

SUPREME COURT OF NORTH CAROLINA

PETITIONS

11 APRIL 2013

005P13	State v. Nathaniel Canty	1. State's Motion for Temporary Stay (COA12-804) 2. State's Petition for <i>Writ of Supersedeas</i> 3. State's PDR Under N.C.G.S. § 7A-31	1. Allowed 01/07/13 ; Dissolved the Stay 04/11/13 2. Denied 3. Denied Beasley, J. Recused
006P13	State v. Garland Christopher Mitchell	1. Def's NOA Based Upon a Constitutional Question (COA12-499) 2. Def's PDR Under N.C.G.S. § 7A-31 3. State's Motion to Dismiss Appeal	1. - - - 2. Denied 3. Allowed Beasley, J., Recused

013P13	State v. Terrence Termaine Oakley	<p>1. Def's PDR Under N.C.G.S. § 7A-31 (COA12-325)</p> <p>2. State's Motion to Deem Response to PDR Timely Filed</p> <p>3. State's Motion to Amend Docket Sheet</p>	<p>1. Denied</p> <p>2. Allowed</p> <p>3. Dismissed as Moot</p> <p>Beasley, J., Recused</p>
015P13	State v. Wilfredo Moreno Moreno	<p>1. Def's NOA Based Upon a Constitutional Question (COA12-530)</p> <p>2. Def's PDR Under N.C.G.S. § 7A-31</p> <p>3. State's Motion to Dismiss Appeal</p>	<p>1. - - -</p> <p>2. Denied</p> <p>3. Allowed</p>
017P08-2	In re: Stanley Lorenzo Williams v. N.C. Court of Appeals, et al	Def's <i>Pro Se</i> Petition for <i>Writ of Mandamus</i>	Denied 03/12/13
023P13	State v. Eric L. Martinez	Def's <i>Pro Se</i> Motion for Petition of Actual Innocence of Being a Habitual Felon	Dismissed
028P13	In the Matter of: Theodore J. Williams	Def's <i>Pro Se</i> Motion for Petition for Appropriate Relief	Dismissed

039P13	James Arthur Smith, Employee v. Denross Contracting, U.S., Inc., Employer, Noninsured, Dennis Barrett, Individually, and the New York State Insurance Fund, Carrier; and Kapstone Kraft Paper, Employer, Sentry Insurance, Carrier	<p>1. Def's (New York State Ins. Fund) Motion for Temporary Stay (COA12-169)</p> <p>2. Def's (New York State Ins. Fund) Petition for <i>Writ of Supersedeas</i></p> <p>3. Def's (New York State Ins. Fund) PDR under N.C.G.S. § 7A-31</p>	<p>1. Allowed 01/23/13; Dissolved the Stay 04/11/13</p> <p>2. Denied</p> <p>3. Denied</p>
041P13	State v. Paul Stephen Glover, II	Def's PDR Under N.C.G.S. § 7A-31 (COA12-361)	Denied

044P13	Kay R. Hamilton, on behalf of herself and all others similarly situated v. Mortgage Information Services, Inc., and First American Title Insurance Company	<p>1. Def's Motion for Temporary Stay (COA12-584)</p> <p>2. Def's Petition for <i>Writ of Supersedeas</i></p> <p>3. Def's PDR Under N.C.G.S. § 7A-31</p> <p>4. Plt's Conditional PDR Under N.C.G.S. § 7A-31</p> <p>5. Plt's Conditional PWC to Review Order of Superior Court of Wake County</p>	<p>1. Allowed 01/22/13; Dissolved the Stay 04/11/13</p> <p>2. Denied</p> <p>3. Denied</p> <p>4. Dismissed as Moot</p> <p>5. Dismissed as Moot</p> <p>Beasley, J., Recused</p>
046P13	John B. Sollis v. Ronald A. Holman	Plt's PDR Under N.C.G.S. § 7A-31 (COA12-712)	Denied
050P13	State v. Jason Wright	Def's PDR Under N.C.G.S. § 7A-31 (COA12-633)	Denied Beasley, J., Recused
063P13	Alonza Herbert Ward, Jr. v. Laura Cuthrell Ward	Def's PDR Under N.C.G.S. § 7A-31 (COA12-844)	Denied
068P13	State v. Archie Edward Hoskins	Def's PDR Under N.C.G.S. § 7A-31 (COA12-799)	Denied

071A13	State v. Jimmy Ray Lemons	1. Def's NOA Based Upon a Constitutional Question (COA12-913) 2. State's Motion to Dismiss Appeal	1. - - - 2. Allowed
074P98-4	State v. William T. Barnes	1. Def's <i>Pro Se</i> PWC to Review Order of Superior Court of Rockingham County 2. Def's <i>Pro Se</i> Motion to Proceed in <i>Forma Pauperis</i> 3. Def's <i>Pro Se</i> Motion to Appoint Counsel	1. Denied 2. Allowed 3. Dismissed as Moot
077P13	State v. Jose DeJesus Santibanz	1. Def's NOA Based Upon a Constitutional Question (COA12-177) 2. Def's PDR Under N.C.G.S. § 7A-31 3. State's Motion to Dismiss Appeal	1. - - - 2. Denied 3. Allowed
078P13	State v. Robert Thompson Broom	Def's PDR Under N.C.G.S. § 7A-31 (COA12-209)	Denied
080A13	State v. Timothy Charles Wilkes	1. Def's NOA Based Upon a Dissent (COA12-387) 2. Def's PDR as to Additional Issues Under N.C.G.S. § 7A-31	1. - - - 2. Denied

081P13	State of N.C. ex rel. Utilities Commission; Public Staff – Utilities Commission, Intervenor v. Carolina Water Service, Inc. of North Carolina, Applicant and Charlotte-Mecklenburg Utilities, a Department of the City of Charlotte, Intervenor	<p>1. Applicant’s NOA Based Upon a Constitutional Question (COA12-475)</p> <p>2. Applicant’s PDR Under N.C.G.S. § 7A-31</p> <p>3. Intervenor’s (Public Staff) Motion to Dismiss Appeal</p>	<p>1. - - -</p> <p>2. Denied</p> <p>3. Allowed</p>
082P13	Michael McAdoo v. University of North Carolina at Chapel Hill; H. Holden Thorp, in his official capacity as Chancellor of the University of North Carolina at Chapel Hill; and National Collegiate Athletic Association	<p>1. Plt’s PDR Under N.C.G.S. § 7A-31 (COA12-256)</p> <p>2. Student Athlete Human Rights Project’s Motion for Leave to File <i>Amicus Curiae</i> Brief</p>	<p>1. Denied</p> <p>2. Dismissed as Moot</p>
083P13	Wake Med v. N.C. Department of Health and Human Services, Division of Health Service Regulation, Certificate of Need Section and Rex Hospital, Inc. d/b/a Rex Healthcare, Intervenor	<p>1. Petitioner’s PDR Under N.C.G.S. § 7A-31 (COA12-364)</p> <p>2. Respondent and Intervenor’s Conditional PDR Under N.C.G.S. § 7A-31</p> <p>3. Petitioner’s Motion to Withdraw PDR</p>	<p>1. Dismissed as Moot 03/28/13</p> <p>2. Dismissed as Moot 03/28/13</p> <p>3. Allowed 03/28/13</p>

084A02-2	State v. Clifford Miller	Def's PWC to Review Order of Onslow County Superior Court	Denied
086P13	State v. Michael Anthony Maberson	Def's PDR Under N.C.G.S. § 7A-31 (COA12-227)	Denied
087P13	State v. Douglas Edward Jackson	Def's PDR Under N.C.G.S. § 7A-31 (COA12-490)	Denied
088P13	State v. Luis Antonio Nunez Garcia	Def's <i>Pro Se</i> Motion to Request for Plea Transcripts (COA12-973)	Dismissed
094P13	State v. George Victor Stokes	1. State's Motion for Temporary Stay (COA12-810) 2. State's Petition for <i>Writ of Supersedeas</i> 3. State's PDR Under N.C.G.S. § 7A-31	1. Allowed 02/25/13 ; Dissolved the Stay 04/11/13 2. See Special Order 3. See Special Order
102P13	State v. Charles Anthony Ball	1. Def's <i>Pro Se</i> PDR Under N.C.G.S. § 7A-31 (COA12-610) 2. Def's <i>Pro Se</i> Motion to Proceed in <i>Forma Pauperis</i> 3. Def's <i>Pro Se</i> Motion to Appoint Counsel	1. Denied 2. Allowed 3. Dismissed as Moot Beasley, J., Recused

105P13	State v. Travis Lavern Jackson	Def's <i>Pro Se</i> Motion for NOA (COAP13-100)	Dismissed
106P13	Nancy Holloway, Employee v. CV Industries, Inc., Employer Aegis Administrative Services, TPA, Carrier	Defs' PDR Under N.C.G.S. § 7A-31 (COA12-868)	Denied
107P13	Wendell Auto Brokers, Inc. v. A&S Collection Associates, Inc.	Def's PWC to Review Order of COA (COA12-1445)	Denied
107P98-3	State v. Randolph Wilson	Def's <i>Pro Se</i> Motion for NOA	Dismissed
108P13	JCS Financial Services, L.L.C. v. A&S Collection Associates, Inc.	Def's PWC to Review Order of COA (COA12-446)	Denied
113P13	State v. James Deonte McGirt	Def's <i>Pro Se</i> Motion for Petition for Writ of Actual Innocence	Dismissed
124P13	State v. Acie Terry Moore	Def's PDR Under N.C.G.S. § 7A-31 (COA12-365)	Denied

125P13	State v. Tony Memije	<p>1. Def's NOA Based Upon a Constitutional Question (COA12-263)</p> <p>2. Def's PDR Under N.C.G.S. § 7A-31</p> <p>3. State's Motion to Dismiss Appeal</p>	<p>1. - - -</p> <p>2. Denied</p> <p>3. Allowed</p>
134A11-2	State v. Eugene Tate Hill	<p>1. Def's <i>Pro Se</i> Motion for PDR (COAP12-1031)</p> <p>2. Def's <i>Pro Se</i> Motion to Proceed in <i>Forma Pauperis</i></p> <p>3. Def's <i>Pro Se</i> Motion to Appoint Counsel</p>	<p>1. Dismissed</p> <p>2. Allowed</p> <p>3. Dismissed as Moot</p> <p>Beasley, J., Recused</p>
134P13	State v. Maurice L. Bigelow	Def's <i>Pro Se</i> Motion for Petition for <i>Writ of Habeas Corpus</i> (COAP12-998)	Denied 03/15/13
140P13	In the Matter of: B.C.V., A Minor Child	Respondent-Father's <i>Pro Se</i> PDR Under N.C.G.S. § 7A-31 (COA12-914)	Denied

156A13	Paul E. Walters v. Roy A. Cooper, III, in his official capacity as Attorney General for the State of N.C.	<p>1. Def's NOA (Dissent)</p> <p>2. Def's Motion for Temporary Stay</p> <p>3. Def's Petition for <i>Writ of Supersedeas</i></p>	<p>1. - - -</p> <p>2. Allowed 04/03/13</p> <p>3. Allowed 04/03/13</p>
161P13	James Yingling, Employee v. Bank of America, Employer, Self-Insured (Gallagher Basset Services, Inc., Servicing Agent)	<p>1. Def's Motion for Temporary Stay</p> <p>2. Defendant's Petition for Writ of <i>Supersedeas</i></p>	Allowed 04/10/13
171P11-2	State v. Sidney Evans, III	Def's <i>Pro Se</i> PWC to Review Order of COA (COAP13-149)	Denied

181P10-2	Brian Z. France v. Megan P. France	<p>1. Plt's Motion for Temporary Stay (COA12-284)</p> <p>2. Plt's Petition for <i>Writ of Supersedeas</i></p> <p>3. Plt's NOA Based Upon a Constitutional Issue</p> <p>4. Plt's PDR Under N.C.G.S. § 7A-31</p> <p>5. Def's Motion to Dismiss Appeal</p> <p>6. Charlotte Observer and WCNC-TV's Motion to Dismiss Appeal</p> <hr/> <p>1. Motion for Admission of John E. Stephenson, Jr. <i>Pro Hac Vice</i></p> <p>2. Motion for Admission of Jeffrey J. Swart <i>Pro Hac Vice</i></p>	<p>1. Allowed 01/14/13; Dissolved the Stay 04/11/13</p> <p>2. Denied</p> <p>3. - - -</p> <p>4. Denied</p> <p>5. Allowed</p> <p>6. Dismissed as Moot</p> <p>1. Allowed 01/14/13</p> <p>2. Allowed 01/14/13</p> <p>Beasley, J., Recused</p>
196P12-2	State v. Allan Comeaux	Def's PDR Under N.C.G.S. § 7A-31 (COA11-1289)	Denied

243PA12	The North Carolina Farm Bureau Mutual Insurance Company v. Cully's Motorcross Park, Inc. and Laurie Volpe	Plt's Motion for Leave to File New Reply Brief	Allowed 03/26/13
249P11-3	State v. Bobby R. Grady	Def's <i>Pro Se</i> PWC to Review Order of Superior Court of Wayne County	Denied 03/15/13
328A11	State v. Tony Savalis Summers	Attorney Jonathan Broun's Motion to Withdraw and Authorize the OAD to Appoint Substitute Counsel	Allowed 03/20/13
329P10-2	State v. Ralph Wilson	1. Def's <i>Pro Se</i> PWC to Review Order of Superior Court of Iredell County 2. Def's <i>Pro Se</i> Motion to Appoint Counsel	1. Dismissed 2. Dismissed as Moot
360A09	State v. Hasson Jamaal Bacoti	Attorney Jonathan E. Broun's Motion to Withdraw and Authorize OAD to Appoint Substitute Counsel	Allowed 03/20/13
360A12	Cedar Greene, LLC and O'Leary Group Waste Systems, LLC v. City of Charlotte	1. Def's Motion to Dismiss Appeal (COA12-212) 2. Def's Motion to Consider New Brief as Timely	1. Denied 2. Allowed

365A12	James W. Prouse and Carol D. Prouse v. Bituminous Casualty Corporation and State Farm Mutual Automobile Insurance Company	Def's Motion to Strike Memorandum of Additional Authority	Dismissed as Moot
397PA11-2	State v. Andrew Jackson Oates	<p>1. Def's NOA Based Upon a Constitutional Question (COA10-725-2)</p> <p>2. Def's PDR Under N.C.G.S. § 7A-31</p> <p>3. State's Motion to Dismiss Appeal</p>	<p>1. - - -</p> <p>2. Denied</p> <p>3. Allowed</p> <p>Beasley, J., Recused</p>
411A94-5	State v. Marcus Raymond Robinson	State's PWC to Review the Order of Cumberland County Superior County	See Special Order

415P12	Amos Tyndall, As Guardian <i>ad Litem</i> for Che-Val Batts v. Ford Motor Company and Alejandro Ortiz Rios	<p>1. Def's (Ford Motor Company) PWC to Review Order of COA (COA12-321)</p> <p>2. N.C. Association of Defense Attorneys and N.C. Chamber's Motion for Leave to File <i>Amicus</i> Brief</p> <p>3. Def's (Ford Motor Company) Motion to Admit Robert L. Wise <i>Pro Hac Vice</i></p>	<p>1. Allowed</p> <p>2. Allowed</p> <p>3. Allowed</p> <p>Beasley, J., Recused</p>
449P12	Charles Lester Thorpe and Mary Louise Thorpe, Administrators of the Estate of Charles Leamon Thorpe v. TJM Ocean Isle Partners, LLC; Coastal Structures Corporation; Coastal Carolina Construction and Development, Inc.; and Development, Inc.; and Unidentified Vessel	Plts' PDR Under N.C.G.S. § 7A-31 (COA12-99-2)	Denied

450P10-2	State v. Matthew Edward McCormick	<p>1. Def's <i>Pro Se</i> PWC to Review the Order of Guilford County Superior Court</p> <p>2. Def's <i>Pro Se</i> Motion to Proceed in <i>Forma Pauperis</i></p> <p>3. Def's <i>Pro Se</i> Motion to Appoint Counsel</p>	<p>1. Dismissed</p> <p>2. Allowed</p> <p>3. Dismissed as Moot</p>
469P12	State v. James Calvin Boyd	<p>1. Def's NOA Based on a Constitutional Question (COA12-75)</p> <p>2. Def's PDR Under N.C.G.S. § 7A-31</p> <p>3. State's Motion to Dismiss Appeal</p> <p>4. State's Motion to Deem Response to NOA and PDR Timely Filed</p>	<p>1. Dismissed <i>Ex Mero Motu</i></p> <p>2. Denied</p> <p>3. Dismissed</p> <p>4. Dismissed</p>
474P12	Kenneth B. Darty v. Timothy George Kohuth	<p>1. Def's <i>Pro Se</i> Motion for NOA (COA12-705)</p> <p>2. Def's <i>Pro Se</i> Motion for PDR</p>	<p>1. Dismissed <i>Ex Mero Motu</i></p> <p>2. Denied</p>
489P12	State v. Ramone Dangelo Cunningham	Def's <i>Pro Se</i> PDR Under N.C.G.S. § 7A-31 (COA12-23)	<p>Denied</p> <p>Beasley, J., Recused</p>
490P12	Corria Thompson v. Charlotte-Mecklenburg Board of Education	Plt's PDR Under N.C.G.S. § 7A-31 (COA12-93)	Denied

506P12	State v. Jonathan Russ Minton	Def's PDR Under N.C.G.S. § 7A-31 (COA12-243)	Denied
513P12	Michael Joseph Allender, Employee v. Starr Electric Company, Inc., Employer; General Casualty Insurance Company, Carrier	1. Plt's PDR Under N.C.G.S. § 7A-31 (COA12-349) 2. Plt's Motion to Stay Consideration of PDR	1. Denied 2. Denied 01/09/13
519P12	In the Matter of: E.S.P. and M.N.P.	1. Respondent-Father's PDR Under N.C.G.S. § 7A-31 (COA12-357) 2. Respondent-Father's Motion to Deem Timely the PDR 3. Respondent-Father's Petition in the Alternative For <i>Writ of Certiorari</i> to Review Decision of COA	1. Dismissed 2. Denied 3. Denied Beasley, J., Recused
523P06-6	Freeman Hankins v. Jon David, et al, Brunswick County D.A. Officials	Def's <i>Pro Se</i> Petition for Writ of Mandamus (COAP11-594)	Dismissed

526P12	State v. Jonathan Douglas Richardson	1. Def's PWC to Review Order of Superior Court of Johnston County 2. State's Motion for Extension of Time Within Which to File Response to PWC	1. Denied 2. Allowed
529P12	State v. William Ronnie Barnett	Def's PDR Under N.C.G.S. § 7A-31 (COA12-381)	Denied Beasley, J., Recused

531P12	In the Matter of Complaints Against Officials of Kill Devil Hills Police Department	<p>1. Judge Tillett's PDR Under N.C.G.S. § 7A-31 (COA12-398)</p> <p>2. Judge Tillett's Petition in the Alternative for <i>Writ of Certiorari</i> to Review Decision of COA</p> <p>3. Judge Tillett's Motion for Leave to File a Reply to Response to PDR and Alternative <i>Writ of Certiorari</i></p> <p>4. Town of Kill Devil Hills Motion to Strike the Reply Filed as an Exhibit to Judge Tillett's Motion</p> <p>5. Judge Tillett's Motion for Withdrawal of PDR and Alternative <i>Writ of Certiorari</i></p>	<p>1. - - -</p> <p>2. - - -</p> <p>3. - - -</p> <p>4. - - -</p> <p>5. Allowed 03/12/13</p>
576P07-2	State v. Moses Leon Faison	Def's <i>Pro Se</i> Motion for Petition for Actual Innocence of First Degree Murder	Dismissed