggerating about his drug use for a more favorable outcome. Yet defendant also admits he lied about his drug use during the 1998 trial proceedings. Multiple findings state defendant lied to mental health experts, friends,

attorneys, his mother, prosecutors, and the jury repeatedly. Additionally, evidence tends to show defendant was not under the influence of drugs “to any appreciable degree” at the time of the murder nor the day after the murder. Accordingly, competent evidence supports these findings.

Defendant also challenges the portions of findings of fact 92, 95, and 100 that state defendant was lying by saying he saw his grandfather sexually abuse his sister. Yet the subparagraphs of finding of fact 92 demonstrate the various inconsistencies each time defendant told this to a different mental health expert. The unchallenged findings suggest defendant had no history of mental, physical, or sexual abuse, that he believed his grandparents were the nicest people he knew, that he was not angry with his grandparents, that his sister committed suicide due to Crohn’s disease, and that at other times he blamed alcohol and drug use as the reason he murdered them. The unchallenged findings do provide competent evidence to support the trial court’s determination that defendant lied about the alleged sexual abuse. Again, this Court’s duty is not to reweigh the evidence or make credibility determinations, we are instead tasked with the duty to review for errors of law.

Defendant challenges finding of fact 101, “since beginning his prison sentence for the murder convictions, [d]efendant has intentionally and deliberately lied to friends and mental health experts to attempt to gain sympathy and help, and as it turns out now, to attempt to help himself get a more favorable outcome in this case.” Multiple unchallenged findings discuss how compelling defendant’s versions of his

story are, there are also additional instances of defendant's veracity and truthfulness being questioned for false allegations against staff at the correction center. Defendant wrote an article discussing alcohol as the reason behind the murders despite telling mental health experts at other times that it was drug use and his grandfather sexually abusing his sister as reasons for the murders. At times he said he was under the influence of drugs and alcohol during the murders and at other times he denied drug use.

There is evidence in the record he was not under the influence of drugs or alcohol during the murders. The different versions of defendant's account of the murders and the responses by those who heard it support the trial court's finding that defendant utilized various story lines to gain sympathy and help. Importantly, these various accounts were told by defendant in his 20s, 30s, and 40s. Accordingly, competent evidence supports the trial court's finding.

Defendant challenges the trial court's finding 8 within the mitigating factors section as unsupported by the evidence. However, having discussed previous findings that state similar findings to mitigating factor 8, we determine there is competent evidence to support this finding. Defendant argues the trial court placed too much focus on his credibility and too little focus on his ability to rehabilitate. Yet, it is within the trial court's purview to weigh the evidence and consider defendant's credibility. *See Sims*, 260 N.C. App. at 675. The trial court provided extensive

findings to support its determination of doubt in defendant's rehabilitation given the lengthy pattern of lying that continued into his adulthood.

The trial court specifically stated it had considered all the evidence and carefully weighed the issue of defendant lying not just around the time of the murder but throughout his prison sentence. The trial court determined that "his behavior has not changed, and that he continues to lie in an effort to get a favorable outcome." This is not a violation of defendant's constitutional rights. Trial courts must comply with the statutory requirements, but having complied, the outcome is within their discretion. Review of the trial court's discretion is limited to our standard for abuse of discretion. Accordingly, the evidence supports the findings and we will not reweigh the evidence.

C.

Having determined competent evidence supports the challenged findings, we now consider defendant's argument the trial court had "failed to give effect to a significant amount of mitigating evidence." Defendant argues the trial court erred because he demonstrated he has changed and that he does not represent the rare case in which LWOP is necessary. He suggests the court failed to carefully consider his potential for rehabilitation and that it instead put too much emphasis on the lies he told. On this basis defendant suggests the trial court "misapprehended" the standard set by the Eighth Amendment and Article I, § 27. We do not discern a misapprehension of the law by the trial court.

The trial court has a duty to consider any mitigating evidence presented by a defendant. *See* § 15A-1340.19C(a). Our Courts require the trial court to consider the mitigating factors in section 15A-1340.19C(a) when the defendant provides mitigating evidence to support those factors. *State v. Antone*, 240 N.C. App. 408, 412 (2015). The trial court is not required to restate every piece of mitigating evidence to properly weigh the evidence. *Golphin*, 292 N.C. App. at 326, 331; *see State v. Borlase*, 292 N.C. App. 54, 59–62 (2024); *see also Sims*, 260 N.C. App. at 674–82. Nor does the existence of mitigating evidence guarantee a certain weight. *Golphin*, 292 N.C. App. at 331. Our review is limited to whether the trial court abused its discretion when it considered the mitigating factors. *Antone*, 240 N.C. App. at 410.

The trial court considered all the statutory factors pursuant to section 15A-1340.19B. The trial court included the following:

Pursuant to N.C.G.S. section 15A-1340.19B, the [c]ourt specifically considered the following factors in its determination in this case:

1. Age. Again, the [c]ourt finds that defendant was approximately 17 years, 7 months, and 14 days old at the time of the murders. The [c]ourt finds defendants' chronological age is a mitigating factor. However, the [c]ourt assigns this factor little weight because at the time of the offense, defendant was only 5 months away from the age of criminal adult responsibility. Considering Miller v. Alabama to be instructive as to this factor, the [c]ourt notes that the two defendants in Miller, Jackson and Miller, were 14 years old at the time they committed the murders for which they were convicted. The [c]ourt therefore finds that defendant's age in this case does not carry significant mitigating weight.
2. Immaturity. The [c]ourt has considered defendant's immaturity and finds it is not significantly mitigating based on all of the evidence.

The [c]ourt notes that any juvenile by definition is going to be immature compared to an adult, but finds based on the evidence presented that defendant was of average maturity for his age, and finds there was no evidence presented of any specific immaturity particular to defendant that mitigated the culpability of his conduct in this case. The [c]ourt finds this factor does not carry significant mitigating weight.

3. Ability to appreciate the risks and consequences of the conduct. The [c]ourt has considered defendant's ability to appreciate the risks and consequences of his conduct and does not find this to be significant considering that not only was he an active participant in the murders, but he was also the only participant as he acted alone. He searched for a gun and when he finally got one, wasted no time in carrying out the murders with precision. Defendant intended to kill and did kill his grandparents. The [c]ourt also finds that defendant had a guilty-mind and knew right from wrong when he attempted to hide or destroy evidence (the grandfather's wallet and the rifle he used to kill his grandparents) that would inculcate him, when he tried to escape detection for these crimes by attempting to create an alibi, and when he lied over and over again about his actions and the murders in this case. Defendant knew the difference between right and wrong, and knew the nature and consequences of his actions and their wrongfulness. Defendant made his own choice to commit these murders. The [c]ourt finds this factor does not carry significant mitigating weight.

4. Intellectual capacity. The [c]ourt does not find this to be a mitigating factor based on the fact that defendant's IQ is in the low average range and did not mitigate the culpability of his conduct in this case.

5. Prior record. The [c]ourt finds that although defendant did not have any prior convictions, he engaged in criminal activity by possessing and using illegal drugs to some extent as a juvenile as set forth above in the findings although he was never charged with such a crime. Accordingly, the [c]ourt finds this factor is mitigating, but does not carry significant mitigating weight. The [c]ourt also finds that defendant again engaged in criminal activity later by committing perjury during his trial, but was never charged with such crime.

6. Mental health. The [c]ourt has considered all of the mental health reports and testimony in this case, and finds that nothing reduces his

culpability for his conduct in this case. Defendant knew exactly what he was doing and knew the difference between right and wrong. Defendant also knew the nature and consequences of his actions and their wrongfulness. The [c]ourt finds this factor does not carry significant mitigating weight.

7. Familial or peer pressure exerted upon defendant. As set forth above, defendant had a loving family and had a good family situation, and defendant loved his childhood and had no history of mental, physical, or sexual abuse. The [c]ourt finds that defendant had two parents who loved him, were present at this trial, supported him at his trial and even testified for him. Again, defendant was the shooter and the only shooter, and he acted alone in planning the murders, carrying out the murders and in trying to avoid detection after he committed the murders. The [c]ourt finds there was no familial or peer pressure exerted upon defendant to cause him to do any of these things. Defendant knew the difference between right and wrong, and knew the nature and consequences of his actions and their wrongfulness. Defendant made his own choice to commit these murders. The [c]ourt has carefully considered this fact and finds it does not carry any mitigating weight.

8. Likelihood that defendant would benefit from rehabilitation in confinement. The [c]ourt carefully considered the likelihood defendant would benefit from rehabilitation in confinement, including evidence that since he has been in prison he has completed numerous programs, he has supporters, and has helped others, is a very good dog trainer and has made friends. The [c]ourt also considered the fact that, before he ever went to prison, he also had supporters and friends, even close friends and a best friend.

The Court also considered that while incarcerated, defendant committed an infraction on or about 12 May 2011, when defendant was 31 years old. The [c]ourt appreciates and recognizes that defendant's infractions are low in number, but numbers alone without considering the facts of the entire case do not tell the entire story. In this infraction, defendant's allegations that he was assaulted by a staff member "were proven through an extensive investigation to be false[.]" and defendant ultimately pled guilty to False Allegations Against Staff. Defendant falsely accused the staff member of something the staff member did not do and could have resulted in criminal charges being filed against the staff member, just like when, on the Third occasion defendant gave

testimony, defendant falsely accused Jamie Southern and Rodney Miller of something they did not do and could have resulted in criminal charges being filed against them.

Moreover and even more concerning to the [c]ourt, defendant continues to lie about significant events in this case, about his grandfather sexually molesting his sister Jenny and about his drug use as set forth above. The [c]ourt finds that it is in defendant's nature to lie anywhere, anytime for any reason, and that he is a convenient liar to fit the exigencies of the moment. In short, the [c]ourt finds that his behavior has not changed, and that he continues to lie in an effort to get a favorable outcome in this case. Defendant continues to lie in an attempt to have his sentences changed from life without parole, to life with the possibility of parole. The [c]ourt has thoughtfully considered this factor and finds that it does not carry any mitigating weight.

9. Any other mitigating factor or circumstance. The [c]ourt has also carefully considered defendant's other requested mitigating factors set forth in defendant's exhibit # 17 and, considering all of the findings set forth above and below, and considering the totality of the facts and circumstances of this case, as well as the credible and believable evidence in this case, finds that they do not carry any mitigating weight.

Apart from challenging mitigating factor 8, defendant broadly argues the trial court's findings and conclusions were incorrect because he was rehabilitated. Defendant highlights the 78 other mitigating factors in his exhibit 17 to support his contention he was rehabilitated, and therefore, he is not one of the "rare" youths that is "permanently incorrigible." However, what defendant is challenging is the weight and credibility the trial court assigned to the mitigating factors.

Defendant disagrees with the trial court's conclusion and argues there needs to be exceptional circumstances for him to qualify as a "rare case" in which LWOP is proper. Despite defendant's contention, it is not a violation of his Eighth Amendment

rights for a trial court to weigh the mitigating factors differently than how defendant deems it best to weigh them. The trial court is a fact-finding court that sits in a unique position in which it judges the credibility and weight that should be given to the evidence submitted. *See Borlase*, 912 S.E.2d at 804–05; *see also Phelps v. Phelps*, 337 N.C. 344, 357 (1994). As an appellate Court, we are limited to the record submitted to us and will not presume the trial court erred. *Borlase*, 912 S.E.2d at 808. Further, our case law and precedent recognize this distinction and limit this Court on review. *Sims*, 912 S.E.2d at 780 (cleaned up) (“Our appellate courts will not reverse a discretionary sentence merely because the sentencer could have said more about mitigating circumstances. It is not the role of an appellate court to substitute its judgment for that of the sentencing judge.”).

Having reviewed the order and the trial court’s detailed findings and conclusions, we conclude the trial court did not abuse its discretion. “A trial court may be reversed for abuse of discretion only upon a showing that its ruling was manifestly unsupported by reason and could not have been the result of a reasoned decision.” *State v. McGrady*, 368 N.C. 880, 893 (2016) (cleaned up). Defendant may disagree with the weight and credibility given to defendant’s evidence, but the order reflects that the trial court did carefully consider all the evidence presented and ultimately concluded, “this case is not one of transient immaturity. Instead, the [court] [found] this is a rare case where defendant should be sentenced to life imprisonment without the possibility of parole.” Our Supreme Court recently

referred to *Jones* as support in its articulation that it is the express refusal by a trial court to consider a mitigating circumstance that yields a possible Eighth Amendment claim. *Borlase*, 912 S.E.2d at 806–07 (quoting *Jones*, 593 U.S. at 115 n.7). In the present case, the trial court expressly states in the order that it considered all the mitigating evidence and included findings in accordance with the statutory requirements. The trial court placed less weight on the mitigating circumstances than defendant did, but that is not equivalent to an abuse of discretion.

The Supreme Court of the United States, our Supreme Court, and our General Assembly have determined that by removing the mandatory sentencing of LWOP, requiring consideration of mitigating factors, and by placing discretion within the power of the trial court, it will result in fewer LWOP sentences for the transient immature juvenile. *See Borlase*, 912 S.E.2d at 803–04. Whether the current statutory sentencing structure and the current consideration of the mitigating factors ultimately have these anticipated results, is a question of policy that is not within our purview. The trial court complied with the statutory requirements for a resentencing hearing and did not abuse its discretion. We are limited to this conclusion.

D.

Finally, defendant argues his Eighth Amendment and Article I, § 27 rights were violated because the “*Miller*-fix” statutes lack a presumption against LWOP. Defendant claims he is launching an as-applied constitutional challenge because he

acknowledges our Supreme Court previously rejected a facial challenge to the “*Miller-fix*” statutes. *James*, 371 N.C. at 93–94. Yet the entirety of his argument is devoted to discussing how our statutes need a presumption against LWOP, and that this missing presumption relegated defendant to a LWOP sentence. Once again, our Courts have already settled that the statute “does not presume in favor of either potential sentence,” and therefore, “it satisfies the Eighth Amendment.” *Borlase*, 912 S.E.2d at 803–04. Accordingly, this argument is without merit.

III.

For the foregoing reasons, we determine the trial court did not abuse its discretion by resentencing defendant to life imprisonment without parole.

AFFIRMED.

Chief Judge DILLON and Judge TYSON concur.

Report per Rule 30(e).

APPENDIX C

Supreme Court of North Carolina

STATE OF NORTH CAROLINA

v

WILLIAM SHAUN WALKER

From N.C. Court of Appeals
(24-732)
From Stokes
(97CRS004409-840,97CRS004410-840,97CRS004411-840)
From N.C. Court of Appeals
(99-8)

ORDER OF THE COURT

Upon consideration of the petition filed on the 23rd day of September 2025 by Defendant in this matter for discretionary review of the decision of the North Carolina Court of Appeals pursuant to G.S. 7A-31, the following order was entered and is hereby certified to the North Carolina Court of Appeals:

Petition denied.

By order of the Court this the 28th day of January 2026.

WITNESS my hand and the seal of the Supreme Court of North Carolina, this the 2nd day of February 2026.



Grant E. Buckner
Clerk, Supreme Court of North Carolina


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

Copy to:

North Carolina Court of Appeals

Ms. Heidi Williams, Special Deputy Attorney General, For State of NC - (By Email)

Mr. David W. Andrews, Assistant Appellate Defender, For Walker, William Shaun - (By Email)

West Publishing - (By Email)

Lexis-Nexis - (By Email)

APPENDIX D

Supreme Court of North Carolina

STATE OF NORTH CAROLINA

v

WILLIAM SHAUN WALKER

From N.C. Court of Appeals
(24-732)
From Stokes
(97CRS004409-840,97CRS004410-840,97CRS004411-840)
From N.C. Court of Appeals
(99-8)

ORDER OF THE COURT

Upon consideration of the notice of appeal based on a substantial constitutional question filed by Defendant on the 23rd day of September 2025, and the motion to dismiss the appeal for lack of a substantial constitutional question filed by the State, the following order was entered and is hereby certified to the North Carolina Court of Appeals:

Appeal dismissed.

By order of the Court this the 28th day of January 2026.

WITNESS my hand and the seal of the Supreme Court of North Carolina, this the 2nd of February 2026.



Grant E. Buckner
Clerk, Supreme Court of North Carolina


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

Copy to:

North Carolina Court of Appeals

Ms. Heidi Williams, Special Deputy Attorney General, For State of NC - (By Email)

Mr. David W. Andrews, Assistant Appellate Defender, For Walker, William Shaun - (By Email)

West Publishing - (By Email)

Lexis-Nexis - (By Email)

APPENDIX E

**Supreme Court of the United States
Office of the Clerk
Washington, DC 20543-0001**

Scott S. Harris
Clerk of the Court
(202) 479-3011

April 15, 2026

Mr. David Wayne Andrews
Office of the Appellate Defender
123 W. Main Street. Suite 500
Durham, NC 27701

Re: William Shaun Walker
v. North Carolina
Application No. 25A1133

Dear Mr. Andrews:

The application for an extension of time within which to file a petition for a writ of certiorari in the above-entitled case has been presented to The Chief Justice, who on April 15, 2026, extended the time to and including June 27, 2026.

This letter has been sent to those designated on the attached notification list.

Sincerely,

Scott S. Harris, Clerk

by 

Rashonda Garner
Case Analyst

**Supreme Court of the United States
Office of the Clerk
Washington, DC 20543-0001**

Scott S. Harris
Clerk of the Court
(202) 479-3011

NOTIFICATION LIST

Mr. David Wayne Andrews
Office of the Appellate Defender
123 W. Main Street, Suite 500
Durham, NC 27701

Clerk
Court of Appeals of North Carolina
Post Office Box 2779
Raleigh, NC 27602