

SUPREME COURT OF NORTH CAROLINA

PETITIONS

Decided by the Court in Conference: 4 May 2005

{Posted on the Internet Web Site: 5 May 2005 at 3:10 p.m.}

[Link to WordPerfect version of this list](#)

COMMON ABBREVIATIONS

Abbreviation	Full Term
PWC	Petition for Writ of Certiorari
MAR	Motion for Appropriate Relief
COA	North Carolina Court of Appeals
MTS	Motion for Temporary Stay
Def	Defendant
NOA	Notice of Appeal
Plt	Plaintiff
PDR	Petition for Discretionary Review
Cert	Certiorari
AG	Attorney General

004P05	Ruth Holroyd v. Montgomery County; The Montgomery County Department of Social Services; Brady Dickson; Ted Blake; R.C. Bostic; Rick Harris; Fairley McCallum; and Lois Ray	1. Plt-Appellant's PDR Under N.C.G.S. § 7A-31(c) (COA03-1472) 2. Plt-Appellant's Alternative Petition for Writ of Certiorari	1. Denied 2. Denied
016P05	State v. Jason Christopher Walker, Emil E. Browning, Jr., and Javier A. Hernandez, Jr.	1. Def's (Emil E. Browning, Jr.) NOA Based Upon a Constitutional Question (COA03-1426) 2. Def's (Emil E. Browning, Jr.) PDR Under N.C.G.S. § 7A-31	1. Dismissed ex mero motu 2. Denied
026A05-2	State v. Derrick J. Bailey	1. Def's <i>Pro Se</i> Motion for "Writ of Error"	1. Dismissed

		2. Def's <i>Pro Se</i> Notice for a "Writ of Error"	2. Dismissed
028P05-2	State v. Aaron Richard Estes	Def's <i>Pro Se</i> PWC to Review the Order of the Cabarrus County Superior Court	Dismissed
037P05	In Re: N.A.B., A Juvenile	1. Respondent's PWC to Review the Decision of the COA (COA03-1707) 2. Motion by Guardian ad Litem Attorney for Extension of Time to File Response to PWC	1. Denied 2. Allowed 02/01/05
038P05	C.F. Little Development Corporation v. N.C. Gas Corp.	Def's PDR Under N.C.G.S. § 7A-31 (COA03-1383)	Denied
039P04-2	State v. John Edward McCollum	Def's <i>Pro Se</i> PWC to Review Decision of COA (COA03-63)	Denied
053P05	State v. Ronald Rashone Hobbs	1. Def's NOA Based Upon a Constitutional Question (COA04-507) 2. Def's PDR Under N.C.G.S. § 7A- 31 3. AG's Motion to Dismiss	1. --- 2. Denied 3. Allowed
054P03-3	State v. Richard Wayne Vassey	Def's <i>Pro Se</i> PDR (COAP05-15)	Dismissed
058A02-3	State v. Travis Levance Walters	Def's Motion to Vacate Death Sentence	See Special Order
063P05	Walter Miller v. Terrence Ray Lillich and Cynthia Jane Lillich, Individually and as Guardian for R.L., a minor	Def's PDR Under N.C.G.S. § 7A-31 (COA04-185)	Denied

075A05	Reginald Newburne v. Crime Control and Public Safety, et al.	Motion by NCACC to be Allowed to Participate in Oral Argument	Allowed 04/26/05
087A04-2	State v. Anthony Lambert	1. Def's <i>Pro Se</i> Motion for NOA N.C.G.S. § 7A-31(1) (COA04-1589) 2. Def's <i>Pro Se</i> PDR Under N.C.G.S. § 7A-31 3. Def's <i>Pro Se</i> MAR	1. Dismissed 2. Dismissed 3. Dismissed
095PA04	State v. Monica D. Branch	AG's Motion to Stay Mandate to Reconsider, or to Remand to Court of Appeals	Denied 04/26/05
101P05	State v. Deshune Ronrices Bennett	1. Def's NOA Based Upon a Constitutional Question (COA04-214) 2. Def's PDR Under N.C.G.S. § 7A- 31 3. AG's Motion to Dismiss Appeal	1. --- 2. Denied 3. Allowed
104P05	Phillip Michael Stroupe v. State of N.C.	Plt's <i>Pro Se</i> PDR Under N.C.G.S. § 7A-31 (COAP05-23)	Denied
117P05	Estate of Worth Apple, on behalf of Worth Apple, Deceased Employee, and Bessie Hutchins Apple, Widow of Worth Apple, Deceased Employee v. Commercial Courier Express, Inc., Employer Michigan Mutual Insurance Company	1. Plt's PDR Under N.C.G.S. § 7A-31 (COA03-850-2) 2. Defs' Conditional PDR Under N.C.G.S. § 7A-31	1. Denied 2. Dismissed as moot
130P05	State v. Brandon Jones	Def's PDR Under N.C.G.S. § 7A-31 (COA04-908)	Denied

136P05	State v. Albert Theodore Bacon	Def's PDR Under N.C.G.S. § 7A-31 (COA04-617)	Denied
138P05	Jarvis Lassiter, Plaintiff v. C.L. Cohn (in her official capacity as police officer for the city of Durham), and City of Durham, Defendants/Third Party Plaintiffs v. Patricia Theisen, Third-Party Defendant	Plt's PDR Under N.C.G.S. § 7A-31 (COA04-672)	Denied
157P05	State v. Duane Andre Harvin	1. Def's NOA Based Upon a Constitutional Question (COA04-226) 2. Def's PDR Under N.C.G.S. § 7A- 31	1. Dismissed ex mero motu 2. Denied
160P05	State v. Dwayne Mitchell Burns	1. Def's NOA Based Upon a Constitutional Question (COA03- 1474) 2. Def's PDR Under N.C.G.S. § 7A- 31 3. AG's Motion to Dismiss Appeal	1. --- 2. Denied 3. Allowed
161P05	State v. Eric Scott Gladden	1. Def's NOA Based Upon a Constitutional Question (COA03- 1581) 2. Def's Alternative PDR Under N.C.G.S. § 7A-31 3. AG's Motion to Dismiss Appeal	1. --- 2. Denied 3. Allowed
163P05	In the Matter of : M.I.V., D.C.B., J.T.B.	Respondent's <i>Pro Se</i> PDR Under N.C.G.S. § 7A-31 (COA04-320)	Denied
165P05	State v. Harry Wood	Def's PDR Under N.C.G.S. § 7A-31 (COA04-526)	Denied

167P05	State v. Patrick Ricardo Smith	<p>1. Def's NOA Based Upon a Constitutional Question (COA03- 1700)</p> <p>2. Def's PDR</p> <p>3. AG's Motion to Dismiss Appeal</p>	<p>1. ---</p> <p>2. Denied</p> <p>3. Allowed</p>
169P05	State v. Anthony E. Wilkins	Def's <i>Pro Se</i> PWC to Review the Order of Beaufort County Superior Court	Dismissed
170P05	State v. James D. Nichols	<p>1. Def's <i>Pro Se</i> Motion for NOA</p> <p>2. Def's <i>Pro Se</i> Motion for Evidentiary Hearing and to Appoint Counsel</p>	<p>1. Dismissed</p> <p>2. Dismissed</p>
173P05	State v. Donald Wayne Mims	Def's <i>Pro Se</i> PWC to Review Order of Wake County Superior Court	Dismissed
176P05	Angel J. Miyares v. Forsyth County Department of Public Health, et al.	Plt's PDR Under N.C.G.S. § 7A-31 (COA04-249)	Denied
178P05	State v. Otis Tremaine Hightower	Def's PDR Under N.C.G.S. § & 7A- 31	Denied
179P05	In the Matter of: K.B.B. and K.A.B.	<p>1. Respondent's (Shannon B.) PDR Under N.C.G.S. § 7A-31 (COA04- 179)</p> <p>2. Petitioner's (Guilford Co. DSS) Motion to Dismiss PDR</p> <p>3. Respondent's (Mother, Shannon B.) Motion for Temporary Stay</p>	<p>1. Denied</p> <p>2. Dismissed as moot</p> <p>3. Denied 04/28/05</p> <p>4. Denied</p>

		4. Respondent's (Mother, Shannon B.) Petition for Writ of Supersedeas	
180P05	State v. Glen Franklin Setzer	Def's PDR Under N.C.G.S. § 7A-31 (COA04-323)	Denied
182P05	State v. Thomas Wesley Wheeler	Def's PDR Under N.C.G.S. § 7A-31 (COA04-65)	Denied
184P05	State v. Telly S. Coleman	Def's <i>Pro Se</i> PWC to Review Order of COA (COAP05-75)	Dismissed
185P05	State v. Erwin L. Streater	Def's <i>Pro Se</i> Motion for PDR	Dismissed
188P05	In the Matter of: V.L.B.	Respondent's (Father) PDR Under N.C.G.S. § 7A-31 (COA04-219)	Denied
192A04	State v. David Franklin Hurt	1. AG's Motion for Extension of Time to File Response to Motion for Appropriate Relief 2. Def's Motion for Appropriate Relief	1. Allowed 03/04/05 2. See Special Order 03/04/05
194P05	State v. Ronald Jerome Gause	Def's <i>Pro Se</i> PDR (COA05-221)	Dismissed
196P05	State v. John Lucky Adams	Def's <i>Pro Se</i> PDR (COA04-616)	Denied
197P05	Donald Claude Friend v. State of N.C.	Plt's PDR Under N.C.G.S. § 7A-31 (COA04-570)	Denied
198P05	State v. David Love	Def's <i>Pro Se</i> Petition for Writ of Certiorari to Review the Order of Mecklenburg County Superior Court	Dismissed
199P05	State v. Patrick Jerome Arrington	Def's <i>Pro Se</i> PWC to Review Order of Nash County Superior Court	Dismissed
203P05	State v. William Derbeck	Def's Motion for Production of Stenographic	Dismissed

		and Audio Recordings of Trial Proceedings	
211P05	Sheila Ashford, Employee, Plaintiff v. Wal-Mart, Employer and American Home Assurance, Carrier Defendant	Plt's <i>Pro Se</i> Motion for "Appeal Notice of Petition for Rehearing"	Dismissed
216P05	State v. Eugenio Duquesne	1. Def's <i>Pro Se</i> PWC to Review the Order of Wake County Superior Court 2. Def's <i>Pro Se</i> Motion to Proceed <i>In Forma Pauperis</i> 3. Def's <i>Pro Se</i> Motion for Evidentiary Hearing 4. Def's <i>Pro Se</i> Motion for Request of Medical Records	1. Dismissed 2. Allowed 3. Denied 4. Denied
222P05	Istivan C. Douglas v. Michael F. Easley, et al.	1. Plt's <i>Pro Se</i> Motion for Sentence Reduction Credits, Pursuant to N.C.G.S. § 7A-245(A) (2), N.C.G.S. § 15A-1355(d) (2001) 2. Plt's Petition to Proceed <i>In Forma Pauperis</i>	1. Dismissed 2. Allowed
227P05	Roger Carl Berry, Petitioner v. Theodis Beck, Secretary of Prison, Respondent	Petition for Writ of <i>Habeas Corpus</i>	Denied 05/03/05 Brady, J. Recused
270A04	State v. Willie Forrest, III	Amicus Curiae's Motion for Permission to Participate in Oral Argument	Allowed 04/15/05
310A04	In the Matter of: T.D.P.	Respondent's Motion to Strike	Dismissed as moot

347A95-3	State v. Earl Richmond, Jr.	Def's PWC and Application for Stay of Execution	Denied
416A04	Wendy Whitt v. Harris Teeter, Inc. and Randy Shultz	<p>1. Def's (Harris Teeter) NOA Based on a Dissent</p> <p>2. Def's (Harris Teeter) PDR as to Additional Issues (COA03-335)</p> <p>3. Plt's Motion to Strike Defendant- Appellant's Reply Brief</p> <p>4. Plt's Motion to Withdraw Plaintiff- Appellee's Motion to Strike Defendant Appellant's Reply Brief</p>	<p>1. ---</p> <p>2. Denied 10/06/04</p> <p>3. ---</p> <p>4. Allowed</p>
428PA04	In Re: A.N.B.	Respondent's Motion to Dismiss Appeal and Motion to Strike Brief and Appendix	Allowed 04/21/05
474P04	State v. Carlos Antonia Lawson	Def's <i>Pro Se</i> PWC to Review the Order of Superior Court	Dismissed
484P04	State v. Timothy Jevon Massey	Def's <i>Pro Se</i> PWC to Review the Order of Superior Court	Dismissed
502P04	O & M Industries v. Smith Engineering Co., a/k/a Smith Environmental Corp.; Kurz Transfer Products, L.P.; Kurz and Partners, L.P.	<p>1. Plt's NOA Based Upon a Constitutional Question (COA03-432)</p> <p>2. Plt's PDR Under N.C.G.S. § 7A-31</p> <p>3. Plt's PWC to Review the Decision of the COA</p> <p>4. Def's (Kurz Transfer Products) Conditional PDR Under N.C.G.S. § 7A-31</p>	<p>1. Dismissed ex mero motu</p> <p>2. Allowed</p> <p>3. Dismissed as moot</p>

			4. Denied
503P04	April Dawn Gilbert, et al v. HPS Real Estate, Inc., et al.	Plt's PWC to Review the Order of the COA (COA04-974)	Denied
514P04	Roy Ronald Hensley v. Industrial Maintenance Overflow and PMA Insurance Group	1. Def's PDR Under N.C.G.S. § 7A- 31 (COA03-1140) 2. Plt's Motion to Dismiss Defendant- Appellant's PDR	1. Denied 2. Dismissed as moot
519P04	Sammie E. Williams and Williams Seafood, Inc. v. N.C. Dept. of Environment and Natural Resources, Division of Coastal Management and N.C. Coastal Resources Commission	Petitioner's PDR Under N.C.G.S. § 7A-31 (COA03-595)	Denied
531P04	State v. William Odell Paul	Def's PDR Under N.C.G.S. § 7A-31 (COA03-1178)	Denied
536P00-2	State v. Terrance L. James	1. Def's <i>Pro Se</i> PWC to Review the Order of the Superior Court 2. Def's <i>Pro Se</i> Motion to Proceed <i>In Forma Pauperis</i>	1. Dismissed 2. Allowed
538P04	State v. Tahashi Tarine Matthews	Def's <i>Pro Se</i> PDR Under N.C.G.S. § 7A-31(c) (COA03-1354)	Denied
544P04	State v. Bertram Norman McEliney	1. Def's <i>Pro Se</i> PWC to Review the Order of the COA (COAP02-158) 2. Def's <i>Pro Se</i> Motion to Proceed <i>In Forma Pauperis</i>	1. Denied 2. Allowed 3. Allowed

		<p>3. Def's <i>Pro Se</i> Motion to Amend PWC</p> <p>4. Def's <i>Pro Se</i> Motion to Proceed <i>In Forma Pauperis</i></p> <p>5. Def's <i>Pro Se</i> PWC or Mandamus</p>	<p>4. Allowed</p> <p>5. Denied</p>
554P04	State v. Benjamin Cole	Def's <i>Pro Se</i> PWC	Dismissed
569P04	Linda E. Shoffner, Employee, Plt. v. Wal-Mart Stores, Inc., Employer and Insurance Company of the State of Pennsylvania, Carrier, Defendants	Def's PDR Under N.C.G.S. § 7A-31 (COA03-116)	Denied
572P04	State v. Durland Parrish	Def's <i>Pro Se</i> PDR Under N.C.G.S. § 7A-31(COA03-1638)	Denied
574P04	George S. Georgy, and wife, Iris A. Georgy v. Shenouda S. Abdel- Malak and wife, Shahla M. Abdel- Malak	<p>1. Def's PDR Under N.C.G.S. § 7A- 31 (COA04-1260)</p> <p>2. Def's Motion for Reconsideration</p>	<p>1. Denied 02/03/03</p> <p>2. Dismissed</p>
575P04	Dorothy Zellers v. April N. McNair and Transit Management of Charlotte, Inc.	Plt's PDR Under N.C.G.S. § 7A-31 (COA03-1429)	Denied
581P04	State v.Darrich Lamonte King	<p>1. Def's <i>Pro Se</i> Motion for NOA (COAP02-497)</p> <p>2. Def's <i>Pro Se</i> Motion for Discretionary Review Pursuant to N.C.G.S. § 7A-31</p> <p>3. Def's <i>Pro Se</i> Motion to Proceed <i>In Forma Pauperis</i></p>	<p>1. Dismissed</p> <p>2. Denied</p> <p>3. Allowed</p> <p>4. Denied</p>

		<p>4. Def's <i>Pro Se</i> Motion for Relief</p> <p>5. Def's <i>Pro Se</i> Request for Ruling</p> <p>6. Def's <i>Pro Se</i> Motion for Preliminary Questions</p> <p>7. Def's <i>Pro Se</i> Motion for Sufficiency Evidence</p>	<p>5. Dismissed as moot</p> <p>6. Dismissed</p> <p>7. Dismissed</p>
597P04	State v. Dallas Eugene Clark	Def's <i>Pro Se</i> PWC to Review Decision of COA (COA03-1678)	Denied
598P04	In Re: T.B. (Appealed by Tamiaka M.)	Petitioner's PDR Under N.C.G.S. § 7A-31 (COA03-1530)	Allowed
599P04	State v. Derrick Dewayne Byers	Def's PWC to Review Decision of COA (COA04-84)	Denied
602PA04-2	William James, et al. v. Gary Bartlett, et al. and June S. Atkinson and W. Britt Cobb In Re Election Protest of Bill Fletcher; In Re Election Protest of Dr. Trudy Wade	<p>1. Plaintiff-Appellants' Motion for Reconsideration</p> <p>2. Plaintiff-Appellants' Motion to Suspend the Rules to Expand Time to Allow Reconsideration</p>	<p>1. Denied</p> <p>2. Denied</p> <p>Parker, J. and Edmunds, J. Recused</p>
602PA04-3	William James, an elector, for himself and others similarly situated; et al. v. Gary O. Bartlett, as Executive Director of the N.C. State Board of Education; et al.	Plt's Petition for Writ of Mandamus	<p>Dismissed 04/28/05</p> <p>Parker, J. and Edmunds, J. Recused</p>
605P04	State v. William D. Sinclair	Def's <i>Pro Se</i> PWC to Review Order of COA (COAP03-953)	Dismissed

613A04	State v. Shawn Deneil Leach	1. Def's NOA Based Upon a Constitutional Question (COA03- 1308) 2. AG's Motion to Dismiss Appeal	1. --- 2. Allowed
629P04-3	State v. Joseph Marion Head	Def's <i>Pro Se</i> Motion for the Relief Asked for and Demanded Within the State and Federal Prison and Court Records and etc. Records Relating Thereto. Based on the Asserted Within Said Records	Dismissed
638P04	State v. Ernest Ellis	1. AG's Motion for Temporary Stay 2. AG's Petition for Writ of Supersedeas (COA03-1065) 3. AG's PDR Under N.C.G.S. § 7A- 31 4. Def's Motion for Extension of Time to Respond to State's PDR	1. Allowed 12/23/04 2. Allowed 3. Allowed 4. Allowed 01/03/05
639P04	State v. William Thomas Brewer	Def's <i>Pro Se</i> PWC to Review Order of Superior Court	Dismissed