

SUPREME COURT OF NORTH CAROLINA

PETITIONS

24 JANUARY 2008

002A08	State v. Devozeo Demontra Person	1. State's NOA (Dissent) (COA06- 1507) 2. State's Motion for Temporary Stay 3. State's Petition for Writ of Supersedeas	1. - - - 2. Allowed 01/03/08 3. Allowed
003P08	Adams Creek Associates a NC Ltd. Partnership with Billy Dean Brown, General Partner v. Melvin Davis and Licurtis Reels	1. Defs' NOA Based Upon a Constitutional Question (COA07- 134) 2. Defs' PDR Under N.C.G.S. 7A-31 3. Defs' Petition for Writ of Supersedeas 4. Defs' Motion for Temporary Stay	1. 2. 3. 4. Allowed 01/09/08
005P08	Hodgson Construction, Inc. v. Ronald Wallace Howard and wife, Shirley Ann Howard	1. Defs' Motion for Temporary Stay (COA06-1414) 2. Defs' Petition for Writ of Supersedeas 3. Defs' PDR Under N.C.G.S. 7A-31	1. Allowed 01/08/08 2. 3.
013P08	State v. Darlene Lackey Hall	Def's PDR Under N.C.G.S. 7A-31 (COA07-595)	Denied

029P08	Charles R. Billings v. General Parts, Inc., Zurich American and GAB Robins	Def's Motion for Temporary Stay (COA07-318)	Allowed 01/23/08
057A04-2	State v. Jeffrey Neal Duke	Def's Motion of Appeal for Denial of Writ of Mandamus	Denied
079P07	Norma G. Hollin, Employee v. Johnston County Council On Aging, Employer; Liberty Mutual Insurance Co., Carrier	1. Defs' Motion for Temporary Stay (COA06-310) 2. Defs' Petition for Writ of Supersedeas 3. Defs' PDR Under N.C.G.S. § 7A-31	1. Allowed 02/08/07 2. 3. Hudson, J., Recused
119P00-19	State v. Wayne Thomas Johnson	1. Def's Petition for Writ of Habeas Corpus 2. Def's Petition for Writ of Mandamus	1. Denied 01/02/08 2. Denied 01/02/08
147P07	State v. Ervin Sherrod Pollard	1. Def's NOA Based Upon a Constitutional Question (COA06-721) 2. Def's PDR Under N.C.G.S. 7A-31 3. AG's Motion to Dismiss Appeal	1. - - - 2. Denied 3. Allowed

159P07	Alene Legette v. Scotland Memorial Hospital and South Carolina Property & Casualty Guaranty Assn.	1. Defs' NOA Based Upon a Constitutional Question (COA06-148) 2. Defs' PDR Under N.C.G.S. § 7A-31 3. Plt's Motion to Dismiss Appeal	1. - - - 2. Denied 3. Allowed Hudson, J., Recused
161P07-2	State v. Milton E. Lancaster	1. Def's Petition for Writ of Mandamus 2. Def's Motion for "Notice of Appeal"	1. Denied 2. Dismissed <i>ex mero motu</i>
211A06	State v. William Henry Raines	1. Def-Appellant's Motion for Appropriate Relief to Stay Issuance of the Court's Mandate 2. Def-Appellant's Motion to Withdraw the Court's Slip Opinion	1. Denied 12/21/07 2. Denied 12/21/07
219P00-2	State v. Jerry Lee Callahan, Jr.	Def's PWC to Review Order of Robeson County Superior Court	Dismissed
304P07	Joker Club, LLC v. James E. Hardin, Jr., District Attorney, 14 th Judicial District	Plt's PDR Under N.C.G.S. § 7A-31 (COA06-123)	Denied Edmunds, J., Recused

320P07	Linda F. Carter, Sara Coalson, Amy Davis and Dorothy Hyatt v. Pam Marion, in her official capacity of Clerk of Superior Court of Surry County	<p>1. Plts' (Carter and Hyatt) NOA Based Upon a Constitutional Question (COA06-863)</p> <p>2. Plts' (Carter and Hyatt) PDR 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>
356P07	Christopher Bryan Venters v. John Albritton	<p>1. Def-Appellant's NOA Pursuant to N.C.G.S. § 7A-30(1)</p> <p>2. Def-Appellant's PDR Under N.C.G.S. § 7A-31(c)(2,3)</p>	<p>1. Dismissed <i>ex mero motu</i></p> <p>2. Denied</p>
357P07	Phillip Thomas Beddard v. John Albritton	<p>1. Def-Appellant's NOA Pursuant to N.C.G.S. § 7A-30(1)</p> <p>2. Def-Appellant's PDR Under N.C.G.S. § 7A-31(c)(2,3)</p>	<p>1. Dismissed <i>ex mero motu</i></p> <p>2. Denied</p>
366A07	In re: J.Z.M., R.O.M., R.D.M., and D.T.F.	Respondent Appellant's (Mother's) Motion to Strike Certain Portions of the New Briefs of DSS and GAL	Dismissed as Moot
379P07	Karen E. Kenyon v. Paola M. Gehrig, M.D. and Thomas P. Morrissey, M.D.	PDR Under N.C.G.S. § 7A-31 (COA06-724)	Denied

383A05-3	Alan Capps v. NW Sign Industries of N.C., Inc., Ronald Brodie, and Chris Reedel	Def-Appellants' Motion for Extension of Time to File Response to Appellee's Motions to Dismiss	Dismissed 12/27/07
390P07-2	Willie Spaulding v. Honeywell International, Inc., formerly known as AlliedSignal, Inc., Holtrachem Mfg. LLC, Holtrachem GP, Inc., Bruce Davis and Herb Roskind	1. Plt's Petition to Rehear 2. Plt's Alternative PWC to Review Decision of COA (COA06-1221)	1. Dismissed 01/23/08 2. Denied 01/23/08
414PA07	Joseph O'Mara, by and through his Guardians, Larry Reavis; and Janella O'Mara v. Wake Forest University Health Sciences; NC Baptist Hosp., Forsyth Memorial Hosp. & Novant Health	Plt-Appellants' Motion to Supplement the Record on Appeal	Allowed
418P07	Marcus Cooke v. Susan Cooke	1. Plt's PDR Under N.C.G.S. § 7A-31 (COA06-1083) 2. Def's Motion to Dismiss Petition 3. Plt's Motion to Withdraw PDR 4. Plt's Substitute PDR Under N.C.G.S. § 7A-31	1. - - - 2. Dismissed as Moot 3. Allowed 4. Denied

420P07	State v. Martin Ray Byler	Def's PWC to Review an Order of the COA (COA03-453)	Dismissed Timmons-Goodson, J., Recused
423P07	State v. Michael Antonio Handy	1. Def's NOA Based Upon a Constitutional Question (COA06-1337) 2. Def's PDR Under N.C.G.S. § 7A-31	1. Dismissed <i>ex mero motu</i> 2. Denied
426P07	State v. Teddy L. Boles, Sr.	Def's Motion for "Petition for Discretionary Review"	Dismissed
430P07	State v. John Anthony Rouse	Def's PWC to Review Order of COA (COAP07-630)	Dismissed
452P07	WMS, Inc. v. Alltel Corporation and Alltel Communications, Inc.	Defs' PDR Under N.C.G.S. § 7A-31 (COA06-793)	Denied
460A06	State v. William Joseph Moore	1. Def's Motion to Correct Record on Appeal 2. Def's Motion to Correct Brief	1. Allowed 2. Allowed
465A06	State v. Ryan Gabriel Garcell	1. Def's Motion to Amend Record On Appeal 2. Def's MAR	1. Allowed 2.

467P06-2	Joseph T. Walsh v. Town of Wrightsville Beach Board of Alderman Acting as a Board of Adjustment, Charles W. Smith, III and wife, Constance C. Smith	Petitioner's PDR Under N.C.G.S. § 7A-31 (COA05-1478-2)	Denied
475A07	State v. George Oliver Freeman	1. State's Motion to Dismiss Appeal 2. Def's Motion to Reconsider	1. Allowed 01/07/08 2. Denied 01/18/08
489P07	State v. William Roger McLamb	1. AG's Motion for Temporary Stay (COA06-1319) 2. AG's Petition for Writ of Supersedeas 3. AG;s PDR Under N.C.G.S. § 7A-31	1. Allowed 10/08/07 2. 3.
490P07	State v. Russell Antoine Cooper	1. AG's Motion for Temporary Stay (COA06-1356) 2. Attorney General's Petition for Writ of Supersedeas 3. AG's PDR Under N.C.G.S. § 7A-31	1. Allowed 10/08/07 2. 3.
498P07	State v. Steven Orlando McIntosh	Def's PDR Under N.C.G.S. § 7A-31 (COA06-1441)	Denied

507P07	James D. Blyth and Elk Country Realty, Inc. v. Samuel E. McCrary, Country Squire Real Estate, et al.	1. Plts' PDR Under N.C.G.S. § 7A-31 (COA06-726) 2. Defs' (McCrary & Country Squire) Conditional PDR Under N.C.G.S. § 7A-31	1. Denied 2. Dismissed as Moot
513P07	State v. Shannon Denise Haislip	1. AG's Motion for Temporary Stay (COA06-1488) 2. AG's Petition for Writ of Supersedeas 3. AG's PDR Under N.C.G.S. 7A-31	1. Allowed 10/19/07 2. 3.
514P07	State v. Demond Antonio Wells	1. Def's NOA Based Upon a Constitutional Question 2. Def's PDR Under N.C.G.S. 7A-31 (COA06-1542)	1. Dismissed <i>ex mero motu</i> 2. Denied Hudson, J., Recused
523P06-4	Freeman Hankins v. Freddrick Hubbard	Plt's Petition for Writ of Habeas Corpus	Denied
523P07	State v. Floyd Haddock, Jr.	Def's PWC to Review Order of Pitt County Superior Court	Dismissed

533P07	Katherine M. Morgan v. Millennium Staffing v. National Benefits America	1. Plt’s Motion for “Notice of Appeal” (COA07-1110) 2. Plt’s Motion for “Petition for Discretionary Review” 3. Def’s Motion to Dismiss Appeal 4. Plt’s Motion for Leave to Amend NOA 5. Plt’s Motion Objecting to Def’s Motion to Dismiss Plt’s “Notice of Appeal”	1. Denied 2. Denied 3. Dismissed as Moot 4. Denied 5. Denied
535P07	Tom I. Davis, II and Bobby Buff, Co-Administrators of the Estate of Zachary Kyle Davis (Deceased) v. Sgt. Peppers Restaurant and Bar, Inc., O’Charley’s, Inc., John S. Brown, Gregory A. Brown and Terry C. Brown	Plt-Appellants’ PWC (COA06-1469)	Denied
537P07	James T. Barnes, Jr. and Loris D. Hill v. Wyvonnia B. Dancy	Plt-Appellants’ PDR Under N.C.G.S. § 7A-31 (COA07-79)	Denied
551P07	State v. Vincent Todd Carpenter	Def’s PWC to Review Decision of COA (COA06-1459)	Denied

556P07	George E. Burdick v. Mary Kate Burdick	Plt's PWC to Review the Order of the COA (COAP07-801)	Dismissed
557P07	State v. Rabon Earl Butler	1. Def's PWC to Review Order of New Hanover County Superior Court 2. Def's Motion to Appoint Counsel	1. Dismissed 2. Dismissed as Moot
558P07	Kenneth Wayne Weaver and Ann Weaver v. Charles Michael Sheppa, M.D., Leslie Patricia Marshall, M.D., and Raleigh Emergency Medicine Associates, Inc.	Def's PDR Under N.C.G.S. § 7A-31 (COA07-52)	Allowed Newby, J., Recused
559P07	Cheryl B. Penland v. Ronald C. Penland	Def's PDR Under N.C.G.S. 7A-31 (COA07-303)	Denied
565P07	State v. Lee Wayne Hunt	1. Def's Motion for Request for Review Under Rule 2. 2. State's Motion for Extension of Time to File Response 3. State's Motion to Dismiss Def's Request for Review Under Rule 2 or, alternatively, State's Response to PWC and Motion to Deny	1. See Special Order 2. Allowed 11/29/07 3. See Special Order Brady, J., Recused

569P07	State v. Jonta Tomorreea Hampton-Bey	Def's Motion for "Petition for Averment of Jurisdiction / Certiorari"	Dismissed
570P07	Mary Suzanne Etter, and Donald J. Vogel and wife, Patrice L. Vogel v. Larry Pigg and Gloria Vandiver	Defs' PDR Under N.C.G.S. § 7A-31 (COA07-92)	Denied
571P07	Sanjeev Rathore v. Berman Mortgage Corporation d/b/a BMC Loan Servicing; M.A.M.C. Incorporated; M.A.M.C. Durham; and DB Durham, Inc.	Plt-Appellant's Motion for "Petition for Discretionary Review" (COA07-837)	Denied
573P07	Muslima Subkhangulova (Dowdy); Diana Subkhangulova, a Minor Child, by and through her Guardian ad litem, G. Elvin Small, Attorney at Law; and Albina Subkhangulova v. Gary Joseph Dowdy, Sr.	Def's PDR Under N.C.G.S. § 7A-31 (COA06-1112)	Denied

574P07	Muslima Subkhangulova (Dowdy); Diana Subkhangulova, a Minor Child, by and through her Guardian ad litem, G. Elvin Small, Attorney at Law; and Albina Subkhangulova v. Gary Joseph Dowdy, Sr.	Def's PDR Under N.C.G.S. § 7A-31 (COA06-1101)	Denied
577P07	State v. Tad William Dexter	1. Def's Motion for Temporary Stay (COA06-1611) 2. Def's Petition for Writ of Supersedeas 3. Def's PDR Under N.C.G.S. § 7A-31	1. Denied 12/07/07 2. Denied 3. Denied
578P07	State v. Mark Steven Patton	1. Def's PWC to Review the Order of Burke County Superior Court 2. Def's Motion to Proceed <i>In Forma Pauperis</i>	1. Dismissed 2. Allowed
583P07	Peggy Johnson Sturgill, Administratrix of the Estate of Charlie L. Johnson v. Ashe Memorial Hospital, Inc.	Plt's PDR Under N.C.G.S. § 7A-31 (COA06-1476)	Denied
585P07	Fairview Developers, Inc. and J.C.H. Holdings, LLC v. Mickey Miller	Plts' PDR Under N.C.G.S. § 7A-31 (COA07-145)	Denied

586P07	In the Matter of: J.G. (aka J.M.G. and J.M.S.)	1. Petitioner's (Guilford County DSS) PDR Under N.C.G.S. 7A-31 (COA06-752) 2. Respondent's (Guardian Ad Litem) Conditional PDR Under N.C.G.S. 7A- 31	1. Denied 2. Dismissed as Moot
589P07	Midsouth Golf, LLC v. Fairfield Harbourside Condo Asso., Inc. et al.	1. Plt's PDR Under N.C.G.S. § 7A-31 (COA07-64) 2. Plt's Alternative PWC to review Decision of COA 3. Plt's Petition for Writ of Supersedeas 4. Plt's Motion for Temporary Stay	1. 2. 3. 4. Allowed 12/20/07
590A07	In the Matter of: D.B. and C.B.	1. Respondent's (Mother) Motion to Withdraw as Counsel 2. Respondent's (Mother) Motion for Extension of Time to File Brief	1. Allowed 01/14/08 2. Allowed 01/14/08

595P07	Kinesis Advertising, Inc. v. Larry Hill, Dan Robinette, and Altyris, Incorporated, v. Robert K. Adkins, Nancy J. Adkins, and Adkins & Associated, Ltd. and Steve Reavis	<p>1. Defs' (Hill and Robinette) NOA Based Upon a Constitutional Question (COA06-1224)</p> <p>2. Defs' (Hill and Robinette) PDR Under N.C.G.S. § 7A-31</p> <p>3. Plt's and Additional Counterclaim-Def's Motion to Dismiss Appeal</p>	<p>1. - - -</p> <p>2. Denied</p> <p>3. Allowed</p>
598P07	State v. Garcel Lavar Christian	Def's PWC to review Decision of COA (COA05-1415)	Denied
608P07	State v. Royce Gordon, Jr.	Def's PWC to Review Order of Buncombe County Superior Court	Dismissed
612P07	State v. Joel Salazar Alvarado	<p>1. Def's PDR Under N.C.G.S. § 7A-31(c)(3) (COA07-105)</p> <p>2. Def's NOA Based Upon a Substantial Constitutional Question Under N.C.G.S. § 7A-30(1)</p> <p>3. AG's Motion to Dismiss Appeal</p>	<p>1. Denied</p> <p>2. - - -</p> <p>3. Allowed</p>

618P07	State v. Alfred William Riley, Jr.	1. Def's Motion for NOA (Constitutional Question) (COAP07-980) 2. Def's PWC to Review the Order of the COA	1. Dismissed 2. Dismissed
638P02-2	State v. Carl Douglas St. John	Def's Motion on Writ of Certiorari to the N.C. Supreme Court	Dismissed Hudson, J., Recused
666P03-2	State v. Matthew N. Gale	1. Def's PWC to Review Order of Vance County Superior Court 2. Def's PWC to Review Order of COA	1. Dismissed 2. Dismissed