

SUPREME COURT OF NORTH CAROLINA

PETITIONS

26 January 2012

003P12	Azlea Hubbard v. Eastern Savings Bank; FSB Mortgage America Bankers, L.L.C.; Terrelles Martinez Epps, aka Terry Epps; Custom Title and Escrow, Inc.; and Substitute Trustee Services, Inc., in their Capacity as Substitute Trustee	<p>1. Plt's <i>Pro Se</i> Motion for Temporary Stay (COAP11-1070)</p> <p>2. Plt's <i>Pro Se</i> Petition for <i>Writ of Supersedeas</i></p>	<p>1. Dismissed 01/06/12</p> <p>2. Dismissed 01/06/12</p>
004P12	Galen W. Seidner, Jr., and wife Kim A. Seidner v. Town of Oak Island, a North Carolina Municipal Corporation and Body Politic	<p>1. Def's NOA Based Upon a Constitutional Question (COA11-361)</p> <p>2. Def's PDR Under N.C.G.S. § 7A-31</p> <p>3. Def's Motion for Notice of Withdrawal of NOA and PDR</p>	<p>1. - - -</p> <p>2. - - -</p> <p>3. Allowed</p>
006P12	George Harrington and wife, Joann Harrington v. Buddy Gerald	<p>1. Plts' <i>Pro Se</i> PWC to Review Decision of COA (COA07-1070)</p> <p>2. Def's Motion for Costs and Attorney's Fees</p>	<p>1. Denied</p> <p>2. Denied</p>

007P12	State v. Brandon Jason Brown	<p>1. State's Motion for Temporary Stay (COA11-709)</p> <p>2. State's Petition for <i>Writ of Supersedeas</i></p> <p>3. State's PDR Under N.C.G.S. § 7A-31</p>	<p>1. Allowed 01/09/12</p> <p>2.</p> <p>3.</p>
008P12	State v. Ricky Clyde Prestwood	<p>1. Def's <i>Pro Se</i> PDR Under N.C.G.S. § 7A-31 (COA11-340)</p> <p>2. Def's <i>Pro Se</i> Motion to Appoint Counsel</p>	<p>1. Denied</p> <p>2. Dismissed as Moot</p>
022P12	State v. Cranston L. Burns	Def's <i>Pro Se</i> Petition for <i>Writ of Habeas Corpus</i>	Denied 01/13/12
024P12	Dewey D. Mehaffey, Employee v. Burger King, Employer, Liberty Mutual Group, Carrier	<p>1. Plt's Motion for Temporary Stay (COA10-1421)</p> <p>2. Plt's Petition for <i>Writ of Supersedeas</i></p> <p>3. Plt's PDR Under N.C.G.S. § 7A-31</p>	<p>1. Allowed 01/17/2012</p> <p>2.</p> <p>3.</p>
031P11-3	State v. Julius Kevin Edwards	Def's <i>Pro Se</i> Motion for Appeal (COAP11-307)	Dismissed

034P12	Terry Wells, Employee v. Coastal Cardiology Associates, Employer, Selective Insurance Company, Carrier	1. Defs' Motion for Temporary Stay (COA11-648) 2. Defs' Petition for <i>Writ of Supersedeas</i> 3. Defs' PDR Under N.C.G.S. § 7A-31	1. Allowed 01/25/12 2. 3.
035P12	Connie Chandler, Employee, by her Guardian <i>ad</i> <i>Litem</i> , Celeste M. Harris v. Atlantic Scrap & Processing, Employer and Liberty Mutual Insurance Company, Carrier	1. Defs' Motion for Temporary Stay (COA11-618) 2. Defs' Petition for <i>Writ of Supersedeas</i> 3. Defs' PDR Under N.C.G.S. § 7A-31	1. Allowed 01/25/12 2. 3.
042P04-6	State v. Larry McLeod Pulley	Def's <i>Pro Se</i> PDR Under N.C.G.S. § 7A-31 (P11-204)	Denied

112P11	Speedway Motorsports International Ltd. v. Bronwen Energy Trading, Ltd., Bronwen Energy Trading UK, Ltd., Dr. Patrick Denyefa Ndiomu, BNP Pariabas (Suisse) SA, BNP Paribas S.A., Swift Aviation Group, Inc., Swift Air, LLC, Swift Aviation Group, LLC, and Swift Transportation Co., Inc.	Plt's PDR Under N.C.G.S. § 7A-31 (COA09-1451)	Denied
113P11	Speedway Motorsports International Ltd. v. Bronwen Energy Trading, Ltd., Bronwen Energy Trading UK, Ltd., Dr. Patrick Denyefa Ndiomu, BNP Pariabas (Suisse) SA, BNP Paribas S.A., Swift Aviation Group, Inc., Swift Air, LLC, Swift Aviation Group, LLC, and Swift Transportation Co., Inc.	1. Def's (BNP Paribas S.A.) PDR Under N.C.G.S. § 7A-31 (COA09-558) 2. Plt's Conditional PDR Under N.C.G.S. § 7A-31	1. Denied 2. Dismissed as Moot

152P11-2	State v. Keith Leonardo Shropshire	<p>1. Def's <i>Pro Se</i> PWC to Review Order of COA (COAP11-958)</p> <p>2. Def's <i>Pro Se</i> Motion to Proceed <i>In Forma Pauperis</i></p> <p>3. Def's <i>Pro Se</i> Motion to Appoint Counsel</p>	<p>1. Dismissed</p> <p>2. Allowed</p> <p>3. Dismissed as Moot</p>
157P11	State v. Brian Keith Boozer and Delshaun Darron Covington	Def's (Covington) PDR Under N.C.G.S. § 7A-31 (COA10-1018)	Denied
175P11	State v. Matthew Lee Beckelheimer	<p>1. State's Motion for Temporary Stay (COA10-203)</p> <p>2. State's Petition for <i>Writ of Supersedeas</i></p> <p>3. State's PDR Under N.C.G.S. § 7A-31</p>	<p>1. Allowed 05/09/11</p> <p>2. Allowed</p> <p>3. Allowed</p>
216PA11	In the Matter of District Court Administrative Order	Appellee's Motion to Dismiss	<p>Denied</p> <p>Parker, C.J., Martin, J., and Timmons- Goodson, J., Recused</p>
222P04-4	State v. Salramon Gonzales aka Alex Ramirez	Def's <i>Pro Se</i> Motion for PDR (COAP09-65)	Dismissed

229P06-5	State v. Robert Wayne Smith	1. Def's <i>Pro Se</i> Motion for PDR (COAP11-450) 2. Def's <i>Pro Se</i> Motion to Proceed <i>In Forma</i> 3. Def's <i>Pro Se</i> Motion to Appoint Counsel	1. Dismissed 2. Allowed 3. Dismissed as Moot
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330P11	Delhaize America, Inc. v. David W. Hoyle, Secretary of Revenue of the State of North Carolina	<p>1. Plt's PDR Prior to Determination of COA (COA11-868)</p> <p>2. Plt's Motion for Admission of Joseph P. Exposito <i>Pro Hac Vice</i></p> <p>3. Plt's Motion for Admission of Richard L. Wyatt <i>Pro Hac Vice</i></p> <p>4. Council on State Taxation's Motion for Leave to File <i>Amicus</i> Brief</p> <p>5. Def's Conditional PDR Prior to Determination of COA</p> <p>6. Def's Motion to Strike (Council on State Taxation)</p> <p>7. N.C. Chamber of Commerce and N.C. Retail Merchants Assoc.'s Motion to Leave to File <i>Amicus</i> Brief</p> <p>8. Def's Motion to Strike (N.C. Chamber of Commerce and N.C. Retail Merchants Assoc.)</p> <p>9. Plt's Motion to Amend PDR</p>	<p>1. Denied</p> <p>2. Allowed</p> <p>3. Allowed</p> <p>4. Dismissed as Moot</p> <p>5. Dismissed as Moot</p> <p>6. Dismissed as Moot</p> <p>7. Dismissed as Moot</p> <p>8. Dismissed as Moot</p> <p>9. Allowed</p>
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344P11	State v. Kevin Burnette Johnson	<p>1. Def's <i>Pro Se</i> NOA Based Upon a Constitutional Question (COA11-56)</p> <p>2. Def's <i>Pro Se</i> PDR Under N.C.G.S. § 7A-31</p> <p>3. Def's PDR Under N.C.G.S. § 7A-31</p>	<p>1. Dismissed <i>ex Mero Motu</i></p> <p>2. Dismissed</p> <p>3. Denied</p>
356P11	State v. Jayson Collins Phillpott	Def's PDR Under N.C.G.S. § 7A-31 (COA10-838)	Denied
358P11	In the Matter of L.N.H. and L.M.H.	<p>1. Respondent-Father's PDR Under N.C.G.S. § 7A-31 (COA10-1619)</p> <p>2. Respondent-Mother's PDR Under N.C.G.S. § 7A-31</p>	<p>1. Denied</p> <p>2. Denied</p>
361A11	State v. Michael Everett Smith	<p>1. Def's NOA Based Upon a Constitutional Question (COA10-1386)</p> <p>2. State's Motion to Dismiss Appeal</p> <p>3. State's Motion to Withdraw as Counsel and to Substitute Counsel</p>	<p>1. - - -</p> <p>2. Allowed</p> <p>3. Allowed</p>

366P11	Donald Ray Strickland, Administrator of the Estate of Peyton Brooks Strickland v. The University of North Carolina at Wilmington and The University of North Carolina at Wilmington Police Department	Def's (UNCW) PDR Under N.C.G.S. § 7A-31 (COA10-1589)	Denied
373P11	Tamida Wynn, Employee v. United Health Services / Two Rivers Health-Trent Campus, Employer and The Phoenix Insurance Company, Carrier	<p>1. Defs' Motion for Temporary Stay (COA10-991)</p> <p>2. Defs' Petition for <i>Writ of Supersedeas</i></p> <p>3. Defs' PDR Under N.C.G.S. § 7A-31</p>	<p>1. Allowed 09/02/11; Dissolved the Stay 01/26/12</p> <p>2. Denied</p> <p>3. Denied</p> <p>Hudson, J., Recused</p>
380P11	State v. Nicholas Brady Heien	<p>1. State's Motion for Temporary Stay (COA11-52)</p> <p>2. State's Petition for <i>Writ of Supersedeas</i></p> <p>3. State's PDR</p>	<p>1. Allowed 09/06/11</p> <p>2. Allowed</p> <p>3. Allowed</p>

391P11	Andrew S. Khomyak, by and through his Guardian <i>ad Litem</i> , Carolyn J. Khomyak, and Carolyn J. Khomyak, Individually v. James M. Meek, M.D., Novant Medical Group, Inc. d/b/a Carmel Obstetrics and Gynecology	Plts' PDR Under N.C.G.S. § 7A-31 (COA10-1597)	Denied
397P11	State v. Andrew Jackson Oates	<p>1. State's Motion to Temporary Stay (COA10-725)</p> <p>2. State's Petition for <i>Writ of Supersedeas</i></p> <p>3. State's PDR Under N.C.G.S. § 7A-31</p> <p>4. Def's Motion to Deem Response Timely Filed</p>	<p>1. Allowed 09/16/11</p> <p>2. Allowed</p> <p>3. Allowed</p> <p>4. Dismissed as Moot</p>
407P11	State v. Albert George Khouri, Jr.	Def's PDR Under N.C.G.S. § 7A-31 (COA10-1030)	Denied

410P11	Countrywide Home Loans Servicing, LP and Substitute Trustee Services, Inc., or its Successor in Interest, Solely in its Capacity as Substitute Trustee Under that Certain Deed of Trust Recorded in Book 2283, Page 389 of the Pitt County Registry v. States Resources Corp., Waslaw, LLC, Solely in its Capacity as Substitute Trustee of the Certain Deed of Trust Recorded in Book 2060, Page 24 of the Pitt County Registry	<p>1. Plt's (Countrywide) NOA Based Upon a Constitutional Question (COA10-1348)</p> <p>2. Plt's (Countrywide) PDR Under N.C.G.S. § 7A-31</p> <p>3. Def's (State Resources Corp.) Motion to Dismiss Appeal</p> <p>4. Def's (States Resources Corp.) 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>
417P11	Charles Alonzo Tunstall-Bey v. Frank W. Balance, Jr., et al.	Petitioner's <i>Pro Se</i> Motion for Reconsideration (COAP11-237)	Denied
444P11	In the Matter of: B.E., C.C., L.C.	Respondent-Mother's PDR Under N.C.G.S. § 7A-31 (COA11-140)	Denied

455P11	State v. Paul Evan Seelig	1. Def's <i>Pro Se</i> PWC to Review Order of the COA (COAP11-761) 2. Def's <i>Pro Se</i> Motion to Appoint Counsel	1. Dismissed 2. Dismissed as Moot
463P11	State v. Jordan Glenn Peterson	Def's PDR Under N.C.G.S. § 7A-31 (COA11-20)	Denied
472A11	State v. Timothy Alfred Sweat	State's Motion to Have Service Deemed Timely (COA11-57)	Allowed
475P11	Jody Adams v. Edwin M. Hardy	Plt's <i>Pro Se</i> PWC to Review Order of COA (COA11-786)	Denied
478P11	State v. Kevin Kenard Simmons	1. Def's NOA Based Upon a Constitutional Question (COA10-1534) 2. Def's PDR Under N.C.G.S. § 7A-31	1. Dismissed <i>ex Mero Motu</i> 2. Denied
479P11	State v. Charles O'Brien Teague	1. Def's NOA Based Upon a Constitutional Question (COA11-39) 2. Def's PDR Under N.C.G.S. § 7A-31 3. State's Motion to Dismiss Appeal	1. - - - 2. Denied 3. Allowed

490P11	State v. Larrington Alando Wilson	Def's PDR Under N.C.G.S. § 7A-31 (COA11-137)	Denied
491P11	State v. Thomas Lamonte Jackson	1. Def's NOA Based Upon a Constitutional Question (COA10-1135) 2. Def's PDR Under N.C.G.S. § 7A-31 3. State's Motion to Dismiss Appeal	1. - - - 2. Denied 3. Allowed
492P11	In re: Release of the Silk Plant Forest Citizen Review Committee's Report and Appendices, City of Winston-Salem, NC v. Michael N. Barker, Richard E. Best, Robert G. Cozart, John Grismer, Bryan L. Macy, Michael C. Rowe, Michael L. Sharpe, Michael Poe, Randy Patterson, Randy N. Weavil, Lonnie M. Maines, Mary McNaught, et al.	1. Petitioner's (City of Winston-Salem) PDR Under N.C.G.S. § 7A-31 (COA10-1576) 2. N.C. Press Association and N.C. Association of Broadcasters' Motion for Leave to File <i>Amicus</i> Brief	1. Denied 2. Dismissed as Moot

493P11	Learning Center/Ogden School, Inc., d/b/a The Learning Center Charter School v. Cherokee County Board of Education, d/b/a Cherokee County Schools	<p>1. Def's PDR Prior to Determination by the COA (COA11-1270)</p> <p>2. Plt's PDR Prior to Determination by the COA</p> <p>3. Plt's Motion to Consolidate Related Appeals</p> <p>4. Defendant's Motion to Consolidate Related Appeals</p>	<p>1. Denied</p> <p>2. Denied</p> <p>3. Dismissed as Moot</p> <p>4. Dismissed as Moot</p>
494P11	Union Academy, Metrolina Regional Scholars Academy, Socrates Academy Charter School, Charlotte Secondary Charter School and Queens Grant Charter School v. Union County Public Schools	<p>1. Plts' PDR Prior to Determination by the COA (COA11-1300)</p> <p>2. Plts' Motion to Consolidate Related Appeals</p>	<p>1. Denied</p> <p>2. Dismissed as Moot</p>

496P11	George L. Petty and Steven L. Petty v. City of Kannapolis and Investors Title Insurance Co.	<p>1. Plts' <i>Pro Se</i> NOA Based Upon a Constitutional Question (COA11-322)</p> <p>2. Plts' <i>Pro Se</i> PDR Under N.C.G.S. § 7A-31</p> <p>3. Def's (City of Kannapolis) Motion to Dismiss Appeal</p> <p>4. Def's (City of Kannapolis) 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>
501P11	State v. Derald Dean Hafner	Def's <i>Pro Se</i> Motion for Petition for <i>Writ of Error Coram Vobis</i>	Dismissed
502P11	State v. Reynarldo Rafael Rivera	Def's PDR Under N.C.G.S. § 7A-31 (COA11-268)	Denied

505A11	State v. Chad Jarrett Barrow	<p>1. State's Motion for Temporary Stay (COA10-978)</p> <p>2. State's Petition for <i>Writ of Supersedeas</i></p> <p>3. State's PDR Under N.C.G.S. § 7A-31</p> <p>4. Def's NOA Based Upon a Dissent</p> <p>5. Def's PDR as to Additional Issues</p>	<p>1. Allowed 11/21/11</p> <p>2. See Special Order</p> <p>3. See Special Order</p> <p>4. - - -</p> <p>5. See Special Order</p>
509A11	State v. Roshun Kente' Pittman	Def's NOA Based Upon a Constitutional Question (COA11-485)	Dismissed <i>ex Mero Motu</i>
510P11	State v. Tyson Javon LaSalle	Def's <i>Pro Se</i> PDR Under N.C.G.S. § 7A-31 (COA11-275)	Denied
511P11	<p>Portfolio Associates, LLC v. Richard E. Freeman</p> <p>Richard E. Freeman, on Behalf of Himself and All Others Similarly Situated, Counterclaimant v. Portfolio Recovery Associates, LLC, Defendant to Counterclaim</p>	<p>1. Def. and Counterclaimant's PDR Under N.C.G.S. § 7A-31 (COA11-220)</p> <p>2. Motion to Admit Christopher W. Madel, Jennifer M. Robbins, and Nicole S. Frank, <i>Pro Hac Vice</i></p>	<p>1. Denied</p> <p>2. Dismissed as Moot</p>

512P11	State v. Derrick Eugene Smith	<p>1. Def's NOA Based Upon a Constitutional Question (COA11-216)</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>
513P11	State v. Avery Forney	Def's PDR Under N.C.G.S. § 7A-31 (COA11-352)	Denied
515P11	State v. Kevin E. Hayward	State's PWC to Review Order of COA (COAP11-913)	Denied
522A11	Walter Sutton Baysden v. State of North Carolina	<p>1. State's Motion for Temporary Stay (COA11-395)</p> <p>2. State's Petition for <i>Writ of Supersedeas</i></p> <p>3. State's NOA Based Upon a Dissent</p> <p>4. Plt's NOA Based Upon a Constitutional Question</p> <p>5. Plt's PDR Under N.C.G.S. § 7A-31</p>	<p>1. Allowed 12/02/11</p> <p>2. Allowed 12/02/11</p> <p>3. - - -</p> <p>4. Dismissed <i>ex Mero Motu</i></p> <p>5. Allowed</p>

524P11	State v. Rodney Lee Moore	1. Def's NOA Based Upon a Constitutional Question (COA11-267) 2. Def's PDR Under N.C.G.S. § 7A-31	1. Dismissed <i>ex Mero Motu</i> 2. Allowed
527P11	State v. Julius Vongay Jordan	Def's <i>Pro Se</i> Motion for NOA	Dismissed
528P11	State v. Charles Anthony Williams	Def's <i>Pro Se</i> PDR Under N.C.G.S. § 7A-31 (COA11-328)	Denied
529P11	State v. Felipe A. Rico	1. Def's <i>Pro Se</i> PDR (COAP10-363) 2. Def's <i>Pro Se</i> Motion for Petition for Leave to Amend 3. Def's <i>Pro Se</i> Petition for <i>Writ of Habeas Corpus</i>	1. Denied 12/22/11 2. Allowed 12/22/11 3. Denied 12/22/11
530P11	State v. Gary Lane Cole	Def's PDR Under N.C.G.S. § 7A-31 (COA11-323)	Denied
534P11	State v. Charles Clark	Def's <i>Pro Se</i> Motion for NOA	Dismissed <i>ex Mero Motu</i>
535P11	State v. Angela Chanelle Leftdwrig	1. Def's <i>Pro Se</i> PDR Under N.C.G.S. § 7A-31 (COA11-152) 2. Def's <i>Pro Se</i> Motion to Proceed <i>In Forma Pauperis</i>	1. Denied 2. Allowed

538P11	State v. Joshua K. Caudill	Def's PWC to Review Decision of COA (COA10-1466)	Dismissed with Leave to File a PWC with the COA
540P11	State v. Bradley Emerson McDonald	Def's PDR Under N.C.G.S. § 7A-31 (COA11-0008)	Denied
541P11	Anita Thompson, Employee v. Fedex Ground/RPS, Inc., Employer; Crawford & Company, Third-Party Administrator	Plt's PDR Under N.C.G.S. § 7A-31 (COA11-448)	Denied
542P11	Jeffrey Harliss Freeman v. N.C. Department of Corrections; Alvin Keller, Jr., in his Capacity as Secretary of Dept. of Corr.; and Faye Daniels, in her Capacity as Administrator of Pamlico Correctional Institution	Petitioner's <i>Pro Se</i> Petition for <i>Writ of Habeas Corpus</i> (COAP11-937)	Denied 01/04/12
544P11	Associate Behavioral Services, Inc. and Gregory Moore v. Shirley Smith, Jeanette Smith, and Life Changing Behavioral Services, LLC	Plts' <i>Pro Se</i> Motion for NOA (COA11-1187)	Dismissed <i>ex Mero Motu</i>

549P11	State v. Harish Purushottamdas Patel	Def's PDR Under N.C.G.S. § 7A-31 (COA10-1564)	Denied
553P11	State v. Marco Antonio Rivera-Ocana	Def's PDR Under N.C.G.S. § 7A-31 (COA11-583)	Denied
555P11	State v. Gregory Mark Brown	1. State's Motion for Temporary Stay (COA11-659) 2. State's Petition for <i>Writ of Supersedeas</i> 3. State's PDR Under N.C.G.S. § 7A-31	1. Allowed 12/22/11 ; Dissolved the Stay 01/26/12 2. Denied 3. Denied
556A90-5	State v. Blanche Kiser Taylor Moore	Def's PWC to Review Order of Superior Court of Forsyth County	Denied
556P11	State v. Gloria Hughes Estes	Def's PDR Under N.C.G.S. § 7A-31 (COA11-408)	Denied
557P11	State v. Paul Jason Cannon	Def's <i>Pro Se</i> PDR Under N.C.G.S. § 7A-31 (COA11-327)	Denied