

## SUPREME COURT OF NORTH CAROLINA

### PETITIONS

Decided by the Court in Conference: 3 February 2000

{ Posted on the Internet Web Site: 4 February 2000 at 9:40 a.m. and re-posted at 10:00 a.m. }

{ Correction to 590A99 posted on 7 February 2000 at 4:45 p.m. }

#### COMMON ABBREVIATIONS

Abbreviation	Full Term
PWC	Petition for Writ of Certiorari
MAR	Motion for Appropriate Relief
COA	North Carolina Court of Appeals
MTS	Motion for Temporary Stay
Def	Defendant
NOA	Notice of Appeal
Plt	Plaintiff
PDR	Petition for Discretionary Review
Cert	Certiorari
AG	Attorney General

10P00*	State v. Edwards C. Gonzalez	Def's Pet. for Writ of Habeas Corpus	Allowed & ordered def. be released from custody upon own recognizance and such other non-financial conditions as trial judge may impose
51P00	State v. Terry Eugene Woods	AG's Motion for Temporary Stay	Denied
192P99 - 5	State v. Joseph Marion Head, Jr.	Pro Se Def's Motion for Judgment of Default & for out of court settlement of ten zillion dollars	Denied
192P99 - 4	State v. Joseph Marion Head, Jr.	1. Def's Handwritten Pro Se Motion for New Trial, reversal of Jury verdict, dismissal 2. Def's Handwritten Pro Se Motion for Reversal of Jury verdicts & Dismissal 3. Def's Handwritten Pro Se Motion for Court Order Ordering Out of Court Settlement of One Zillion	1. Denied 2. Denied 3. Denied

		Dollars Payable to Def.	
215A96 - 4	State v. Guy LeGrande	Def's Pro Se Amended Pet. for Rehearing	Denied
242A93 - 3*	State v. David Clayton Lynch	1. Def's Motion for Temporary Stay 2. Def's Petition for Writ of Supersedeas 3. Def's Petition for Writ of Cert	1. Denied 01/06/00 2. 3.
247P99	Pulliam v. Nova SE University	Plt's PDR	Denied 08/19/99
288P99 - 3	Garland Pittman v. Randall Lee, Supt.	Plt's Pro Se Pet. for Writ of Habeas Corpus	Denied
300P99	Buchanan v. Hight	1. Plts' NOA 2. Plts' PDR 3. Def's Motion to Dismiss Appeal	1. - - - 2. Denied 08/19/99 3. Allowed 08/19/99
319A99	Dorothy Hutelmyer v. Margie Cox	Def's Motion to Dismiss Appeal	Allowed
321P99	JWL Investment v. Guilford Co. Bd. of Adjustment	Plts' PDR	Denied 10/07/99
331PA99	State v. Scott Lyn Roberts	Def's Motion to Amend Brief	Allowed
367P99	William Michael Stem & Edward Keeton v. Gill Richardson & NC Farm Bureau Mutual Ins. Co.	1. Plt Atty's NOA 2. Plt Atty's PDR 3. Plt Atty's Alternative Motion for Leave to Participate as Petitioner 4. Plts' PDR	1. Dismissed ex mero motu 2. Denied 3. Denied 4. Denied
392P99	State v. Gerald Jose Williams	Def's PDR	Denied <b>Wainwright Recused</b>
418P99	Demetrius Lynn v. Starnisha Burnette & Unknown Driver (revised 12/07/99)	Plt's PDR	Allowed for limited purpose of remanding to COA for reconsideration in light of In re Moore 306 N.C. 394, 400 (1982).
424P99	State v. Vincent Tan Hall	1. Def's NOA 2. Def's PDR 3. AG's Motion to Dismiss Appeal	1. - - - 2. Denied 3. Allowed
434P99	Helen P. Jarvis v. Food Lion, Inc., Self-Insured	Plt's PDR	Denied 11/04/99

441P99	Dennis Rhoney & Patsy C. Rhoney v. Tony Kona Fele, Devon Vonshell Furtick & Nursefinders of Indianapolis, Inc.	Plts' PDR	Denied
442P99	Virginia Leftwich v. Luther Gaines, Mary Ann Wray, & Town of Mt. Airy, NC	1. Defs' (Gaines & Mt. Airy) PDR 2. Def's (Mary Ann Wray) PDR	1. Denied 12/02/99 2. Denied 12/02/99
446PA99	State v. Jerry Alfred Coble	Def's Motion for Release Pending Discretionary Review	Denied
447P99	State v. Herbert Chavis	1. Def's NOA 2. Def's PDR 3. AG's Motion to Dismiss Appeal	1. - - - 2. Denied 3. Allowed
459P99	David Helms v. Timothy Baucom	1. Plt's PDR 2. Def's Motion to Dismiss PDR	1. Denied 2. Denied
461P99	Stanley Williams v. Hon. W. Erwin Spainhour	Plt's Pet. for Writ of Cert	Denied
462P99	Lionel Lewis v. Craven Regional Medical Center & Virginia Insurance Reciprocal	Plt's Pet. for Writ of Cert.	Allowed
467P99	State v. Horace Stokes, Jr.	Pro Se Def's PWC	Denied
472P99	Guilford Cty. v. Lloyd Turlington	Def's PDR	Denied 12/02/99
474P99	State v. Kwame Jamal Teague	1. Def's NOA 2. Def's Pet. for Writ of Cert. 3. AG's Motion to Dismiss Appeal	1. - - - 2. Denied 3. Allowed
479P99	Elizabeth Huskins v. Scott E. Huskins	Plt's Pet. for Writ of Cert.	Denied
480A99	State v. Donald Scanlon	Def's Motion to Amend Record on Appeal	Allowed 02/03/00
481P99*	State v. Ralph Singletary aka Kenneth Black	Def's Pro Se Pet. for Writ of Mandamus	Denied 11/12/99
483P99	Yohannes Haile- Mariam a/k/a Harold Wesley Jones v. Eloise Kennedy Banks & Integon Ins. Co.	1. Plt's Pro Se Motion to Proceed in Forma Pauperis 2. Plt's Pro Se Pet. for Writ of Cert.	1. Allowed 2. Denied
484P99	State v. Michael Ray Williams	1. Def's Pro Se Pet. for Writ of Cert 2. Def's Pro Se Motion for	1. Denied 2. Denied

		Dismissal 3. Def's Pro Se Motion for Preparation of a Stenographic Transcript 4. Def's Pro Se Motion to Amend the Pet. for Writ of Cert.	3. Denied 4. Denied
486P99	Schooler & Schooler v. Kennedy, Kennedy & Kahn	Plt's PDR	Denied
493A99	Reginald L. Frazier v. Maureen Demarest Murray, Henry C. Babb, Jr., James Lee Burney & Disciplinary Hearing Comm. of NC St. Bar	1. Defs' Motion to Dismiss Appeal 2. Plt's Motion for Ext. of time to File Brief on 12/14/99 3. Plt's Supplemental Motion to Extend Time to File Brief on 12/14/99 4. Plt's Motion to Consolidate Appeals	1. Allowed 2. Denied 3. Denied 4. Denied
494P99	Reginald Lee Frazier v. J.B. French et al, Superintendent & Staff of N.C. DOC	1. Plt's Pro Se Pet. for Writ of Habeas Corpus 2. Plt's Pro Se Motion in Dimanition and Addendum to Pet. for Writ of Habeas Corpus	1. Denied 2. Denied 11/04/99
495P99	Robert Earl Dalton d/b/a B. Dalton & Co. v. David Camp, Nancy Menius & Millennium Comm. Concepts.	1. Plt's PDR 2. Defs' Conditional PDR 3. Plt's Motion to Suspend Rules & Amend PDR	1. Allowed for limited purpose of remanding to the COA for reconsideration in light of Sara Lee Corp. v. Carter, 351 N.C. 27 (1999). 2. Denied 3. Allowed
496P99	Allstate Insurance Co. v. Chatterton, Nichols, Cathey, Skipper & Skipper	Defs' PDR	Denied
497P99	John H. Suddreth & wife v. City of Charlotte & Charlotte Zoning Bd. of Adjustment	Plt's PDR	Denied
498P99	State v. Michael Lundy & Ronald Evans	1. Def's (Lundy) NOA 2. Def's (Lundy) PDR 3. Atty. Gen.'s Motion to dismiss 4. Def's (Evans) NOA 5. Def's (Evans) PDR 6. Atty. Gen.'s Motion to Dismiss	1. - - - 2. Denied 3. Allowed 4. - - - 5. Denied 6. Allowed

499P99	State v. Raphael Maurice Rogers	Def's Pet. for Writ of Cert.	Denied
501P99	Dixie L. Deerman v. Beverly California Corp. now known as Beverly Health & Rehabilitation Services, Inc., a CA Corporation	Def's (Beverly California Corp.) PDR	Denied
503P99	State v. Rodney Britt	Def's PDR	Denied
504P99	Phillip Corn d/b/a Delta Bldg. Maint. v. Converse, Inc.	Plt's PDR	Denied
508P99	State v. Russell Dorsey	Def's Pet. for Writ of Cert.	Denied
512P99	State v. Donald Ray Pavey	Def's Pet. for Writ of Cert.	Denied
514P99	State v. Richard Mitchell	Def's Pet. for Writ of Cert.	Denied
515P99	Haywood Cannon v. Gladys Wiggins Cannon, Deceased & Norman Wiggins	1. Plt's Pro Se NOA 2. Plt's Pro Se PDR	1. Dismissed ex mero motu 2. Denied <b>MARTIN &amp; WAINWRIGHT RECUSED</b>
516P99	State v. Louis Stallings	Def's PDR	Denied
517P99	State v. Larry Person	Def's PDR	Denied
518P99	Von Pettis Realty & Johnson v. Donna McKoy	Plt's PDR	Denied
519P99	State v. Larry Leggett	1. Def's NOA (Const. Ques.) 2. Def's PDR	1. Dismissed ex mero motu 2. Denied
520P99	Vickie Rissolo v. Celeste Hunter Sloop, D.D.S.	Def's PDR	Denied
521P99	Country Club of Johnston Cty. v US Fidelity & Guaranty Co.	Def's PDR	Denied <b>Martin Recused</b>
523P99	Market America v. Robin Christman- Orth	Def's PDR	Denied <b>MARTIN RECUSED</b>
524P99	State v. Jermaine Jones	1. Def's Pro Se NOA 2. Def's Pro Se NOA 3. Def's Pro Se PDR	1. Dismissed ex mero motu 2. Dismissed ex mero motu 3. Denied
526P99	Barbara Nolan v. Paramount Homes	Plt's PDR	Denied
527P99	Tommy Amaker & wife v. Duffy Realty & Building Co. v. Simplex Products Div. of K2, Inc.	Plt's PDR	Denied

528P99	State v. Ray S. Pilkington	Def's Pet. for Writ of Cert.	Denied
529P99	NC State Bar v. Reginald Frazier	1. Plt's PDR Prior to Determination by NC-COA 2. Plt's Motion to Consolidate Cases for Decision Pursuant to NC R. App. p. 40	1. Denied 2. Denied
530P99	State v. Jerod Fonville	Def's PDR	Denied
531P99	Wendell Turner v. NC D. of Correction	Plt's Pro Se Pet. for Writ of Mandamus	Denied
532P99	State v. Nathaniel Williamson	Def's Pro Se Pet. for Writ of Cert.	Denied
533P99	State v. Rodney Boyd	Def's Pet. for Writ of Cert.	Denied
535P99	Pamela Coiner v. Lonnie Cales	Def's PDR	Denied
536P99	State v. Theodore Jungle Williams	Def's Pro Se Pet. for Writ of Cert.	Dismissed
537P99	State v. Christopher J. Benino	1. Def's Pro Se Motion to Proceed in forma Pauperis 2. Def's Pro Se NOA 3. Def's PDR	1. Allowed 2. Dismissed ex mero motu 3. Denied
540P99	Lawanda Parchment, Ext. of Estate of Roy Parchment v. Bobby Lee Garner & Norfolk Southern RR	Plt's PDR	Denied
541A99	Ronald H. Garber v. Great West Life & Annuity Assurance Co.	Joint Motion to Withdraw Appeal	Allowed 01/21/00
544P99	John Stewart v. Jim Hunt, Theodis Beck	Pro Se Prisoners' complaint for injunctive & declaratory relief	Denied
545P99	State v. Danny Elliott	Def's PDR	Denied
546P99	State v. Malcolm Wright, Jr.	Def's PDR	Denied
547P99	Joyce Jones v. David Purington & Charles Webb	Plt's PDR	Denied
549A99	Gregory Osburn & Joy Osburn v. Danek Medical, Sofamor-Danek Group, Warsaw Orthopaedic, Keith Maxwell, M.D., & St. Joseph's Hospital	1. Plts' NOA 2. Plts' PDR	1. - - - 2. Denied

551P99	State v. Danny Eugene Meshaw	Def's Pro Se Pet. for Writ of Cert.	Dismissed
552P99	State v. Corey Dawkins	Def's Pet. for Writ of Cert.	Denied
553P99	State v. Dennis Lee Wesley	Def's Pro Se Pet. for Writ of Cert.	Denied
554P99	State v. Reid	Def's Pet. for Writ of Habeas Corpus	Denied
555P99	Kathy Sauls Lane v. R. N. Rouse & Co.	Def's PDR	Denied
559P99	Park Lake Recreation Assoc. v. Angela Reid Grant	Def's Pet. for Writ of Cert.	Denied
560P99	State v. Jerome Hudson	Def's Pet. for Writ of Cert.	Denied
562P99	Carla Marley & Kenneth Marley v. Robert Graper, M.D. & Peter Young, M.D.	Plt's Pet. for Writ of Cert.	Denied
565P99	In the Matter of the Will of Kenneth Mason (Jack Krantz, Jr. (Deceased))	Caveator's (Krantz) PDR	Denied
566P99	Eddie Hatcher v. JoAnn Locklear	Plt's Pro Se Pet. for Writ of Mandamus	Dismissed
567A99	State v. Timothy Blackwell	1. Def's Motion to Dismiss Appeal 2. State's Motion to Deem Brief Timely Filed	1. Denied 2. Allowed
567A99	State v Timothy Blackwell	1. Atty. Gen's NOA 2. Atty. Gen's Motion for Temporary Stay 3. Atty. Gen's Pet. for Writ of Supersedeas	1. - - - 2. Allowed 12/21/99 3. Allowed 12/21/99
568A99	Albert Coombs v. Sprint Communications Co. & AT&T	1. Plt's Pro Se Motion to Stay "Service Disconnect by Either Respondent" 2. Plt's Pro Se Motion to Join Intervener 3. Plt's Direct Appeal from Admin. Agency as Rate Case under NCGS 7A-29	1. Denied 2. Denied 3. Dismissed ex mero motu
569P99	Lawrence Cary v. Charles Vaughan	1. Plt's Pro Se Motion for Temp. Stay 2. Plt's Pro Se Pet. for Writ of Supersedeas 3. Plt's Pro Se Writ of Cert.	1. Denied 01/07/00 2. Denied 01/07/00 3. Denied 01/07/00

571A99	State v. Robert Junior Gaither	1. Def's NOA 2. AG's Motion to Dismiss Appeal	1. - - - 2. Allowed
575A99	State v. Titus Germaine Williams	1. Def's NOA 2. AG's Motion to Dismiss Appeal for Failure to Present a Real Const. Ques.	1. - - - 2. Allowed
582P99*	John Frost & Carolyn Frost v. Mazda Motor of America & Primus Automotive Financial Services	1. Def's (Primus) Motion for Temporary Stay 2. Def's (Primus) Pet. for Writ of Supersedeas	1. Allowed 2.
583P99	Allen Tew, P.A. v. William Brown	Def's PDR	Allowed
585A97	State v. Jimmie Lawrence	Def's Motion to Amend Record on Appeal	Allowed 01/11/00
589P99	State v. Andre Jhonson	Def's Pet. for Writ of Cert.	Denied <b>Justice Orr Recused</b>
589P99	State v. Harry James Fowler	1. Pro Se Def's Handwritten Pet. for Writ of Cert 2. Pro Se Def's Handwritten Pet. for Writ of Cert	1. Denied 2. Denied
590A99	State v. David Hunter a/k/a David Willink	1. Def's NOA Based Upon a Dissent 2. Def's NOA Based Upon a Constitutional Question 3. AG's Motion to Dismiss Appeal for Lack of Substantial Const. Question	1. Dismissed ex mero motu in that the notice was not timely filed 2. - - - 3. Allowed
592P99	State ex rel, Jonathan B. Howes v. Glenn Hockney & Dorothy Davis Hockney	1. Defs' Pro Se Motion for Suspension of Rules 2. Defs' Pro Se Pet. for Writ of Cert. 3. Defs' Pro Se Motion for Temp. Stay 4. Defs' Pro Se Pet. for Writ of Supersedeas	1. Denied 2. Denied 3. Denied 4. Denied

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