

SUPREME COURT OF NORTH CAROLINA

PETITIONS

15 DECEMBER 2010

009P10	State v. Michael Andrew Roughton	<p>1. State's Motion for Temporary Stay (COA09-536)</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 01/12/10 Dissolved the Stay 12/15/10</p> <p>2. Denied</p> <p>3. Denied</p>
055P02-8	State v. Henry Ford Adkins	Def's Motion for Petition for Writ of Mandamus	Denied
059P10-2	Horace K. Pope, Jr., Employee v. Johns Manville, Employer and St. Paul Travelers Indemnity Company, Carrier	<p>1. Defs' Motion for Temporary Stay (COA09-281-2)</p> <p>2. Defs' Petition for Writ of Supersedeas</p> <p>3. Defs' PDR Under N.C.G.S. § 7A-31 (COA09-571)</p> <p>4. North Carolina Association of Defense Attorneys' Motion for Leave to File Amicus Brief</p>	<p>1. Allowed 10/11/10</p> <p>2.</p> <p>3.</p> <p>4.</p>

112P10	Hazel Hawkins, as Personal Repres. of the Estate of Neal Hawkins, Jr., Deceased and as Personal Representative of Statutory Beneficiaries v. SSC Hendersonville Operating Company, LLC d/b/a The Brian Center Health & Rehab.- Hendersonville	<ol style="list-style-type: none"> 1. Plt-Appellant's Motion for Temporary Stay 2. Plt-Appellant's Petition for Writ of Supersedeas 3. Plt-Appellant's PDR 	<ol style="list-style-type: none"> 1. Allowed 03/17/10 2. 3.
114A10	State v. Kenneth Bernard Davis	<ol style="list-style-type: none"> 1. Def's NOA Based Upon A Constitutional Question (COA09-278) 2. State's Motion to Dismiss Appeal 3. Def's Motion to File Motion for Appropriate Relief Pursuant to the All Writs Act 	<ol style="list-style-type: none"> 1. 2. 3. Dismissed
131P10	Jan Britt Lynn, Plaintiff v. James Gregory Lynn, et al. Defendant and James Gregory Lynn, Third Party Plaintiff v. Penny W. Lynn, et al., Third Party Defendants	Third Party Defs' PDR Under N.C.G.S. § 7A-31 (COA09-556)	Denied

155P10	State v. Kenneth Bernard Davis	Def's Motion for Appropriate Relief and for any other Available Relief Pursuant to the All Writs Act	Dismissed
196P10	Brenda Jane Mace v. Monty Pyatt, Charles Cameron Flack, and Wade E. Flack	1. Def's (Charles Flack) PDR Under N.C.G.S. § 7A-31 (COA09-569) 2. Plt's Conditional PDR Under N.C.G.S. § 7A-31	1. Denied 2. Dismissed as Moot
211P10	State v. Thomas Lee Brennan	1. State's Motion for Temporary Stay (COA09-1362) 2. State's Petition for Writ of Supersedeas 3. State's NOA Based Upon a Constitutional Question 4. State's Alternative PDR Under N.C.G.S. § 7A-31	1. Allowed 05/21/10 2. 3. 4.
214P10	State v. Christopher Wayne Johnson	1. Def's Motion for PDR (N.C.G.S. Sec. 7A-31) (COA09-696) 2. Def's Motion for Extension of Time to File Motion for Appropriate Relief 3. Def's Motion for Appropriate Relief	1. Denied 2. Allowed 3. Dismissed as Moot

235P10	State v. John Edward Brewington	1. State's Motion for Temporary Stay (COA09-956) 2. State's Petition for Writ of Supersedeas 3. State's NOA Based Upon a Constitutional Question 4. State's Alternative PDR	1. Allowed 06/04/10 2. 3. 4.
244P10	Hope-A Women's Cancer Center, P.A. and Raleigh Orthopaedic Clinic, P.A. v. State of NC, et al.	1. Plts' NOA Based Upon A Constitutional Question (COA09-844) 2. Plts' PDR Under N.C.G.S. § 7A-31 3. Defs' Motion to Dismiss Appeal	1. - - - 2. Denied 3. Allowed
248P10	Lavern Irwin v. Judy H. Sills	1. Plt's PWC to Review Order of COA(COAP10-298) 2. Plt's Motion for Leave to File Forma Pauperis 3. Plt's Motion for Leave to Supplement Petition for Writ of Certiorari	1. Dismissed 2. Allowed 3. Allowed

275P10	The NC State Bar v. Rachel Lea Hunter	<p>1. Def's NOA Based Upon A Constitutional Question (COA09-1014)</p> <p>2. Def's PDR Under N.C.G.S. § 7A-31</p> <p>3. Josiah Neely's Motion to be Admitted <i>Pro Hac Vice</i></p> <p>4. James Bopp, Jr.'s Motion to be Admitted <i>Pro Hac Vice</i></p>	<p>1. Dismissed <i>Ex Mero Motu</i></p> <p>2. Denied</p> <p>3. Allowed</p> <p>4. Allowed</p> <p>Martin, J., Recused Newby, J., Recused</p>
276P10	Warren Follum v. N.C. State University	<p>1. Plt's NOA Based Upon A Constitutional Question (COA09-1466)</p> <p>2. Plt's Alternative Petition for Discretionary Review Under N.C.G.S. § 7A-31</p> <p>3. Def's Motion to Dismiss Appeal</p>	<p>1. - - -</p> <p>2. Denied</p> <p>3. Allowed</p>

286P10	Wanda B. Knight v. Lloyd H. Knight	1. Petitioner's Motion for Temporary Stay (COAP10-370) 2. Petitioner's Petition for Writ of Supersedeas 3. Petitioner's Motion for PDR 4. Petitioner's Petition for Writ of Prohibition 5. Petitioner's PWC to Review Order of COA	1. Denied 07/13/10 2. Denied 3. Dismissed 4. Denied 07/13/10 5. Denied
320P10	Jerry Owen v. Haywood County, Haywood Board of Commissioners, Haywood County Sheriff's Department, Sheriff Tom Alexander, Mike Shuler, Mark Williams	Plt's PDR Under N.C.G.S. § 7A-31 (COA09-929)	Denied

322P10	State v. Marcus Arnell Craven	1. State's Motion for Temporary Stay (COA09-1138) 2. State's Petition for Writ of Supersedeas 3. State's NOA Based Upon a Constitutional Question 4. State's Alternative PDR Under N.C.G.S. § 7A-31 5. Def's Motion to Dismiss Appeal 6. Def's Conditional PDR Under N.C.G.S. § 7A-31	1. Allowed 08/05/10 2. 3. 4. 5. 6.
324P10	State v. Rodney Flynn McNeill	1. State's Motion for Temporary Stay (COA09-1585) 2. State's Petition for Writ of Supersedeas 3. State's PDR Under N.C.G.S. § 7A-31	1. Allowed 08/06/10 2. 3.
325P10	Ernest Thames v. N.C. Department of Correction	Plt's Motion for Petition for Writ of Certiorari (COA09-1376)	Denied

327P10	State v. Robert Lee Pastuer	1. State's Motion for Temporary Stay (COA09-1432) 2. State's Petition for Writ of Supersedeas 3. State's PDR Under N.C.G.S. § 7A-31	1. Allowed 08/06/10 2. Allowed 3. Allowed
333P10	State v. Alfredo Alvarado	1. Def's Motion for Notice of Belated Appeal (COA09-428) 2. Def's Motion for Petition for Discretionary Review	1. Denied 2. Denied
336P10	In re: P.C.H.	Respondent's (Mother) PDR Under N.C.G.S. § 7A-31 (COA10-148)	Denied
342P10	State v. Jeremy Lee Ebersole	Def's Motion for PDR (N.C.G.S. Sec. 7A-31) (COA09-617)	Denied
344P10	Tareek Dubose v. North Carolina Department of Correction	Plt's PDR Under N.C.G.S. § 7A-31 (COA09-571)	Denied Hudson, J., Recused
345P10	In the Matter of: D.R.F., A Minor Child	1. Respondent's (Mother) PDR Under N.C.G.S. § 7A-31 (COA09-1716) 2. Respondent's (Father) PDR Under N.C.G.S. § 7A-31	1. Denied 2. Dismissed

348P10	Ernest Todd Woodlift, Employee v. Thomas Fitzpatrick, d/b/a Custom Woodwork Unlimited, Employer (Non-Insured) and Thomas Fitzpatrick, Individually	<p>1. Plt's PDR Under N.C.G.S. § 7A-31 (COA09-1447)</p> <p>2. Def's Conditional PDR Under N.C.G.S. § 7A-31</p> <p>3. Def's Motion to Dismiss Appeal</p> <p>4. Plt's Motion to Convert PDR into a Writ of Certiorari</p>	<p>1. Denied</p> <p>2. Dismissed as Moot</p> <p>3. Dismissed as Moot</p> <p>4. Allowed</p>
351PA08-2	Robert Baxter, Employee v. Danny Nicholson, Inc., Employer Self-Insured, (Key Risk Management Services, Inc., Servicing Agent)	<p>1. Def's Motion for Temporary Stay (COA07-865-2)</p> <p>2. Def's Petition for Writ of Supersedeas</p> <p>3. Def's PDR Under N.C.G.S. § 7A-31</p> <p>4. Def's Motion to Withdraw PDR and Petition for Writ of Supersedeas</p>	<p>1. Allowed 10/13/10 Dissolved the Stay 12/15/10</p> <p>2. Dismissed as Moot</p> <p>3. Dismissed as Moot</p> <p>4. Allowed</p>
357P10	Da Dai Mai v. Carolina Holdings, Inc. And R. Gregory Tomchin, Substitute Trustee	<p>1. Def's (Carolina Holdings, Inc.) NOA Based Upon A Constitutional Question (COA09-1685)</p> <p>2. Def's (Carolina Holdings, Inc.) PDR Under N.C.G.S. § 7A-31</p>	<p>1. Dismissed <i>Ex Mero Motu</i></p> <p>2. Denied</p>

358P10	Katherine M. McCraw, et al. v. George W. Aux, Jr. Individually, and George W. Aux, Jr. Trust Dated November 8, 2006	1. Plts' PDR Under N.C.G.S. § 7A-31 (COA09-1238) 2. Defs' Conditional PDR Under N.C.G.S. § 7A-31 3. Defs' Motion to Dismiss Appeal	1. Denied 2. Dismissed as Moot 3. Dismissed Without Prejudice to Refile in Trial Court
360A10	State v. William Lee Pait, Jr.	1. Def's NOA Based Upon A Constitutional Question (COA09-870) 2. State's Motion to Dismiss Appeal	1. Dismissed <i>Ex Mero Motu</i> 2. Dismissed as Moot
369PA10	In the Matter of J.H.K. and J.D.K.	1. Motion by Janet Ledbetter to Withdraw as Counsel 2. Respondent's Motion for Extension of Time to File Brief	1. Allowed 11/23/10 2. Allowed 11/23/10
372P10	Randy Lee Duckworth, Employee v. SGL Carbon, Employer and ACE USA/ESIS, Carrier	Def's PDR Under N.C.G.S. § 7A-31 (COA09-1100)	Denied

379P10	State v. Ralph Franklin Fredrick	Def's Motion for Petition for Re-Hearing Because of the Premature Dismissal of his Petition for a Sentence Correction Without Allowing the Petitioner the Opportunity to Respond in Violation of His Constitutional Rights (COAP10-584)	Dismissed
381P10-2	State v. David E. Simpson	1. Def's Petition for Writ of Habeas Corpus 2. Def's Motion to Proceed In Forma Pauperis	1. Denied 12/14/10 2. Allowed 12/14/10
382P10	State v. John Lewis Wray, Jr.	1. State's Motion for Temporary Stay (COA09-304) 2. State's Petition for Writ of Supersedeas 3. State's PDR Under N.C.G.S. § 7A-31	1. Allowed 09/07/10 2. 3.
384P10	State v. Keith Ray Smith	Def's PDR Under N.C.G.S. § 7A-31 (COA09-1393)	Denied

386P10	State v. Paul Brantley Lewis	1. State's Motion for Temporary Stay (COA08-1595) 2. State's Petition for Writ of Supersedeas 3. State's NOA Based Upon a Dissent 4. State's Alternative PDR 5. Def's Motion to Dismiss Appeal	1. Allowed 09/07/10 2. 3. 4. 5.
392P10	Dorothy Harris v. Clarence Barefoot, Lucia Castaldo, and Richard Clyde, Jointly and Severally	1. Plt's PDR Under N.C.G.S. § 7A-31 (COA09-1313) 2 North Carolina State Association of Letter Carriers' Motion for Leave to File Amicus Brief	1. Denied 2. Dismissed as Moot
399P10	State v. John Graylon Welch	1. Def's PDR Under N.C.G.S. § 7A-31 (COA09-1512) 2. Def's NOA Based Upon A Constitutional Question 3. Def's PDR Under N.C.G.S. § 7A-31 4. State's Motion to Dismiss Appeal	1. Dismissed 2. 3. 4.

408P10	State v. Dave Anthony Hudson	Def's Motion for PDR Under N.C.G.S. § 7A-31 (COA09-1421)	Denied
411P10	Yaodong Ji v. City of Raleigh, NC; Supervisor of Special Victims Unit, Raleigh Police Department; Donna G. Bean	1. Plt's NOA Based Upon A Constitutional Question (COA09-1026) 2. Plt's PDR Under N.C.G.S. § 7A-31	1. Dismissed <i>Ex Mero Motu</i> 2. Denied
415P10	Pierce Butler Irby, III and wife, Cindy Baker Irby v. Gail Wilkins Freese f/k/a Gail Brinn Wilkins, and Joseph P. Clark, Trustee for Truliant Federal Credit Union	Defs' PDR Under N.C.G.S. § 7A-31 (COA09-571)	Denied
416PA08-2	Julia Catherine Boseman v. Melissa Ann Jarrell and Melissa Ann Jarrell v. Julia Catherine Boseman, et al.	Def/Third-Party Plt's Motion for Extension of Time to File Reply Briefs	Allowed
417P10	Penny Cummings v. Agnes Ortega, MD and Women's Health Care Specialists	Def's PDR Under N.C.G.S. § 7A-31 (COA09-1491)	See Special Order
427P10-2	State v. Lorenzo Richardson	Def's PWC to Review Order of COA (COAP10-175)	Dismissed

430P10	State v. James Lee Spellman	1. Def's NOA Based Upon A Constitutional Question (COA09-1636) 2. Def's PDR Under N.C.G.S. § 7A-31 3. State's Motion to Dismiss Appeal	1. - - - 2. Denied 3. Allowed
431P10	State v. Kenneth Thomas Forte	Def's PDR Under N.C.G.S. § 7A-31 (COA09-1591)	Denied
432P10	State v. Ronell Michael Bettis	Def's PDR Under N.C.G.S. § 7A-31 (COA09-1345)	Denied
435A96-5	State v. Walic Christopher Thomas	1. Def's Motion to Stay Petition for Writ of Certiorari 2. Def's PWC to Review Decision of Superior Court of Guilford County 3. Def's Motion to Withdraw All Appeals	1. 2. 3. Dismissed
441P92-4	State v. Johnnie L. Harrington	Def's Petition for Writ of Habeas Corpus	Denied 11/22/10
445P10	In the Matter of: S.R. and N.R.	Respondent's PDR Under N.C.G.S. § 7A-31 (COA10-337)	Denied

449P10	State v. Ricky Jabar McCoy	1. State's Motion for Temporary Stay (COA10-10) 2. State's Petition for Writ of Supersedeas 3. State's PDR Under N.C.G.S. § 7A-31	1. Allowed 10/20/10 Dissolved the Stay 12/15/10 2. Denied 3. Denied
456P10	State v. Brian Anthony Reavis	Def's PDR Under N.C.G.S. § 7A-31 (COA09-1425)	Denied
458P10	State v. Nakia Nickerson	1. State's Motion for Temporary Stay (COA09-1511) 2. State's Petition for Writ of Supersedeas 3. State's PDR Under N.C.G.S. § 7A-31 4. State's Motion to Withdraw PDR and Petition for Writ of Supersedeas 5. State's Motion for Temporary Stay 6. State's Petition for Writ of Supersedeas 7. State's PDR Under N.C.G.S. § 7A-31	1. Allowed 10/25/10 Dissolved the Stay 11/30/10 2. Dismissed as Moot 11/30/10 3. Dismissed as Moot 11/30/10 4. Dismissed as Moot 11/30/10 5. Allowed 11/30/10 6. 7.

467P10	State v. Gary Allen Lee	<p>1. Def's NOA Based Upon A Constitutional Question (COA09-1533)</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>
469P10	State v. Cory L. Melvin	<p>1. Def's PWC to Review Order of COA (COAP10-473)</p> <p>2. Def's Motion to Appoint Counsel</p> <p>3. Def's Motion to Proceed In Forma Pauperis</p>	<p>1. Dismissed</p> <p>2. Dismissed as Moot</p> <p>3. Allowed</p>
473P10	State v. Terrance Deon Johnson	<p>1. Def's NOA Based Upon A Constitutional Question (COA10-143)</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>
474P09	State v. Kelly Leianne Mangino	<p>10 Def's NOA Based Upon A Constitutional Question (COA08-1555)</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>

475P10	State v. Eric S. Mullis	Def's Motion for PDR (COAP10-702)	Dismissed
477P10	In the Matter of: K.D.L.	1. State's Motion for Temporary Stay (COA09-1653) 2. State's Petition for Writ of Supersedeas 3. State's PDR Under N.C.G.S. § 7A-31	1. Allowed 11/04/10 2. 3.
479P10	State v. Elijah Omar Nabors	1. State's Motion for Temporary Stay (COA10-176) 2. State's Petition for Writ of Supersedeas 3. State's PDR Under N.C.G.S. § 7A-31	1. Allowed 11/05/10 2. 3.
482P10	State v. Rodney McDonald Williams, Jr.	1. Def's Motion for Petition for Writ of Habeas Corpus and Testificandum 2. Def's Motion to Proceed In Forma Pauperis	1. Denied 11/23/10 2. Allowed 11/23/10
483P10	State v. Dennis Wayne Shaw	Def's PDR Under N.C.G.S. § 7A-31 (COA09-1096)	Denied
486P10	Phyllis Dianne Smith v. Teachers' and State Employees' Retirement System, et al.	Plt's PDR Prior to Determination by the COA	Denied
487P10	State v. Jonathan Matthew Gould	Def's PDR Under N.C.G.S. § 7A-31 (COA10-194)	Denied

490P10	State v. Larry Dean Mintz	Def's Motion for PDR (COA08-1075)	Denied
504P10	State v. Joe Nathan Brown	Def's PWC to Review Decision of COA (COA10-15)	Denied
505P10	State v. David Franklin Hurt	1. State's Motion for Temporary Stay (COA09-942) 2. State's Petition for Writ of Supersedeas 3. State's Petition in the Alternative for Discretionary Review Under N.C.G.S. § 7A-31	1. Allowed 11/30/10 2. 3.
544P07-2	State v. Lisa Louise Greene	1. Def's PDR Under N.C.G.S. § 7A-31 (COA09-1327) 2. State's Conditional PDR Under N.C.G.S. § 7A-31	1. Denied 2. Dismissed as Moot