

SUPREME COURT OF NORTH CAROLINA

PETITIONS

Decided by the Court in Conference: 3 November 2005

{Posted on the Internet Web Site: 4 November 2005 at 11:30 a.m.}

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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

047P02-6	State v. George W. Baldwin	Def's Petition for Writ of Habeas Corpus	Denied 10/28/05
109P04-2	Claude M. Viar, Jr., Co-Admin. of the Estate of Megan Rae Viar, et al. v. N.C. Department of Transportation	Plt's PWC to Review the Order of the COA (COAP05-723)	Denied
112PA05	Neill Grading & Construction Company, Inc. v. David B. Lingafelt and Newton Conover Communications, Inc.	Def's Motion for Leave to File Reply Brief	Denied 10/11/05
113P03-2	State v. Rodney Tucker	1. Def's Petition for Writ of Mandamus (COA05-476) 2. Def's Petition for Writ of Prohibition	1. Denied 2. Denied
156A98-3	State v. Cornelius Alvin Nobles	1. Def's Petition for Writ of Supersedeas 2. Def's Motion for Temporary Stay	1. Denied 2. Denied
162P05-2	Daniel Zbytnuik v. ABF Freight Systems, Inc., (f/k/a Cardinal Freight Carriers), Self- Insured Employer	Def's PDR Under N.C.G.S. § 7A-31 (COA04-118-2)	Denied
175P05	Thetford Properties III et al. v. Richard Miller	1. Def's Motion for Temporary Stay (COAP05-266)	1. Allowed Pending Determination of Def's appeal in the COA 04/01/05

		<p>2. Def's Application for Writ of Supersedeas</p> <p>3. Def's Motion to Suspend The Rules</p>	<p>Stay Dissolved 11/03/05</p> <p>2. Denied</p> <p>3. Denied</p>
208P05	State v. Percell Watkins, Jr.	<p>1. AG's Motion for Temporary Stay</p> <p>2. AG's Petition for Writ of Supersedeas (COA04-295)</p> <p>3. AG's PDR Under N.C.G.S. § 7A- 31</p> <p>4. Def's NOA Based Upon a Constitutional Question</p> <p>5. Def's Constitutional PDR Under N.C.G.S. § 7A-31</p> <p>6. AG's Motion to Dismiss Appeal</p>	<p>1. Allowed 04/19/05 Stay Dissolved 11/03/05</p> <p>2. Denied</p> <p>3. Allowed See Special Order</p> <p>4. ---</p> <p>5. Denied</p> <p>6. Allowed</p>
241A97-2	State v. Henry Louis Wallace	Def's PWC to Review the	Denied

		Order of the Mecklenburg County Superior Court	
244P05	State v. Beverly Renea Brown	1. Def's NOA Based Upon a Constitutional Question (COA04-76) 2. Def's PDR Under N.C.G.S. § 7A- 31 3. AG's Motion to Dismiss Appeal	1. --- 2. Denied 3. Allowed
263P05	Henry H. Shavitz v. City of High Point, a municipal corporation, Electronic Data Systems Corporation, a Corporation doing business in the State of N.C., Allen L. Pearson, II, Peek Traffic, Inc., et al.	1. Def's (City of High Point) PDR Under N.C.G.S. § 7A-31 (Prior to Determination) (COA05-571) 2. Def's (Guilford Co. BD. of Education) Conditional PDR 3. Conditional Motion by N.C. League of Municipalities for Leave to File <i>Amicus Curiae</i> Brief	1. Denied 2. Dismissed as moot 3. Dismissed as moot
280P05	Norfolk Railway Company v. Wayne Smith	1. Def's NOA Based Upon a	1. ---

		Constitutional Question (COA04-404) 2. Def's PDR Under N.C.G.S. § 7A-31 3. Plt's Motion to Dismiss Appeal	2. Denied 3. Allowed Martin, J. Recused
293A05	State v. Markeith Rodgers Lawrence	Stephen D. Kiess' Motion to Withdraw as Counsel	Allowed 10/24/05
310P05	Robert M. Bersin v. Julia R. Golonka	Plt's PDR Under N.C.G.S. § 7A-31 (COA04-695)	Denied
332A04	Elizabeth Smith Zaliagiris v. Thomas E. Zaliagiris	Plt's Motion to Strike Def-Appellee's New Brief and to Preclude any Presentation from Def-Appellee at Oral Argument	Denied
332A04	Elizabeth Smith Zaliagiris v. Thomas E. Zaliagiris	Tate K. Sterrett's Motion to Withdraw	Denied 10/14/05
338P05	State v. Roy P. Shearin	1. Def's NOA Based Upon a Constitutional Question (COA04-394)	1. --- 2. Denied 3. Allowed

		<p>2. Def's PDR Under N.C.G.S. § 7A- 31</p> <p>3. AG's Motion to Dismiss Appeal</p>	
380P05-2	Ferrel Benjamin Gibbs v. District Court Judge William Daisy	Plt's Motion for Reconsideration and Appropriate Relief	Dismissed
383A05	Alan Capps v. NW Sign Industries of N.C., Inc., a North Carolina Corp., Ronald Brodie, and Chris Reedel	<p>1. Plt's Motion to Dismiss Appeal</p> <p>2. Defs' Motion to Suspend the Rules and /or Extend the Time to File Defs' Brief</p>	<p>1. Denied</p> <p>2. Dismissed as moot</p>
399P05	State v. Joshua Jamar Faucette	Def's PWC to Review the Order of the COA (COA05-450)	Denied
424P05	Paul J. Mathewson v. Stephen Carter, Holden Farm Property Management Partnership	Def's PDR Under N.C.G.S. § 7A-31 (COA04-1399)	Denied
432A05	MW Clearing & Grading, Inc. v. NCDENR, Division of Air Quality	<p>1. Petitioner's NOA (Dissent) (COA04-852)</p> <p>2. Petitioner's PDR Under N.C.G.S. § 7A-31 as to</p>	<p>1. ---</p> <p>2. Denied</p>

		Additional Issues	
435P05	State v. Robin Medford Jones	1. AG's Application for Temporary Stay (COA04-967) 2. AG's Petition for Writ of Supersedeas 3. AG's PDR Under N.C.G.S. § 7A- 31 4. Def's Conditional PDR Under N.C.G.S. § 7A-31	1. Allowed 08/15/05 Stay Dissolved 11/03/05 2. Denied 3. Denied 4. Dismissed as moot
448P05	State v. Rashawn Dreon Yarrell	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 (COA03-1454) 4. Def's Motion to Dismiss State's PDR	1. Allowed 08/30/05 2. Allowed 3. Allowed 4. Denied 5. Denied

		5. Def's Conditional PDR Under N.C.G.S. § 7A-31	
458P05	State v. Twanprece Neshawn Ivey	1. Def's NOA Based Upon a Constitutional Question 2. Def's PDR Under N.C.G.S. § 7A- 31 (COA04-1420)	1. Dismissed ex mero motu 2. Allowed
461PA04	Gloria Barham, Administratrix of the Estate of Billy Melvin Barham v. Rodney J. Hawk, M.D. and Hendersonville Ear, Nose & Throat, P.A.	1. Plt's Motion to Dismiss Appeal or in the Alternative to Deem Discretionary Review Improvidently Granted 2. Def's Motion to Permit Filing of Supplemental Argument	1. 2. Denied 10/13/05
464P05	James Goodson and N.C. Dept. of Insurance, ex rel. James Long, Commissioner, Intervenor v. RFS Ecusta, Assuming Employer P.H. Glatfelter Co., Original Self- Insured Employer and N. C. Self-	1. Def's (P.H. Glatfelter Co.) Motion for Temporary Stay (COA04-886)	1. Allowed Pending Determination of Defendant's PDR 08/25/05 Stay

	Insurance Guaranty Association, Defendants	2. Def's Petition for Writ of Supersedeas 3. Def's PDR Under N.C.G.S. § 7A- 31	Dissolved 11/03/05 2. Denied 3. Denied
465P05	In the Matter of: O.C. and O.B. Minor Children	Respondent's (Chiquetta C.) PDR Under N.C.G.S. § 7A-31 (COA04-923)	Denied
483A05	State v. Douglas Shane Wright	1. AG's NOA Based Upon a Dissent (COA04-689) 2. AG's Motion for Temporary Stay 3. AG's Petition for Writ of Supersedeas 4. Def's PDR Under N.C.G.S. § 7A- 31	1. --- 2. Allowed 09/02/05 3. Allowed 10/06/05 4. Denied
486A05	State v. Nathan Norwood Norris, Jr.	1. AG's NOA (Dissent) (COA04-574) 2. AG's Motion for Temporary Stay	1. --- 2. Allowed 09/06/05 3. Allowed 4. Denied

		<p>3. AG's Petition for Writ of Supersedeas</p> <p>4. AG's PDR as to Additional Issues</p>	
491P05	State v. Kenneth David Key, Jr.	<p>1. Def's NOA (Constitutional Question) (COA04-940)</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>
494P05	Blue Ridge Savings Bank, Inc. v. Best and Best, P.L.L.C.	<p>Plt's PDR Under N.C.G.S. § 7A-31 (COA04-1357)</p>	Allowed
495P05	State v. William Jasper Goodman, Jr.	<p>1. Def's PDR Under N.C.G.S. § 7A- 31 (COA04-1411)</p> <p>2. AG's Motion to Deem Response to PDR Timely Filed</p>	<p>1. Denied</p> <p>2. Allowed</p>
498P05	Terry Bowles, Employee, Plaintiff v. BCJ Trucking Services, Inc., Employer, North Carolina Selective Fund, Reliance National	<p>Def's PDR Under N.C.G.S. § 7A-31</p>	Denied

	Insurance Company, (Dennis Insurance Group, Servicing Agent), and N.C. Insurance Guaranty Association, N.C. Self-Insurance Guaranty Association, Carriers-Defendants, and North Carolina Department of Insurance, Intervenor		
500P05	State v. Eric Donnell Rhodes	Def's PDR Under N.C.G.S. § 7A-31 (COA04-193)	Denied
501P05	Linda Wilson v. Denis Ventriglia	1. Def's PDR Under N.C.G.S. § 7A- 31 (COA04-885) 2. Plt's Conditional PDR Under N.C.G.S. § 7A-31	1. Denied 2. Dismissed as moot
502P05	State v. Hemont Raghunath Bokar	1. AG's Motion for Temporary Stay 2. AG's Petition for Writ of Supersedeas (COA04-1159) 3. AG's PDR Under N.C.G.S. § 7A- 31 4. Def's Conditional PDR Under N.C.G.S. § 7A-31	1. Allowed Pending Determination of the State's PDR 09/16/05 Stay Dissolved 11/03/05 2. Denied 3. Denied 4. Dismissed as moot

504A05	State v. Thomas W. Hill	<p>1. Def's NOA Based Upon a Constitutional Question (COA04- 1126)</p> <p>2. Def's Motion for Remand to the COA</p> <p>3. AG's Motion to Dismiss Appeal and Deny Motion to Remand to COA</p>	<p>1. ---</p> <p>2. ---</p> <p>3. Allowed</p> <p>Martin, J. Recused</p>
508P05	In the Matter of: C.J.	Juvenile's (C.J.) PDR Under N.C.G.S. § 7A-31 (COA04-1575)	Denied
511P05	In Re: J.D.S., A Minor Child	Respondent's (Father) PWC to Review the Decision of the COA (COA04-213)	Denied
513P05	Rocco M. Yallum and Sandra F. Yallum v. Dennis R. Hammerle, Barbara A. Hammerle, Alan G. Cloninger, Warren H. Moss and Moss Realty	Plts' Motion for NOA (COA04-1622)	Denied
514P05	State v. Tony Wayne Dorton	Def's Motion for "Discretionary Review Under N.C.G.S. §	Denied

		7A-31" (COA04-572)	
515P05	In the Matter of: A.P.R., A.C.R., Minor Children	Respondent's PDR Under N.C.G.S. § 7A-31 (COA04-1372)	Denied
519P05	State v. Donald Ray Williams	Def's PWC	Dismissed
520P05	Kurt Siferd Kasler v. Kevin Bridges, et al.	Plt's "Motion for Petition to Certify the Cause for Discretionary Review" (COAP05-766)	Denied
527A05	Hubert Chambers v. Transit Management, Self Insured, (Compensation Claims Solutions, Servicing Agent)	1. Def's NOA (Dissent) 2. Def's Motion for Temporary Stay (COA04-677) 3. Def's Petition for Writ of Supersedeas 4. Def's PDR Under N.C.G.S. § 7A- 31	1. --- 2. Allowed 3. Allowed 4. Allowed
528P05	State and Johnston County Board of Education v. Anton Daniel Edwards, and Aegis Security Insurance Co.	Def's (Aegis) PDR Under N.C.G.S. § 7A-31 (COA04-1387)	Denied
529A98-2	State v. Johnny Hyde	Def's PWC to Review the Order of the Onslow County Superior Court	Denied Wainwright, J. Recused

529P05	Cheryl W. Mayo v. Frank E. Mayo	Plt's PDR Under N.C.G.S. § 7A-31 (COA04-1334)	Denied
532A05	James and Charlotte Coker, Robert and Rebecca Darconte, and Donald and Bonita Shoe v. Daimlerchrysler Corporation	1. Plts' NOA (Dissent) 2. Plts' PDR as to Additional Issues (COA04-523) 3. Def's Motion to Dismiss Appeal	1. --- 2. Denied 3. Denied
533P05	State v. Tyrone Holley	Def's PWC	Dismissed
534P04-2	State v. Davon Alou Jones	Def's PWC to Review the Order of the COA (COAP05-822)	Dismissed
536P05	State v. Kyle Edward Morton	1. AG's Motion for Temporary Stay (COA04-1484) 2. AG's Petition for Writ of Supersedeas 3. AG's PDR Under N.C.G.S. § 7A-31 4. Def's PDR Under N.C.G.S. § 7A- 31	1. Denied 10/03/05 2. Allowed 3. Allowed 4. Denied

539P03-3	State v. Harris Emmanuel Ford	Def's Petition for Writ of Supersedeas	Dismissed
540P05	Ruben Aburto Diaz v. David L. Churchill	Plt's PWC to Review the Order of the COA (COAP05-648)	Denied
541P05	State v. Donquill Lamont Suell	Def's PDR Under N.C.G.S. § 7A-31 (COA04-1183)	Denied
542P05	State v. Larry Eugene Allred	Def's PWC to Review the Order of the COA (COAP03-80)	Dismissed
545P05	Thomas Wayne Hunt v. N.C. Department of Correction, Employer, Self-Insured (Kelly Risk Management, Servicing Agent)	Plt's PDR Under N.C.G.S. § 7A-31 (COA04-1445)	Denied
557A05	Charter Medical, Ltd. v. Zigmed, Inc.	Plt's NOA Based Upon a Constitutional Question (COA04- 1337)	Dismissed ex mero motu
565P05	State v. Tyrone Maurice Batts	Def's PDR Under N.C.G.S. § 7A-31 (COA04-1083)	Denied
567A05	Harry E. Munn, Jr., v. North Carolina State University	1. Defendant's NOA (Dissent) (COA04-894) 2. Def's PDR as to Additional Issues	1. --- 2. Allowed

568P05	State v. John A. Brodie	Def's PDR Under N.C.G.S. § 7A-31	Denied
570P05	State v. Dewey Graciaon Sprinkle	1. AG's Motion for Temporary Stay (COA04-1291) 2. AG's Petition for Writ of Supersedeas 3. AG's PDR Under N.C.G.S. § 7A- 31	1. Allowed 10/11/05 2. 3.
571P05	In the Matter of: H.M.L.	Juvenile's PDR Under N.C.G.S. § 7A- 31 (COA04-1478)	Denied
573P05	State v. Carlos Sepulueda	Def's Motion for "Petition for Discretionary Review on Certification by Supreme Court Under N.C.G.S. § 7A-31" (COAP05-716)	Dismissed
574P05	State v. Albert Earl Spearman	Def's PWC	Dismissed
577P05	State v. Gary Lee Barnes	Def's PWC to Review Order of Forsyth County Superior Court	Dismissed
579P05	State v. Clarence Edward Williams	Def's Motion for "Petition for Discretionary Review	Dismissed

		Pursuant to N.C.G.S. § 7A-(B) (1) (2) (3) (4) and (C) (1) (2) (3)” (COAP05-870)	
582P05	State v. Lawrence Hawes	Def's PWC to File a PDR of an Order of COA (COA03-1417) or, Alternatively, to Permit a Motion for Appropriate Relief	Denied
583P05	State v. Anthony White	Def's PWC to Review Order of COA (COAP05-812)	Dismissed
584P05	State v. Joshua J. Gentry	Def's Motion for “Petition for Plain Error Review Pursuant to N.C.G.S. § 7A-31 (B) (1) (2) (3) (4) (C) (1) (2) (3)”	Dismissed
585P05	State v. Sabin Thain Segers	1. Def's Motion for NOA 2. Def's PWC (COAP05-289)	1. Dismissed ex mero motu 2. Dismissed
594P05	State v. Steve McClenny	Def's Petition for Writ of Habeas Corpus	Denied 10/28/05
610P05	State v. Robert Christopher Long	1. AG's Motion for Temporary	1. Allowed 11/02/05

		Stay (COA03-1712)	
		2. AG's Petition for Writ of Supersedeas	2.
		3. AG's PDR Under N.C.G.S. § 7A- 31	3.