

SUPREME COURT OF NORTH CAROLINA

PETITIONS

Decided by the Court in Conference: 6 May 2004

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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

007P04	State v. Howard Thomas Ogles	Def's PDR Under N.C.G.S. § 7A-31 (COA03-83)	Denied
010A94-5	State v. George Earl Goode, Jr.	1. Def's Motion for Stay 2. Def's Petition for Writ of Supersedeas	1. Denied 04/21/04 2. Denied 04/21/04
014P04	State v. Darrick Lamonte King	1. Def's <i>Pro Se</i> PWC to Review the Order of the Superior Court	1. Dismissed 2. Allowed

		2. Def's <i>Pro Se</i> Motion to Proceed <i>In Forma Pauperis</i>	
018P04	State v. Anthony Loan Jones	1. Def's NOA Based Upon a Constitutional Question (COA02-1739) 2. Def's PDR Under N.C.G.S. § 7A-31 3. State's Motion to Dismiss Appeal	1. - - - 2. Denied 3. Allowed
021P04	University of North Carolina at Chapel Hill, Petitioner v. Martin Feinstein, Respondent <hr/> University of North Carolina at Chapel Hill, Petitioner v. Howard Gorman, Respondent <hr/> North Carolina State University, Petitioner v. Pearl A. Wilkins, Respondent	1. Respondent's (Martin Feinstein) <i>Pro Se</i> PDR Under N.C.G.S. § 7A-31 (COA03-225) 2. Respondents' (Howard Gorman and Pearl A. Wilkins) PDR Under N.C.G.S. § 7A-31	1. Denied 2. Denied
023P04	State v. Michael Lamont Mack	Def's PDR Under N.C.G.S. § 7A-31 (COA03-176)	Denied Orr, J., recused
032P04	State v. Rudolph Jerome Williams	Def's PDR Under N.C.G.S. § 7A-31 (COA02-1508)	Denied
038P04	Katrina Letress Griffis v. Patricia Joyce Lazarovich, John Edward Lazarovich and Cassandra Michelle Leak	Plt's PDR Under N.C.G.S. § 7A-31 (COA03-181)	Denied

039P04	State v. John Edward McCollum	Def's PDR Under N.C.G.S. § 7A-31 (COA03-63)	Denied
048P04	Lorraine Keener, William McMillen and wife, Mildred McMillen, Fred Forsyth and wife, Teddy Forsyth, Frank Dawson and wife, Penelope L. Dawson, Jimmy Goodman, and Jane Moore v. William Arnold and wife, Sharon Arnold	Plts' PDR Under N.C.G.S. § 7A-31 (COA02-145)	Denied
056P04	Eddie Taylor Knott, Lee Edward Knott, and Henry Knott, II v. Dixie-Denning Supply Company	Plts' PDR Under N.C.G.S. § 7A-31 (COA03-159)	Denied
059P04	Gwendolyn W. Phillips v. Marilyn Owenby Ledford, and George Richard Owenby, as Co-Administrators of the Estate of Benjamin Jay Owenby, et al.	1. Plt's NOA Based Upon a Constitutional Question (COA02-1605) 2. Plt's PDR Under N.C.G.S. § 7A-31	1. Dismissed <i>ex mero motu</i> 2. Denied
063P04	State v. Melissa Yvette Snow	Def's PDR Under N.C.G.S. § 7A-31 (COA03-28)	Denied Orr, J., recused
065P04	State v. Edward Anderson	Def's <i>Pro Se</i> PDR Under N.C.G.S. § 7A-31 (COA03-544)	Denied
067P04	Vivica McIntyre, Petitioner v. Forsyth County Department of Social Services, Respondent	Petitioner's (Robert Winfrey) PDR Under N.C.G.S. § 7A-31 (COA02-1301)	Denied
074P04	Charlene R. Headley, as Administratrix of the Estate of Larry Stephen Headley v. Jennifer Lynn Williams	Def's PDR Under N.C.G.S. § 7A-31 (COA03-284)	Denied
079PA04	In the Matter of: R.T.W. D.O.B. 5/4/01	Respondent's PWC to Review the Order	Allowed

		of the COA (COA03-1302)	
084P04	State v. Anthony Fernando Matthews	Def's PDR Under N.C.G.S. § 7A-31 (COA02-1690)	Denied
085P04	Bernard Scarborough v. Dillard's, Inc., formerly Dillard Department Stores, Inc., a North Carolina Corporation	Def's PDR Under N.C.G.S. § 7A-31 (COA03-358)	Denied
086P04	Rod N. Santomassimo, Co-Administrator CTA of the Estate of Anthony W. Cullen v. Valley Forge Life Insurance Company, CNA Life Insurance Company, Moneymetrics Insurance Agency, Inc., Piedmont Carolinas Group, LLC, and Mark C. Flur	1. Defs' (Valley Forge Life Ins. Co. and CNA Life Ins. Co.) PDR Under N.C.G.S. § 7A-31 (COA02-1328) 2. Motion by N.C. Citizens for Business and Industry and the N.C. Association of Defense Attorneys for Leave to File <i>Amicus Curiae</i> 3. Motion of the American Council of Life Insurers for Leave to File <i>Amicus Curiae</i> Brief in Support of Petitioners	1. Denied 2. Dismissed as moot 3. Dismissed as moot
090P04	In the Matter of: Karina Marin Canseco, a minor child	Petitioner's (Forsyth County Department of Social Services) and Guardian ad Litem's PDR Under N.C.G.S. § 7A-31 (COA03-206)	Denied
091P04	Charles E. Finkel v. Karol Finkel	1. Def's PWC to Review the Decision of the COA (COA02-1456)	1. Denied 04/01/04

		2. Plt's Motion to Dismiss PDR	2. Dismissed as moot
100P04	Harvey P. Short, Petitioner v. Judy H. Sills, Office Manager, N.C. Department of Correction, Respondent	Petitioner's <i>Pro Se</i> Petition for Writ of Mandamus	Denied
103P04	State v. Jimmy Lawrence Shue	1. AG's Motion for Temporary Stay 2. AG's Petition for Writ of Supersedeas 3. AG's PDR Under N.C.G.S. § 7A-31 (COA03-133) 4. Def's <i>Pro Se</i> PWC to Review the Decision of the COA	1. Denied 2. Denied 3. Denied 4. Denied
104P04	State v. Alvin Terrill Foster, Jr.	1. AG's Motion for Temporary Stay 2. AG's Petition for Writ of Supersedeas 3. AG's PDR Under N.C.G.S. § 7A-31 (COA03-348)	1. Allowed 03/05/04 2. Allowed 3. Allowed
110P04	State v. Jimmy Fitzgerald Smith	1. Def's NOA Based on a Constitutional Question (COA03-299) 2. Def's PDR Under N.C.G.S. § 7A-31	1. Dismissed <i>ex mero motu</i> 2. Denied

111P04	State v. Ludy Fernando Escoto and Jose Luis Ramos	Def's (Ludy Fernando Escoto) PDR Under N.C.G.S. § 7A-31 (COA03-70)	Denied
112P04	Marvin Fabrikant and wife, Patricia A. Fabrikant, MPF Investment Company, L.P., Arthur C. Smith III, and Arthur C. Smith III Revocable Trust v. Currituck County, a North Carolina body politic and corporate, et al.	Plts' PDR Prior to Determination by the COA (COA04-250)	Denied
113A04	Jacqueline Jones v. Lake Hickory R.V. Resort, Inc.	1. Plt's NOA Based Upon a Dissent 2. Plt's PDR as to Additional Issues (COA02-1114) 3. Def's PDR as to Additional Issues	1. --- 2. Denied 3. Denied
121P04	State v. Mitchell Danyell Banks	Def's <i>Pro Se</i> PDR Under N.C.G.S. § 7A-31 (COA03-322)	Denied
125P04-2	State v. Johnny A. Fox	1. Def's <i>Pro Se</i> PWC to Review the Decision of the COA (COA02-886) 2. Def's <i>Pro Se</i> Motion to Proceed <i>In Forma Pauperis</i> 3. Def's <i>Pro Se</i> Motion to Appoint Counsel	1. Dismissed 2. Allowed 3. Denied
128P04	Resort Realty of the Outer Banks, Inc. v. Volker Brandt and Eva Brandt	Defs' <i>Pro Se</i> Motion to Respond to Response to PDR	Dismissed as moot

138P04	State v. Jeffrey Allen Jacobs	Def's PDR Under N.C.G.S. § 7A-31 (COA03-136)	Denied Orr, J., recused
139A04	State v. Jerry Wayne Sharpe	Def's NOA Based Upon a Constitutional Question (COA03-366)	Dismissed <i>ex mero motu</i>
145P04	Jerry Bernard Jackson v. L.G. Sell and J.E. Kelly	Plt's <i>Pro Se</i> PWC to Review the Order of the COA (COAP03-490)	Denied
148P04	State v. George William Blackwell, Sr.	Def's <i>Pro Se</i> PWC to Review the Decision of the COA (COA03-199)	Denied
149P04	State v. David Lee Turner	Def's <i>Pro Se</i> PWC to Review the Order of the COA (COAP04-4)	Denied
150P04	State v. Jeffery B. Lineberger	Def's <i>Pro Se</i> PWC to Review the Order of the COA (COAP04-42)	Dismissed
152P04	State v. William Beach Smith	Defendant-Appellant's PWC to Review the Order of the COA (COAP04-129)	Dismissed Orr, J., recused
153P04	William H. Sykes v. Moss Trucking, Inc., et al.	1. Plt's <i>Pro Se</i> PDR Under N.C.G.S. § 7A-31 (COA03-548) 2. Plt's <i>Pro Se</i> Motion for Suspension of Rules	1. Denied 2. Denied
156P04	North Carolina Farm Partnership, North Carolina Farm of Wise, L.L.C. and NCF Investments,	1. Def's Motion for Temporary Stay	1. Allowed 04/02/04

	L.L.C. v. Pig Improvement Company, Inc.	2. Def's Petition for Writ of Supersedeas 3. Def's PDR Under N.C.G.S. § 7A-31 (COA03-328)	2. 3.
157P04	N.C. Industrial Capital, LLC v. David Rushing and John Clayton, d/b/a West's Charlotte Metro Moving & Storage and West's Charlotte Transfer & Storage, Inc.	1. Def's (West's Charlotte Transfer & Storage, Inc.) Motion for Temporary Stay 2. Def's (West's Charlotte Transfer & Storage, Inc.) Petition for Writ of Supersedeas	1. Denied 04/06/04 2. --- 04/06/04
158P04	Jane Doe 1, Individually and as Guardian Ad Litem for John Doe 1, minor child, et al. v. Swannanoa Valley Youth Development Center, N.C. Department of Juvenile Justice and Delinquency Prevention, et al.	1. Defs' (Swannanoa Valley Youth Development Center and N.C. Department of Juvenile Justice and Delinquency Prevention) PDR Under N.C.G.S. § 7A-31 (COA03-416) 2. Defs' (Swannanoa Valley Youth Development Center and N.C. Department of Juvenile Justice and Delinquency Prevention) Motion for Temporary Stay 3. Defs' (Swannanoa Valley Youth	1. Denied 04/15/04 2. Dismissed 04/15/04 3. Dismissed 04/15/04

		Development Center and N.C. Department of Juvenile Justice and Delinquency Prevention) Petition for Writ of Supersedeas Under Rule 23	
160P04	Aaron L. Green and Mildred Green Pate v. Polly Pate Wilson, Individually and as Administratrix of the Estate of Wadell H. Pate, et al.	1. Defs' (Polly Pate Wilson, Individually and as Administratrix of the Estate of Wadell H. Pate, Janet Pate Holmes, and Darien Pate) NOA Based Upon a Constitutional Question (COA03-714) 2. Defs' (Polly Pate Wilson, Individually and as Administratrix of the Estate of Wadell H. Pate, Janet Pate Holmes, and Darien Pate) PDR Under N.C.G.S. § 7A-31	1. Dismissed <i>ex mero motu</i> 2. Allowed
165P04	Joseph Michael Guarascio v. New Hanover Health Network, Inc., et al.	Plt's PDR Under N.C.G.S. § 7A-31 (COA03-492)	Denied
167P04	Elizabeth Ward v. Sloop Memorial Hospital	Plt's PWC to Review the Order of the COA (COAP04-192)	Denied
173P04	State v. Roy Eugene Bryant	1. AG's Motion for Temporary Stay	1. Allowed Pending Determination

		<p>2. AG's Petition for Writ of Supersedeas</p> <p>3. AG's NOA Based Upon a Constitutional Question (COA02-1706)</p> <p>4. AG's PDR Under N.C.G.S. § 7A-31</p>	<p>of the State's PDR</p> <p>04/19/04</p> <p>2.</p> <p>3.</p> <p>4.</p>
177P04	State v. Jeffrey Glenn McDuffie	Def's <i>Pro Se</i> PWC to Review the Order of the COA (COAP03-1075)	Dismissed
179A04	State v. Darren William Dennison	<p>1. AG's Motion for Temporary Stay</p> <p>2. AG's Petition for Writ of Supersedeas</p> <p>3. AG's NOA Based Upon a Dissent (COA02-1512)</p>	<p>1. Allowed</p> <p>04/19/04</p> <p>2.</p> <p>3.</p>
190P04	State v. Randall Hayden Hughes	Def's <i>Pro Se</i> PWC to Review the Decision of the COA (COA02-1207)	Denied
191P04	State v. Melvin Wayne Beck	<p>1. AG's Motion for Temporary Stay</p> <p>2. AG's Petition for Writ of Supersedeas</p> <p>3. AG's PDR Under N.C.G.S. § 7A-31 (COA03-466)</p>	<p>1. Allowed</p> <p>04/26/04</p> <p>2.</p> <p>3.</p>
192A04	State v. David Franklin Hurt	1. AG's Motion for Temporary Stay	1. Allowed 04/27/04

		<p>2. AG's PWC</p> <p>3. AG's NOA Based Upon a Dissent (COA03-26)</p>	<p>2. Allowed 04/27/04</p> <p>3. ---</p>
296A03	In the Matter of: T.R.B.	Respondent's (T.R.B.) Motion to Dismiss the State's Appeal Regarding the Probation Condition Issue for Mootness	Dismissed as moot
392A03 358A03	Lynetta Draughon, Administratrix of the Estate of Max Draughon, Deceased v. Harnett County Board of Education, and Barry Honeycutt, Jackie Samuels, Stephen Ausley, Jason Spell, Anthony Barbour, Perry Saenz, Don Wilson, Jr., Raymond McCall, and Brian Strickland, in their Individual and Official Capacities	Plt's Petition for Rehearing	Denied
595P01-2	John Malloy, d/b/a The Dogwood Gun Club v. Roy Cooper, Attorney General for the State of North Carolina, et al.	<p>1. AG's Motion for Temporary Stay</p> <p>2. AG's Petition for Writ of Supersedeas</p> <p>3. AG's PDR Under N.C.G.S. § 7A-31 (COA00-898-2)</p> <p>4. Plt's Conditional PDR Under N.C.G.S. 7A-31</p> <p>5. AG's NOA</p> <p>6. Plt's Motion to Dismiss Appeal</p>	<p>1. Allowed 03/09/04 Stay dissolved 05/06/04</p> <p>2. Denied</p> <p>3. Denied</p> <p>4. Dismissed as moot</p> <p>5. ---</p> <p>6. Allowed</p>

600P03-2	Ellen Fernandes v. Martin L. Herring	<p>1. Defendant-Appellant's Motion for Temporary Stay</p> <p>2. Defendant-Appellant's Petition for Writ of Supersedeas</p>	<p>1. Denied 04/13/04</p> <p>2. Denied 04/13/04</p>
649A03	State of N.C. ex rel. Utilities Commission Public Staff - N.C. Utilities Commission, Attorney General Roy Cooper, et al. v. Carolina Power & Light Company, et al.	Motion by Edison Electric Institute for Admission of Attorney Steven J. Ross <i>Pro Hac Vice</i>	Allowed 04/21/04
653P03	Bennie Jay Eatmon v. Town of Bailey, et al.	<p>1. Plt's <i>Pro Se</i> Reconsideration Motion From Denial on Appeal of Court of Appeals</p> <p>2. Plt's <i>Pro Se</i> Motion to Rehear Denial <i>En Banc</i> (Reconsideration Motion From Denial on Appeal of North Carolina Court of Appeals)</p> <p>3. Plt's <i>Pro Se</i> Motion for Reconsideration From Denial on Appeal of Court of Appeals</p> <p>4. Plt's <i>Pro Se</i> Motion to Voluntarily Withdraw Reconsideration Motion From Denial</p>	<p>1. Dismissed 04/01/04</p> <p>2. Dismissed 04/01/04</p> <p>3. Dismissed 04/01/04</p> <p>4. Dismissed 04/01/04</p> <p>5. Dismissed 04/01/04</p> <p>6. Dismissed as moot</p>

		<p>of Appeal (From Wilson)</p> <p>5. Plt's <i>Pro Se</i> Motion to Voluntarily Withdraw Reconsideration Motion From Denial of Appeal Petition to Rehear</p> <p>6. Plt's Motion to Voluntarily Withdraw Petition to Rehear Appeal (<i>En Banc</i>)</p>	
655P03	Kyle & Associates, Inc. v. Thomas Mahan and Michael Auten	Def's PDR Under N.C.G.S. § 7A-31 (COA03-131)	Allowed
656P03	State v. Willard James Holbrooks, Sr.	Def's PDR Under N.C.G.S. § 7A-31 (COA03-251)	Denied
657P03	Robert Taylor and Serina A. Taylor v. L.R. Gore, Nelson Soles, Soles and Walker, P.A., Bay Circle Realty, and Wilma Murphy	<p>1. Def's (Gore) PDR Under N.C.G.S. § 7A-31 (COA03-219)</p> <p>2. Plts' PDR Under N.C.G.S. § 7A-31</p>	<p>1. Denied</p> <p>2. Denied</p>
658P03	State v. Larry Winton Doyle, Jr.	<p>1. Def's NOA Based Upon a Constitutional Question (COA03-94)</p> <p>2. Def's PDR Under N.C.G.S. § 7A-31</p> <p>3. AG's Motion to Dismiss Appeal</p>	<p>1. ---</p> <p>2. Denied</p> <p>3. Allowed</p>