

**SUPREME COURT OF NORTH CAROLINA**

**PETITIONS**

**5 NOVEMBER 2009**

004P09	Cathy Hinceman, Employee v. Food Lion, Self-Insured (Delhaize America, Inc., Servicing Agent), Employer	1. Plt's PDR Under N.C.G.S. § 7A-31 (COA08-538)  2. Attorney's (Randy Duncan) Motion for Leave to Withdraw as Attorney for Plaintiff	1. Denied  2. Allowed
008P09	State v. Kirk Orlando Smith and Bennie Nathaniel Thompson	1. Def's (Thompson) PDR Under N.C.G.S. § 7A-31 (COA07- 812)  2. Def's (Smith) PDR Under N.C.G.S. § 7A-31	1. Denied  2. Denied
015P09	State v. Sherman Wayne Green	1. Def's Motion for "Notice of Appeal" (COA08-1360)  2. Def's PWC to Review Order of COA  3. Def's Motion for Request to Amend PWC	1. Dismissed <i>Ex Mero Motu</i>  2. Denied  3. Allowed
055A09	Bryan Tate Helms v. Angelique Landry	Def's Motion for Leave to File Reply Brief	Allowed <b>10/23/09</b>

069P08-2	Henry Lawson, Jr. v. Owen Dana White, et al.	<p>1. Plt's PDR Under N.C.G.S. § 7A-31 (COA07-296-2)</p> <p>2. Defs' Motion to Dismiss PDR</p> <p>3. Plt's Motion for Extension of Time Under Rule 27</p> <p>4. Plt's Motion to Suspend Rules Under Rule 2</p> <p>5. Defs' Motion for Sanctions</p>	<p>1. - - -</p> <p>2. Allowed</p> <p>3. Denied</p> <p>4. Denied</p> <p>5. Denied</p>
102P09	State v. Robin Dale Ford	Def's PDR Under N.C.G.S. § 7A-31 (COA08-936)	Denied
109P09-4	David E. Simpson v. Union County District Attorney State of North Carolina	<p>1. Plt's Petition for Writ of Habeas Corpus</p> <p>2. Plt's Petition for Writ of Habeas Corpus</p>	<p>1. Denied <b>10/30/09</b></p> <p>2. Denied <b>10/30/09</b></p>
119P00-26	Wayne Thomas Johnson v. Barbara Johnson, Assistant Clerk of Superior Court	Plt's Petition for Writ of Mandamus	Denied
119P00-27	State v. Wayne Thomas Johnson	Def's PWC to Review Order of Alamance County Superior Court	Dismissed

122P09	Sugar Creek Charter School, Inc., et al. v. The Charlotte-Mecklenburg Board of Education, et al.	<p>1. Defs' NOA Based Upon a Constitutional Question (COA08-516)</p> <p>2. Defs' PDR Under N.C.G.S. § 7A-31</p> <p>3. Plts' Motion to Dismiss Appeal</p> <p>4. Motion by Winston-Salem/Forsyth County Board of Education for Leave to File Amicus Curiae Brief</p> <p>5. Motion by N.C. School Boards Asso. for Leave to File Amicus Curiae Brief</p>	<p>1. - - -</p> <p>2. Denied</p> <p>3. Allowed</p> <p>4. Dismissed as Moot</p> <p>5. Dismissed as Moot</p>
123P09	State v. Alonzo Dale Baines	Def's PWC to Reviw Order of Randolph County Superior Court (COAP08-170)	Dismissed
174P09	State v. Anthony Burroughs	Def-Appellant's Motion for Temporary Stay	Allowed <b>07/20/09</b> Dissolved the Stay <b>10/15/09</b>

178P09-2	State v. Jonathan Melvin	<p>1. Def's Motion in Limine to "Prohibit Prosecution from Introducing Any Victim Impact Photographs to Prevent Prejudiced (Sic) to a Party [Under] N.C.G.S. § 15A-825"</p> <p>2. Def's Motion for Suppression of Defendant's Alleged Confession</p> <p>3. Def's Motion for Complete Recordation of All Proceedings</p> <p>4. Def's Motion to Suppress Conspiratorial Statements</p> <p>5. Def's Motion for Bill of Particulars</p> <p>6. Def's Motion to Challenge the Composition of the Grand Jury</p> <p>7. Def's Motion for Demand for List of Witnesses</p>	<p>1. Dismissed</p> <p>2. Dismissed</p> <p>3. Dismissed</p> <p>4. Dismissed</p> <p>5. Dismissed</p> <p>6. Dismissed</p> <p>7. Dismissed</p>
----------	--------------------------	---	---

178P09-2	State v. Jonathan Melvin	8. Def's Motion for Notice of Intention to Use Defense of Heat of the Passion  9. Def's Motion for Ex-Parte Hearing	8. Dismissed  9. Dismissed
193A09	Clayton Lee Proctor, Jr., on behalf of himself and all others similarly situated v. Local Government Employees' Retirement System, et al.	1. Plt's NOA Based Upon a Constitutional Question (COA08-976)  2. Defs' Motion to Dismiss Appeal	1. - - -  2. Allowed
229P09	State v. Orlando Jarrell Gattison	Def's PDR Under N.C.G.S. § 7A-31 (COA08-1361)	Denied
235P09	Merritt, Flebotte, Wilson, Webb & Caruso, PLLC v. Aaron C. Hemmings, Kelly A. Stevens, and Hemmings & Stevens, PLLC v. Pre-Paid Legal Services, Inc., James Merritt, Daniel R. Flebotte, Joseph M. Wilson, Joy Rhyne Webb, and Heather Caruso	Defs and Third Party Plts' (Hemmings & Stevens) PDR Under N.C.G.S. § 7A-31 (COA08-1333)	Denied
236P09	City of Durham v. Safety National Casualty Corp. and U.S. Fire Insurance Co.	Def's (Safety National Cas. Corp.) PDR Under N.C.G.S. § 7A-31 (COA08-1149)	Denied

256P09	Sue Allison Broadwell Roberts v. Ronald Wayne Roberts	<p>1. Def's PDR Under N.C.G.S. § 7A-31 (COA08-404)</p> <p>2. Plt's Conditional PDR Under N.C.G.S. § 7A-31</p> <p>3. Def's Motion for Temporary Stay</p> <p>4. Def's Petition for Writ of Supersedeas</p>	<p>1.</p> <p>2.</p> <p>3. Allowed <b>07/09/09</b></p> <p>4.</p>
265P09	State v. Ronnie Wallace Long	<p>1. State's Motion for Temporary Stay</p> <p>2. State's Petition for Writ of Supersedeas</p> <p>3. State's PWC to Review Order of the Cabarrus County Superior Court</p> <p>4. Def's Motion for Extension of Time to Respond to PWC</p> <p>5. Def's Motion to Hold Decision in Abeyance</p> <p>6. Def's PWC to Review Order of the Cabarrus County Superior Court</p>	<p>1. Allowed <b>06/29/09</b></p> <p>2.</p> <p>3.</p> <p>4. Allowed <b>07/07/09</b></p> <p>5.</p> <p>6.</p>

271P09	Douglas Paul, Employee v. Mechworks Mechanical Contractors, Inc., Employer and Key Risk Insurance Company, Carrier	1. Def's Motion for Temporary Stay (COA08-1245)  2. Def's Petition for Writ of Supersedeas  3. Def's PDR Under N.C.G.S. § 7A-31  4. Def's Motion to Withdraw PDR	1. Allowed <b>07/08/09</b> Dissolved the Stay <b>11/05/09</b>  2. Dismissed as Moot  3. - - -  4. Allowed
272P09	State v. William Raynard Fulton	1. Def's NOA Based Upon a Constitutional Question (COA08- 1210)  2. Def's PDR Under N.C.G.S. § 7A-31	1. Dismissed <i>Ex</i> <i>Mero Motu</i>  2. Denied
298P09	State v. Andrew Chandler, Jr. a/k/a Junior Chandler	1. State's Motion for Temporary Stay  2. State's Petition for Writ of Supersedeas  3. State's PWC	1. Allowed <b>07/20/09</b>  2.  3.
305P09	State v. Carnell Tyrone Streater	1. Def's PDR Under N.C.G.S. § 7A-31 (COA08-961)  2. State's Conditional PDR Under N.C.G.S. § 7A-31	1. Denied  2. Dismissed as Moot

307P09	State v. Michael Ray	<p>1. State's Motion for Temporary Stay (COA08-1329)</p> <p>2. State's Petition for Writ of Supersedeas</p> <p>3. State's PDR Under N.C.G.S. § 7A-31</p>	<p>1. Allowed <b>07/27/09</b></p> <p>2.</p> <p>3.</p>
317P09	State v. Wilbur William Folston	<p>1. State's Motion for Temporary Stay</p> <p>2. State's Petition for Writ of Supersedeas</p> <p>3. State's PWC to Review Order of Cleveland County Superior Court</p>	<p>1. Allowed <b>08/07/09</b></p> <p>2.</p> <p>3.</p>
341P09	O'Marr S. Reid v. David Childers, First Baptist Church, Princess Smith, City of Mount Holly	Plt's Motion for NOA (COA09-816)	Dismissed <i>Ex Mero Motu</i>
345P09	State v. Billy J. Trombley	<p>1. State's Motion for Temporary Stay (COA08-947)</p> <p>2. State's Petition of Writ of Supersedeas</p> <p>3. State's PDR Under N.C.G.S. § 7A-31</p>	<p>1. Allowed <b>08/24/09</b></p> <p>2.</p> <p>3.</p>



350P09	In the Matter of: D.L.H.	1. Appellant's (State of NC) Motion for Temporary Stay (COA08-1019)  2. Appellant's (State of NC) Petition for Writ of Supersedeas  3. Appellant's (State of NC) PDR Under N.C.G.S. § 7A-31	1. Allowed <b>08/25/09</b>  2. Allowed  3. Allowed
351PA08	Robert Baxter, Employee v. Danny Nicholson, Inc., Employer; Self-Insured (Key Risk Management Services, Servicing Agent)	Motion for State of NC as Amicus Curiae to Participate in Oral Argument	Denied
353P09	State v. Leonzo Lencheto White	Def's PDR Under N.C.G.S. § 7A-31 (COA08-1558)	Denied
354P09	Hoke County Board of Education, et al., Plaintiffs and Asheville City Board of Education, et al., Plaintiff-Intervenor v. State of North Carolina; State Board of Education, Defendants	Plts' (Hoke Cty. Bd. of Ed., et al.) PDR Under N.C.G.S. § 7A-31 (COA08-1036)	Denied
355P09-2	State v. Gary L. Miller-El	1. Def's Petition for Writ of Mandamus  2. Def's Motion for NOA	1. Denied <b>09/28/09</b>  2.

356P09	State v. Charles Ray Rice	1. Def's PDR Under N.C.G.S. § 7A-31 (COA08-1282)  2. Def's Motion to Appoint Counsel	1. Denied  2. Dismissed as Moot
358P08	James Semon and wife, Roxanne Semon v. J.C. Dozier and wife, Shirley Dozier	1. Def's PDR Under N.C.G.S. § 7A-31 (COA07-520)  2. Plt's Motion to Dismiss PDR	1. Denied  2. Dismissed as Moot
358P09	Jean Peek Ford, Plaintiff v. Beth Cummings Rodriguez, Defendant and Third-Party Plaintiff v. Graham Michael Ford, Third-Party Defendant	1. Plt's PDR under N.C.G.S. § 7A-31 (COA08-1266)  2. Plt's Motion to Strike a Portion of Def's Response to Plt's PDR	1. Denied  2. Dismissed as Moot
362P09	Paul C. Yongo v. City of Raleigh, Chief of Police, Joshua Lee Zellmer	1. Plt's Motion for NOA (COA09-805)  2. Plt's Motion for Petition for Review of COA's Order  3. Plt's Motion for Temporary Stay  4. Plt's Petition for Writ of Supersedeas	1. Dismissed <i>Ex Mero Motu</i>  2. Dismissed  3. Denied <b>09/29/09</b>  4. Denied
367P09	In the Matter of: Michael Charles Hayes, Respondent	1. State's Motion for Temporary Stay (COA08-894)  2. State's Petition for Writ of Supersedeas	1. Allowed <b>09/04/09</b>  2.

371P09	State v. Robert Paul Rainey	<p>1. Def's NOA Based Upon a Constitutional Question (COA08-1466)</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>
372A09	In the Matter of: S.C.R.	<p>1. Respondent's (Father) NOA Based Upon a Constitutional Question (COA09-368)</p> <p>2. Guardian ad Litem's Motion to Dismiss Appeal</p>	<p>1. - - -</p> <p>2. Allowed</p>
374P09	Bonnie Schaefer and Robert D. Bevan, III v. Town of Hillsborough, a N.C. municipality and its Board of Adjustment	<p>1. Respondent's (Town of Hillsborough) PDR Under N.C.G.S. § 7A-31 (COA08-796)</p> <p>2. Petitioners' Conditional PDR Under N.C.G.S. § 7A-31</p>	<p>1. Denied</p> <p>2. Dismissed as Moot</p>
377P09	In the Matter of: A.G., K.Y., J.G., N.S., M.S., Minor Children	Respondent's (Mother) PDR Under N.C.G.S. § 7A-31 (COA09-276)	Denied

378P09	State v. James Dewarrick Cole and Kawamie Shonta Cole	<p>1. State's Motion for Temporary Stay (COA08-1304)</p> <p>2. State's Petition for Writ of Supersedeas</p> <p>3. State's PDR Under N.C.G.S. § 7A-31</p> <p>4. Def's (Kawamie Cole) PDR Under N.C.G.S. § 7A-31</p>	<p>1. Allowed <b>09/14/09</b> Dissolved the Stay <b>11/05/09</b></p> <p>2. Denied</p> <p>3. Denied</p> <p>4. Denied</p>
382P09	State v. Jihad Rashid Melvin	<p>1. State's Motion for Temporary Stay (COA09-62)</p> <p>2. State's Petition for Writ of Supersedeas</p> <p>3. State's PDR Under N.C.G.S. § 7A-31</p>	<p>1. Allowed <b>09/18/09</b></p> <p>2.</p> <p>3.</p>
386P09	NC Department of Revenue v. Bernhard Von Nicolai	Respondent's (Nicolai) PDR Under N.C.G.S. § 7A-31 (COA08-1356)	Denied
388P09	State v. Shaynio Marcus Thomas	Def's PDR Under N.C.G.S. § 7A-31 (COA08-1449)	Denied
394A09	State v. Jhonson Louis	<p>1. Def's NOA Based Upon a Constitutional Question (COA08-1502)</p> <p>2. State's Motion to Dismiss Appeal</p>	<p>1. - - -</p> <p>2. Allowed</p>

398P09	State v. Donald Marengo	1. Def's PDR Under N.C.G.S. § 7A-31 (COA08-1104)  2. State's Motion to Deem response Timely Filed	1. Denied  2. Allowed
399P09	State v. Gavino Mendoza	Def's PWC to Review Order of Nash County Superior Court	Dismissed
400P09	State v. Juan Cabarra Flores	Def's NOA (COA09-272)	Dismissed <i>Ex Mero Motu</i>
402P09	Tonter Investments, Inc. v. Pasquotank County	Plt's PDR Under N.C.G.S. § 7A-31 (COA08-1057)	Denied
404A09	Coucoulas/Knight Properties, LLC v. Town of Hillsborough, a NC municipality and its Board of Commissioners	1. Plt's NOA (Dissent) (COA08-1087)  2. Plt's PDR as to Additional Issues	1. - - -  2. Denied
407P09	State v. Wilfredo Jamal Rivera, III	Def's PDR Under N.C.G.S. § 7A-31 (COA09-159)	Denied
409P09	State v. Ralph Edward Crockett	Def's PDR Under N.C.G.S. § 7A-31 (COA08-1161)	Denied
424P09	State v. Edwardo Wong, II	1. Def's PWC to Review to Review Order of Catawba County Superior Court  2. Def's Motion for Temporary Stay	1. See Special Order <b>10/09/09</b>  2. Denied <b>10/09/09</b>

427P09	State v. Jonathan Leigh Henslee	Def's Motion for Writ of Habeas Corpus	Denied <b>10/13/09</b>
428P09	State v. Haywood Cannon	Def's Petition for Prohibition	Dismissed <b>10/14/09</b>
428P09-2	State v. Haywood A. Cannon	Def's Petition for Writ of Habeas Corpus	Denied <b>10/21/09</b>
436P09	State v. Donald Carlton Lowry	Def's PWC to Review Decision of COA (COA08-845)	Denied
444P09	State v. Charles Gene Rogers	Def's Petition for Writ of Habeas Corpus	Denied <b>10/22/09</b>
444P09-2	State v. Charles Gene Rogers	Def's Motion to Reconsider Order	Dismissed
446P09	Judy Williams, Plaintiff v. Craft Development, LLC, et al., Defs and Third-Party Plts v. Mark Lowder, et al., Third-Party Defs	1. Def's & Third-Party Plts' PDR Under N.C.G.S. § 7A-31 (COA09-3) 2. Def's & Third-Party Plts' Motion for Temporary Stay 3. Def's & Third-Party Plts' Petition for Writ of Supersedeas	1. 2. Allowed <b>11/05/09</b> 3.

472P08	Brenda Livesay, et al. v. Carolina First Bank, et al.	<p>1. Plt's NOA Based Upon a Constitutional Question (COA07-1578)</p> <p>2. Plt's PDR Under N.C.G.S. § 7A-31</p> <p>3. Defs' Motion to Dismiss Appeal</p> <p>4. Defs' Conditional PDR Under N.C.G.S. § 7A-31</p>	<p>1. - - -</p> <p>2. Denied</p> <p>3. Allowed</p> <p>4. Dismissed as Moot</p>
474P08	State v. Samuel Travis Tanner	<p>1. State's Motion for Temporary Stay (COA08-251)</p> <p>2. State's Petition for Writ of Supersedeas</p> <p>3. State's PDR Under N.C.G.S. § 7A-31</p>	<p>1. Allowed <b>10/20/08</b></p> <p>2. Allowed</p> <p>3. Allowed</p>
479PA08	Marcia Alyce Muchmore v. Tallman H. Trask	Plt's Motion to Amend Plt's New Brief to Correct in Argument Heading	Allowed
514P08-2	State v. Bobby E. Bowden	Rick Ehrhart's Motion for Stay and Review	Dismissed Without Prejudice to Refile in Superior Court <b>10/28/09</b>

598P02-3	Boyce & Isley, PLLC, Eugene Boyce, R. Daniel Boyce, Philip R. Isley, and Laura B. Isley v. Roy A. Cooper, III, The Cooper Campaign Committee, Julia White, Stephan Bryant, and Kristi Hyman	1. Plt (Eugene Boyce) PDR Under N.C.G.S. § 7A-31 (COA08-313)  2. Defs' Conditional PDR Under N.C.G.S. § 7A-31	1. Denied  2. Dismissed as Moot  <b>Parker, C.J., Recused</b> <b>Timmons-Goodson, J., Recused</b> <b>Hudson, J., Recused</b>
667P03-3	State v. Kenneth D. Bobbitt	1. Def's PWC to Review Order of COA (COAP00-651)  2. Def's PWC to Review Order of Alleghany County Superior Court  3. Def's Motion to Proceed <i>In Forma Pauperis</i>	1. Dismissed  2. Dismissed  3. Allowed