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**SUPREME COURT OF NORTH CAROLINA**

**PETITIONS**

6 November 1997

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| 99P97   | State v. Noble   | Def's (pro se) Pet. for Writ of Cert. to Review Decision of NC COA                | Denied  |
| 10A94-2 | State v. George Earl Goode, Jr.  | Def's Motion to Suspend Briefing Schedule or Motion to Force Payment              | Def's motion is denied but he is allowed 20 days to file a brief in this Court.<br>10/16/97 |
| 181P97  | Henry Trainor Bierrum and Gonzaga Elenzano Bierrum v. Alice Rebecca Toledo Bierrum | (1) Division of Youth Services' Pet. for Writ of Supersedeas (pursuant to Rule 2) | (1) Denied<br>10/27/97  |
|         |  | (2) Division of Youth Services' Pet. for Writ of Certiorari (pursuant to Rule 2)  | (2) Denied<br>10/27/97  |
| 184P96  | State v. Elmer Ray McNeill   | Def's Motion to Amend the Record on Appeal  | Allowed   |
| 202A97* | Cook v. Wake County Hospital System, Inc., d/b/a Wake Medical Center               | Plts' and Def's Join Motion to Withdraw Appeal                                    | Allowed<br>11/3/97  |
| 208P97  | State v. Miles   | Def's Pro Se Petition for Rehearing   | Denied  |
| 250P97  | Smith Chapel Baptist Church, et al. v. City of Durham                              | Plt's Motion for Leave to File a Reply Brief to Amicus Curiae Brief               | Allowed<br>10/29/97   |

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| 250P97* | Smith Chapel Baptist Church, et al. v. City of Durham  | Motion for Leave to File an Amicus Curiae Brief in Support of Def-Appellant City of Durham (NC League of Municipalities)   | Allowed<br>10/3/97   |
| 298PA97 | Thomasine and Edward McAllister v. Khie Sem Ha, M.D.   | NC Association of Defense Attorneys' Motion for Leave to File Amicus Curiae Brief  | Allowed  |
| 340A95* | State v. William Morganherring, IV   | Def's Petition for Writ of Habeas Corpus to Attend Oral Argument   | Dismissed as moot.<br>10/15/97   |
| 341A96  | State v. Call  | (1) Def's Motion for Reconsideration of First Petition for Writ of Certiorari<br><br>(2) Def's Second Petition for Writ of Certiorari to Review Superior Court Order | (1) <b>See separate order dated 10/9/97.</b><br><br>(2) <b>See separate order dated 10/9/97.</b> |
| 356A97  | James Kevin Cissell, Administrator of the Estate of Carla Cissell v. Glover Landscape Supply, Inc. and Robert Glover | (1) Defs' NOA (Dissent)<br><br>(2) Defs' PDR as to Additional Issues   | (1)<br><br>(2) Denied  |
| 371P97  | Robbins v. Tweetsie Railroad, Inc., et al.   | Plt's PDR Under G.S. 7A-31<br><br><b>Justice WHICHARD Recused.</b>   | Denied   |
| 376P97  | Patti, Bailey, et al. v. Continental Casualty Company  | Plt's Pet. for Writ of Cert. to Review Decision of NC COA  | Denied   |
| 387A97  | Bettie B. Sherrod, Administratrix of the Estate of Sylvia Birth,   | (1) Def's (Thompson) NOA (Dissent)   | (1)  |

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|         | deceased v. Nash General Hospital, Inc. and Kenneth C. Thompson, Jr.                                     | (2) Def's PDR as to Additional Issues<br>(3) Plt's NOA (Dissent)   | (2) Allowed<br>10/29/97<br>(3)                   |
| 405P97  | State v. Kyle Yaphet Dove  | (1) Def's NOA (Const. ?)<br>(2) Def's PDR Under G.S. 7A-31<br>(3) AG's Motion to Dismiss Appeal for Lack of Subst. Const. Question | (1)<br>(2) Denied<br>(3) Allowed                 |
| 407P97  | Nationsbank of Virginia, N.A. and Gaither, R. v. WDF-Hickory, Inc., Franklin, Basic Tool Company, et al. | Defs' (WDF-Hickory, Inc., Wayne D. Franklin and Basic Tool Company) PDR Under G.S. 7A-31   | Denied   |
| 408P97  | State of NC ex rel. Utilities Comm.; and Heater Utilities, Inc. v. Public Staff-NC Utilities Commission  | Intervenor-Appellant's (Public Staff) PDR Under G.S. 7A-31   | Denied   |
| 414P97  | Lucas, Bryant & Denning, P.A. v. Ingram v. Bryant, Jr.   | Def and Third-Party Plaintiff- Appellant's Petition for Writ of Cert. Pursuant to G.S. 7A-32(b)                                    | Denied   |
| 417PA97 | State v. Wall  | Def's Motion to Allow Withdrawal of Counsel and Substitution of New Counsel  | <b>See separate order dated 6 November 1997.</b> |
| 421P97  | Martin Marietta Technologies, Inc. v. Brunswick County   | Plts' PDR Under G.S. 7A-31   | <b>See separate order dated 6 November 1997.</b> |
| 425P97  | State v. Holman  | Def's (Pro Se) Pet. for Writ of Cert. to Review Order of NC COA  | Dismissed  |

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| 426P97 | Estate of Mullis, by Dixon v. Monroe Oil Co., Inc., et al.   | Plt's PDR  | Allowed                                |
| 428P97 | Seely, et al. v. Borum & Associates, Inc., et al.  | Plts' PDR Under G.S. 7A-31   | Denied                                 |
| 430P97 | State v. Eason, Jr.  | Def's (Pro Se) Pet. for Writ of Cert. to Review Superior Court Order   | Denied                                 |
| 431P97 | State v. Parra   | Def's (pro se) Pet. for Writ of Cert. to Review Order of NC COA  | Denied                                 |
| 433P97 | Lisa Norman v. C.C. Cameron, David N. Edwards, Jr., Stephanie Foust v. C.C. Cameron and Edwards, Jr. | (1) Pets' (Norman & Foust) NOA (Constitutional Question)<br>(2) Pets' (Norman & Foust) PDR Under G.S. 7A-31<br>(3) Resps' Motion to Dismiss Appeal | (1)<br>(2) Denied<br>(3) Allowed       |
| 434P97 | Carlson v. Carlson (Harrington)  | (1) Plt's PDR Under G.S. 7A-31<br>(2) Def's PDR Under G.S. 7A-31   | (1) Denied<br>(2) Denied               |
| 435P97 | Bryant v. Hogarth, et al   | Plts' PDR Under G.S. 7A-31   | Denied                                 |
| 436P97 | Vereen v. Holden, et al.   | Def's PDR Under G.S. 7A-31   | Denied                                 |
| 437P97 | The Estate of Ada T. Smith by James T. Smith, et al. v. Sam B. Underwood, Jr., et al                 | (1) Def's (Underwood) PDR Under G.S. 7A-31<br>(2) Plts' Motion to Dismiss<br>(3) Plts' Motion for Sanctions  | (1) Denied<br>(2) Denied<br>(3) Denied |

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| 438P97 | Salgado v. Joyner Management Services, Inc., et al  | Plt's PDR Under G.S. 7A-31  | Denied   |
| 441P97 | State v. Clive Hurst  | (1) Def's NOA<br>(2) Def's PDR Under G.S. 7A-31<br>(3) State's Motion to Dismiss Appeal for Lack of Substantial Constitutional Question | (1)<br>(2) Denied<br>(3) Allowed                 |
| 442P97 | State v. Dickens  | (1) Def's NOA<br>(2) Def's PDR Under G.S. 7A-31   | (1) Dismissed <i>ex mero motu.</i><br>(2) Denied |
| 443P97 | Byrd, Gill and Johnson v. Charlotte- Mecklenburg Board of Education   | Resp's (Charlotte-Mecklenburg Board of Education) PDR Under G.S. 7A-31  | Denied   |
| 444P97 | Wake Co. Hospital System, and St. Paul Fire & Marine Ins. Co. v. Safety National Casualty Corporation             | Plts' PDR Under G.S. 7A-31  | Denied   |
| 445P97 | Minter v. Osborne Company, Key Risk Management Services   | Plt's PDR Under G.S. 7A-31  | Denied   |
| 446P97 | McFadyen, et al v. Franklin Freeman and the NC Department of Correction   | AG's PDR Under G.S. 7A-31   | Denied   |
| 447P97 | Franklin Credit Recovery Fund, XXI,LP v. In the Matter of the Foreclosure of Deeds of Trust of: Huber and Ferraro | Defs' PDR Under G.S. 7A-31  | Denied   |
| 448P97 | Slatton v. Metro A/C & Commercial Union Insurance Company   | Plt's PDR   | Denied   |

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| 451P97 | Ellington v. Hester   | Plt's PDR Under G.S. 7A-31  | Denied   |
| 452P97 | Pearson v. C.P. Buckner Steel Co. and Liberty Mutual Insurance Company<br>Cary Health Care Center d/b/a Cary Manor Nursing Home | Plt's and Intervenor's PDR Under G.S. 7A-31   | Allowed  |
| 453P97 | Connor, Holcombe, et al. v. Anderson and Aetna Insurance Co.  | Plt's PDR Under G.S. 7A-31  | Denied   |
| 454P97 | Clement v. Davidson County and the Davidson Co. Board of Commissioners  | Plt's Petition for Writ of Certiorari to Review Order of COA  | Denied   |
| 455A97 | Page v. Marshall Oil Company, Inc.  | Plt's PDR as to Additional Issues   | Denied   |
| 456P97 | State v. Graves and Moore   | Def's Pet. for Writ of Cert. from Decision of Court of Appeals  | Denied   |
| 457P97 | State v. Cashwell   | Def's PDR Under G.S. 7A-31  | Denied   |
| 458P97 | Williams by Guardian ad Litem, Williams v. Sutton & Lee Bros. Trucking  | Plt's Petition for Writ of Certiorari   | Denied   |
| 459P97 | Biggers v. John Hancock Mutual Life Ins. Co., and City of Charlotte   | Plt's PDR Under G.S. 7A-31  | Denied   |
| 460P97 | State v. Jeffrey L. Medley  | (1) Def's Motion for Temporary Stay<br>(2) Def's Petition for Writ of Supersedeas<br>(3) Def's PDR Under G.S. 7A-31 | (1) Allowed<br>9/17/97<br>(2)<br>(3) Denied. Temporary Stay dissolved. |

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| 461P97 | State v. Lackey  | Def's PDR Under G.S. 7A-31   | Denied                     |
| 462P97 | Parham v. Ayscue, Jr.  | Plt's (Pro Se) Pet. for Writ of Cert. to Review COA Order            | Denied                     |
| 463P97 | State v. Baity   | Def's (Pro Se) Pet. for Writ of Cert. to Review Superior Court Order | Denied                     |
| 464P97 | State v. Joe Wesley McGibboney   | Def's (Pro Se) Pet. for Writ of Cert. to Review Order of NC COA      | Denied                     |
| 465P97 | State v. Stanford  | Def's (Pro Se) Petition for Writ of Mandamus<br>Supplemental Memo    | Denied                     |
| 466P97 | In re: Jason Boyd Shirey   | Juvenile's PDR Under G.S. 7A-31                                      | Denied                     |
| 468P97 | State v. Bobby Neal Helms  | (1) AG's PDR Under G.S. 7A-31<br>(2) Def's PDR Under G.S. 7A-31      | (1) Allowed<br>(2) Allowed |
| 470P97 | Estate of Dwaine Lydell Darby v. Monroe Oil Company, et al. v. Estate of Otis Stephen Blount         | Plt's PDR Under G.S. 7A-31   | Denied                     |
| 473P97 | Briley, et ux v. Farabow & High Point OB-GYN   | Defs' PDR  | Allowed                    |
| 474P97 | Barrier v. Rospatch Labels/Paxar Corp. and Kemper National Insurance Co. and Liberty Mutual Ins. Co. | Plt-Employee's PDR Under G.S. 7A-31                                  | Denied                     |
| 475P97 | State v. Cook, Sr.   | Def's PDR Under G.S. 7A-31   | Denied                     |
| 477P97 | Bradley v. Best Sign & Service and United States Fidelity & Guaranty Company                         | Plt's PDR Under G.S. 7A-31   | Denied                     |

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| 478P97 | Futrelle v. Duke University, Feinglos, Thibodeau                                     | Plt's PDR Under G.S. 7A-31   | Denied  |
| 479P97 | Carter v. Food Lion, Inc.  | Def's PDR Under G.S. 7A-31   | Denied  |
| 480P97 | Wilmoth v. State Farm Mutual Automobile Ins. Co.                                     | Def's PDR Under G.S. 7A-31   | Denied  |
| 481P97 | State v. Sadler  | Def's Pet. for Writ of Cert. to Review Decision of NC COA  | Denied  |
| 482P97 | Walker v. Board of Trustees of the NC Local Government Employees' Retirement Systems | Plt's PDR Under G.S. 7A-31   | Allowed   |
| 483P97 | Hogoboom v. Landcraft Properties, Inc.   | (1) Plt's PDR Under G.S. 7A-31<br>(2) Plt's Petition for Writ of Certiorari to Review Decision of NC COA | (1) Denied<br>(2) Denied                                  |
| 484P97 | Rowan Co. DSS on behalf of Kayla Turner v. Matilda Turner                            | Def's (Pro Se) Motion for a New Attorney and New Judge   | Denied  |
| 485P97 | State v. Gannon  | Def's (Pro Se) Pet. for Writ of Cert. to Review Orders of NC COA   | Denied  |
| 487A97 | State v. Chasten   | Def's Notice of Appeal Based on Constitutional Question  | Dismissed <i>ex mero motu.</i>                            |
| 490P97 | State v. Smith   | Def's Pet. for Writ of Cert.   | Dismissed   |
| 492P97 | State v. Nigel Black   | Def's (Pro Se) PDR Under G.S. 7A-31  | Denied  |
| 494P97 | State v. Rickie O'Neal Ball  | Def's (Pro Se) Pet. for Writ of Cert. to Review Order of COA   | NOA Dismissed.<br>Petition for Writ of Certiorari Denied. |



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| 496P97  | State v. Roy Dalton Godwin, Jr.  | Def's (Pro Se) Pet. for Writ of Cert. to Review Order of NC COA   | Denied  |
| 499P97  | Grainger, Jr. v. Ronald Freiberger Architectural Services                                      | Plt's PDR Under G.S. 7A-31  | Denied  |
| 504P97  | In the Matter of: DBA and PJT, Juveniles   | Juveniles' PDR  | Dismissed   |
| 511P97* | State v. Stacy Norwin Jones  | Def's Petition for Writ of Certiorari of the Superior Court Order   | Dismissed w/out prejudice to file in the Court of Appeals.<br>11/3/97 |
| 512P97* | State v. Keith Eric Hudson   | (1) AG's Petition for Writ of Supersedeas<br>(2) AG's Motion for Temporary Stay                                     | (1) Denied<br>10/28/97<br>(2) Denied<br>10/28/97                      |
| 513P97* | Karen M. Doggett v. Nell Monette Lanier  | Def's Petition for Writ of Supersedeas and Motion for Temporary Stay  | Denied<br>10/28/97  |
| 514P97* | NC Division of Sons of Confederate Veterans v. Janice Faulkner, Commissioner of Motor Vehicles | (1) AG's Petition for Writ of Supersedeas<br>(2) AG's Motion for Temporary Stay                                     | (1) Denied<br>10/28/97<br>(2) Denied<br>10/28/97                      |
| 62A93-2 | State v. Willie Ervin Fisher   | (1) Def's Pet. for Writ of Cert. to Review Superior Court's Order<br>(2) Def's Motion to Deem Petition Timely Filed | (1) Denied<br>(2) Allowed   |

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| 65A85-2   | State v. Brown                          | AG's Pet. for Writ of Cert. to Review Superior Court Order                            | Denied   |
| 156A85-3* | State v. Bernardino Zuniga              | AG's Motion for Correction of the Appendix to the State's Brief                       | Allowed<br>10/13/97  |
| 221A93-2  | State v. DeCastro                       | Def's Motion for an Opportunity to be Heard in <i>State v. Goode</i> , No. 10A94-2    | Allowed for the limited purpose of filing an <i>amicus curiae</i> brief; otherwise denied.   |
| 232A93-3  | State v. Gregory                        | Def's Motion to Hold Petition for Writ of Certiorari/Supersedeas in Abeyance          | Allowed  |
| 413P97-2  | State v. Miller                         | Def's Motion for Appropriate Relief   | Denied   |
| 417A95-2  | State v. Munsey                         | Def's Second Motion for Appropriate Relief (Amended)                                  | <b>See separate order dated 6 November 1997.</b>   |
| 513P97-2* | Karen M. Doggett v. Nell Monette Lanier | Def's Writ of Supersedeas and Motion for Temporary Stay                               | Denied<br>11/3/97  |
| 565A83-2* | State v. Willie Brown, Jr.              | AG's Motion for Extension of Time to Respond to Def's Petition for Writ of Certiorari | The AG's Motion For Extension of Time is allowed and the State shall have to and including December 31, 1997 to file its response.<br><br>10/27/97 |

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