

SUPREME COURT OF NORTH CAROLINA

PETITIONS

Decided by the Court in Conference: 22 July 1999

{Posted on the Internet Web Site: 23 July 1999 at 10:15 a.m.}

COMMON ABBREVIATIONS

| Abbreviation | Full Term |
|---------------------|-----------------------------------|
| PWC | Petition for Writ of Certiorari |
| MTS | Motion for Temporary Stay |
| NOA | Notice of Appeal |
| Def | Defendant |
| Plt | Plaintiff |
| PDR | Petition for Discretionary Review |
| Cert | Certiorari |
| AG | Attorney General |

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| 10PA99 | Gaston Co. v. Northfield Ins. Co. | Intervenor's Appellant's (United Capitol) Motion for Admission of Counsel | Allowed MARTIN, J. RECUSED |
| 29P99 | Carroll v. Sears, Roebuck & Co. | Plt's PWC (filed as PDR) | Denied |
| 31A93 - 3 | State v. Taylor | (1) Def-Pet's PWC (2) Def's Motion to Supplement PWC (3) Def's Motion to Hold PWC in Abeyance | (1) Denied (2) Allowed (3) Dismissed as Moot |
| 41P99 | State v. Schiffer | (1) Def's NOA | (1) --- |

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| | | (2) Def's PDR (3) AG's Motion to Dismiss Appeal | (2) Denied (3) Allowed |
| 42P99 | State v. Rate Bureau | (1) Plt's PDR (2) Def's PDR | (1) & (2) Allowed for limited purpose of remand to COA in consideration of opinion of State v. Rate Bureau (No. 307A98) |
| 45P99 | State v. Davis | (1) Def's NOA (2) Def's PDR (3) AG's Motion to Dismiss Appeal | (1) --- (2) Denied (3) Allowed |
| 47A99 | Estridge v. Housecalls | (1) Plt's NOA Based on Dissent (2) Plt's PDR As to Add'l Issues (3) Defs' Conditional PDR As to Add'l Issues | (1) --- (2) Denied (3) Denied MARTIN, J. RECUSED |
| 72P99 | Matthews v. Charlotte-Mecklenburg Hospital Authority | Plt's PDR | Denied |
| 74P98 - 2 | State v. Barnes | Def's Pro Se PWC | Denied |
| 91A95 - 3 | State v. Thomas | Def's PWC to review 2/20/99 Order of trial court denying discovery following remand from this Court | Denied |
| 91P99 | State v. Johnson | (1) Def's Pro Se NOA (2) Def's Pro Se PDR | (1) Dismissed (2) Denied |
| 93P99* | Ganey v. Crucy | (1) Def's Motion tor Leave to File § 1983 complaint | (1) Denied 4/8/99 |

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| | | (2) Plt's Pro Se Motion for Leave to File Brief Out of Time | (2) Denied 6/28/99 |
| 104P99 | State v. Britt | AG's PDR | Denied |
| 109P99 | Vail v. Anglin et al | Def's (Wray) PDR | Denied |
| 115P99 | State v. Verdugo | Def's Pro Se PWC | Denied |
| 120P99 | Glenn v. Glenn | Plt's PDR | Denied |
| 122P99 | State v. Okwara | (1) Def's MTS (2) Def's Pet. for Writ of Supersedeas (3) Def's Motion for Appropriate Relief (4) Def's NOA Based on Const. Ques. (5) Def's PDR (6) AG's Motion to Dismiss Appeal | (1) Denied 4/26/99 (2) Denied 4/26/99 (3) Treated as PWC and denied 4/26/99 (4) --- (5) Denied (6) Allowed |
| 123P99 | State v. Kimmer | (1) Def's NOA (2) Def's PDR (3) AG's Motion to Dismiss Appeal | (1) --- (2) Denied (3) Allowed |
| 124A93 - 3 & 385A92-3 | State v. Moseley | (1) Def's Motion for Amendment of Order Granting Certiorari Petition | (1) Denied (2) Denied |

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| | | (2) Def's Motion for Amendment of Order Granting Cert. Petition | |
| 126P99 | Cioffi v. Charlotte | Def's PDR | Denied |
| 131P99 | Hicks v. Clegg's Termite | Plt's PDR | Denied |
| 134P99 | Lattimore v. Miller and Bishop | Defs' PDR | Denied |
| 139P99 | State v. Monk | (1) Def's NOA (2) Def's PDR (3) AG's Motion to Dismiss Appeal | (1) --- (2) Denied (3) Allowed |
| 141P99 | State v. Fritsch | (1) AG's PDR (2) Def's Conditional PDR as to Additional Issues | (1) Allowed (2) Allowed |
| 143P99 | State v. McNeill | Def's Pro Se PWC | Denied |
| 145P99 | In the Matter of: Hargrove | Respondents' Pro Se PWC | Denied MARTIN, J. RECUSED |
| 146P99 | Hawley v. Rick Jackson | Plt's PWC | Denied |
| 149P99 | Patrick v. Allstate Ins. | Def's PDR | Allowed for order remanding for decision consistent with our decisions in <i>Progressive</i> (No. 286PA98) and <i>Piazza</i> (No.193PA98). |
| 150P99 | State v. Buckom | (1) Def's Pro Se NOA (2) Def's Pro Se PWC | (1) Dismissed (2) Denied |

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| 153P99 | Vanasek v. Charlotte | Plt's PWC | Denied |
| 155P99 | State v. Locklear | Def's PWC | Denied |
| 158P99 | Nationwide v. Webb, Webb, Sprouse & Leigh | Def's (Leigh) PDR | Denied |
| 159P99 | Foster v. Carolina Marble | Defs' PDR | Denied |
| 160P99 | Prior v. Pruettt | Defs' PDR | Denied MARTIN, J. RECUSED |
| 161P99 | State v. Rich | Def's PDR | Allowed |
| 162P99 | Davis et al v. Mebane et al | Plts' PDR | Allowed CHIEF JUSTICE MITCHELL RECUSED |
| 165P99 | Floyd v. First Citizens | Def's PDR | Denied |
| 167P99 | Poe v. Atlas-Soundolier/ American Trading | (1) Plt's PWC (filed as PDR) (2) Defs' Motion to Dismiss (Atlas-Soundolier) (3) Def's (Snyder) Motion to Dismiss | (1) Denied (2) Denied (3) Denied 4/14/99 |
| 168P99 | State v. Arrington | (1) Def's NOA (2) Def's PDR (3) Def's PWC (4) AG's Motion to Dismiss Appeal | (1) --- (2) Denied (3) Denied (4) Allowed (5) --- |

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| | | (supplemental memo) (5) Def's Pro Se NOA (6) AG's Motion to Dismiss | (6) Allowed |
| 171P99 | In the Matter of: Brake v. Banks | Plt's PWC | Denied |
| 172P99 | O'Carroll v. Texasgulf | Def's PDR | Denied MARTIN, J. RECUSED |
| 173P99 | State v. Harrell | Def's Pro Se PWC | Denied |
| 174P99 | State v. Williams | (1) Def's Pro Se PWC (2) Def's Pro Se Motion to Amend PWC | (1) Denied (2) Allowed |
| 175P99 | State v. Walker | (1) Def's Pro Se PWC (2) Def's Pro Se Motion to Proceed in Forma Pauperis | (1) Denied (2) Allowed |
| 176P99 | State v. Fowler | Def's Request and Motion for Writ of Supervisory Control | Denied |
| 178P99 | State v. Griffis | (1) Def's Pro Se Motion to Proceed In Forma Pauperis (2) Def's Pro Se PWC | (1) Allowed (2) Denied |
| 180P99 | Dishmond v. International Paper Co. | Plt's PDR | Denied |
| 181P99 | Goodwin et al v. Schneider Nat'l et al | Plts' (Goodwins) Motion to Reconsider Denial of PDR | Dismissed |

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| 182P99 | Green v. Swift Textiles | Def's PDR | Denied |
| 183P99 | State v. Williams | Def's PDR | Denied |
| 186P99 | City-Wide Asphalt Paving v. Alamance Co. | (1) Plt's NOA (2) Plt's PDR (3) Def's Motion to Dismiss Appeal | (1) --- (2) Denied (3) Allowed |
| 188P99 | Erie Ins. v. Bordeaux | Defs' PDR | Denied |
| 189P99 | State v. Cooke | (1) Def's NOA Based Upon Const. Question (2) Def's PDR (3) AG's Motion to Dismiss | (1) --- (2) Denied (3) Allowed |
| 190A99 | State v. Cintron | Def's PDR as to Additional Issues | Denied |
| 191P99 | State v. Loftin | Def's Pro Se PWC | Denied |
| 193P99 | State v. Clevenger | Def's Pro Se PWC | Denied |
| 197P99 | State v. Reaves | Def's PDR | Denied |
| 198P99 | State v. Foster | (1) Def's MTS (2) Def's Pet. for Writ of Supersedeas (3) Def's PDR (4) Def's NOA (5) Def's PWC | (1) Denied 4/28/99 (2) Denied (3) Denied (4) --- (5) Denied (6) Allowed |

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| | | (6) AG's Motion to Dismiss Appeal | |
| 202P99 | Tuttle v. Coleman | Pet's PDR | Denied |
| 205P99 | State v. Johnson | Def's PWC | Denied |
| 207P99 | Lenoir Co. v. Hillco | Def's PDR | Denied |
| 209P99 | State v. Phillips | (1) Def's NOA (2) Def's PDR (3) AG's Motion to Dismiss Appeal | (1) --- (2) Denied (3) Allowed |
| 210P99 | State v. Adams | Def's PDR | Denied |
| 212P99 | Haight and Mills v. Travelers/Aetna | Plt's PDR | Denied |
| 219P99 | Luard v. Ross Angel Assoc. | Plt's PDR | Denied |
| 222P99 | State v. Baldwin | Def's Pro Se PWC | Denied |
| 225P99 | Davies v. Lewis | Plt's PDR | Denied |
| 229P99 | Daniels v. Reel; Ellis v. Reel; Hurley v. Reel | (1) Def's PDR (2) Plts' PDR | (1) Denied (2) Denied |
| 230A99 | State v. Baggett & Penuel | AG's Motion to Withdraw Appeal | Allowed |
| 232P99 | State v. Hembree | Def's Pro Se PWC | Denied |
| 234A99 | State v. Keith | (1) Def's NOA | (1) --- |

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| | | (2) AG's Motion to Dismiss Appeal | (2) Allowed |
| 235P99 | Lynch v. NC Central Univ. | Petitioner's PDR | Denied |
| 237P99 | State v. DeHart | (1) Def's Pro Se PWC (2) Def's Pro Se Motion to Proceed In Forma Pauperis (3) Def's Motion to Amend PWC | (1) Denied (2) Allowed (3) Allowed |
| 238P99 | State v. Farrish | Def's Pro Se PWC | Denied |
| 239A96 - 2 | State v. Page | Def's PWC | Denied |
| 240P99 | State v. Price | Def's Pro Se Motion to Transfer Appeal of Right from COA to SC | Denied |
| 242P99 | State v. Creech | Def's Pro Se PDR | Denied |
| 243P99 | State v. Henagan | Def's Pro Se PWC | Denied |
| 244P99 | State v. Williams | Def's Pro Se PWC | Denied |
| 255A99 | Couch v. Private Diagnostic Clinic and Duke University | (1) Def's (Duke) NOA (2) Plt's PWC (3) Def's Motion to Retroactive Ext. of Time to File PWC and, in alternative, Motion for Disc. Rev. | (1) --- (2) Denied (3) Denied |
| 257P99 | Price v. Parrish | (1) Pro Se PWC to Review COA | (1) Denied (2) Denied |

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| | | (2) Plt's Pro Se Motion to By-Pass COA (3) Plt's Pro Se Motion to Proceed in Forma Pauperis | (3) Allowed |
| 264A90 - 5 | State v. Williams | (1) AG's Motion for Temp. Stay (2) AG's Pet. for Writ of Supersedeas (3) AG's Pet. for WofC to Review Order of Superior Court | (1) Allowed 3/29/99 (2) Allowed (3) Allowed |
| 267P99 | Thompson v. Waters | (1) Plt's PDR (2) Def's Conditional PDR As to Add'l Issues | (1) Allowed (2) Allowed |
| 269P99 | Floyd v. Cape Fear Farm Credit | Def's PDR | Denied MARTIN, J. RECUSED |
| 272P99 | State v. Jordan | Def's Pro Se PWC | Denied |
| 273P99 | State v. Tarpley | (1) Def's Pro Se Motion to Proceed in Forma Pauperis (2) Def's Pro Se PWC | (1) Allowed (2) Denied |
| 283P99 | State v. Miller | Def's PWC | Denied |
| 286P99 | Sellars v. Lee | Plt's PWC | Denied |
| 287P99 | State v. White | (1) Def's PDR (2) Def's Motion to Clarify Record | (1) Denied (2) Denied |
| 307A98* | State v. Rate Bureau | Appellant's Petition for Rehearing | Denied |
| 309A98* | Hearne v. Sherman | Respondent-Appellee's Motion to Strike Portions | Denied |

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| | | of Pet-Appellant's New Brief | |
| 310A97 | State v. Boggess | Def-Appellant's Pro Se Motion to Require Aus and Shatz to Withdraw from Representation of Def | See Special Order Denied |
| 326P99 | Humphrey v. State | Plt's Pro Se PWC | Denied |
| 327P99 | Walls v. Sutton | Plt's Pet. for Writ of Habeas Corpus | Denied |
| 328P99 | State v. Leary | Def's PWC | Denied |
| 340A95* | State v. Morganherring | Def's Counsel's Ex Parte Motion for Medical Records | Denied 7/13/99 |
| 343A93 - 2 | State v. Chandler | Def's PWC | Denied |
| 349P99* | State ex rel, Mathias v. Pengergraff | Plt's Pet. for Writ of Habeas Corpus | Denied |
| 350A95 - 3 | State v. Reeves | Def's Pro Se PWC | Denied |
| 377A95 - 2 | State v. Lemons | Def's Motion for Supplemental Briefing in Light of UNITED STATES SUPREME COURT Remand | Allow def's request to file brief by August 9 and give the State an add'l 30 days to respond 7/9/99 |
| 385A84 - 5 | State v. Green | (1) AG's Motion to Lift Stay of Execution (2) Def's Motion for Reconsideration | (1) Allowed (2) Dismissed |
| 385A92 - 3 | see 124A93-3 | | |
| 395A91 - 5 | State v. Jones | (1) Def's PWC | (1) Denied (2) Denied |

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| | | (2) Def's Pet. for Writ of Mandamus (3) Def's Motion to Hold PWC and Writ of Mandamus in Abeyance | (3) Dismissed as Moot |
| 435A90 - 3 | State v. Jones | Def's PWC | Denied |
| 435P98 - 2 | Winborne v. Easley | Plt's PWC | Denied |
| 441A98* | State v. Kelvin Colphin & Tilmon Charles Colphin, Jr. | Def's Motions to By-Pass COA as to non-capital Counts of Indictment | Allowed 7/19/99 |
| 444A93 - 2 | State v. Buckner | Def's PWC | Allowed |
| 474P98 | State v. Metano | (1) Def's Pro Se Motion for Addendum (2) Def's Pro Se Motion for Order of Dismissal | (1) Denied (2) Denied |
| 474P98 | State v. Milano | Def's Pro Se Motion to Amend Record on Appeal | Denied 6/30/99 |
| 484P98 | Carter v. Moore Regional | Def's Motion for Reconsideration | Denied |
| 511P98 - 2 | Lin v. Lin | Plt-Appellant's (Pro Se) PWC | Denied |
| 522P98 - 2 | State v. Green | (1) Def's Motion to Proceed in Forma Pauperis (2) Def's PDR and Supervisory Opinion (3) Def's Pro Se Supplemental MAR | (1) Allowed (2) Denied (3) Dismissed |

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| 535A95 - 2 | State v. Hill | (1) Def's Pro Se Motion to Dismiss Attorneys (2) Def's Pro Se Motion to Terminate Appeals (3) Def's Pro Se Motion to Set Execution Date | (1) Denied (2) Denied (3) Denied |
| 551P98 - 2 | State v. Tyson | Def's Pro Se PWC | Denied |
| 565A83 - 4 | State v. Brown | Def's PWC | Denied |

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