

SUPREME COURT OF NORTH CAROLINA

PETITIONS

Decided by the Court in Conference: 3 March 2005

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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

SUPREME COURT OF NORTH CAROLINA

PETITIONS

03 March 2005

490PA04	State of North Carolina v. Timothy Earl Blackwell	Def's Second Motion for Appropriate Relief	See Special Order 02/11/05
009P05	Josephine Williams, Administratrix of the Estate of Tiffany Keyetta Jordan v. Scotland County and the City of Laurinburg, acting by and through their employees and agents	Def's (The City of Laurinburg) PDR Under N.C.G.S. § 7A-31 (COA03-1624)	Denied 03/02/05

011P05	State of North Carolina v. Jeffrey Lynn Williams	1. Def's <i>Pro Se</i> PDR Under N.C.G.S. § 7A-31 (COA03-1691) 2. Def's <i>Pro Se</i> Motion to Proceed in <i>Forma Pauperis</i>	1. Denied 2. Allowed
012P05	State of North Carolina v. Derrick Talmadge Head	1. Def's NOA Based Upon a Constitutional Question (COA03- 1307) 2. Def's PDR Under N.C.G.S. § 7A- 31 3. AG's Motion to Dismiss Appeal	1. --- 2. Denied 3. Allowed
013P05	State of North Carolina v. Tereasa Lynn Gibson	1. Def's NOA Based Upon a Constitutional Question 2. Def's PDR Under N.C.G.S. § 7A- 31 (COA04-66) 3. AG's Motion to Dismiss Appeal	1. --- 2. Denied 3. Allowed
015P04-2	State of North Carolina v. Gene Archie Dickens, Jr.	1. Def's <i>Pro Se</i> Motion for Belated Appeal 2. Def's <i>Pro Se</i> Motion to Proceed in <i>Forma Pauperis</i>	1. Dismissed 2. Allowed
015PO5	State of North Carolina v. James Edwin Sutton	1. Def's NOA Based Upon a Constitutional Question (COA03- 1351) 2. Def's PDR Under N.C.G.S. § 7A- 31	1. --- 2. Denied 3. Allowed

		3. AG's Motion to Dismiss Appeal	
017P05	Terrance Lee Stilwell v. General Railway Services, Inc.	1. Def's PDR Under N.C.G.S. § 7A- 31 (COA04-107) 2. Plt's Motion to Allow Filing of Opposition to Def's PDR	1. Denied 2. Allowed
018P05	State of North Carolina v. Antoine D. Steele	1. Def's NOA Based Upon a Constitutional Question (COA03- 1481) 2. Def's PDR Under N.C.G.S. § 7A- 31 3. AG's Motion to Dismiss	1. --- 2. Denied 3. Allowed
023P05	A&F Trademark, Inc; Caciqueco, Inc; Expressco, Inc; Lanco, Inc; Lernco, Inc; Limco Investments, Inc; Limtoo, Inc; Structureco, Inc; and V. Secret Stores, Inc. v. E. Norris Tolson, Secretary of Revenue, State of NC, and his successors	1. Petitioners' (A&F, Trademark, et al) NOA Based Upon a Constitutional Question (COA03-1203) 2. Petitioners' (A&F Trademark, et al) PDR Under N.C.G.S. § 7A-31 3. Respondent's (Sec. of Revenue) Motion to Dismiss Appeal 4. Motion by NCMA, NCCBI, NCBIO, & NCEITA for Leave to File Memorandum of Amici Curiae	1. --- 2. Denied 3. Allowed 4. Dismissed as moot
024P05	Tony Ray Smith v. Staci Day Barbour and Bilal Kanawati	Def Staci Day Barbour's PDR of the Order of the COA (COA02-1396)	Denied

025A05	Carol Bennett v. News and Observer Publishing Co., Inc., d/b/a The News and Observer	Plt's <i>Pro Se</i> NOA Based Upon a Constitutional Question (COA04-105)	Dismissed ex mero motu
029P05	John Tubiolo and wife, Vicki Tubiolo v. Abundant Life Church, Inc.	1. Def's NOA (Constitutional Question) 2. Def's PDR Under N.C.G.S. § 7A- 31 (COA03-471)	1. Dismissed ex mero motu 2. Denied
032P05	State of North Carolina v. Antoine Steele	Def's <i>Pro Se</i> PWC to Review the Decision of the COA (COA04-173)	Denied
034P05	State of North Carolina v. Anthony Bernard Jarrett	Def's PWC to Review the Decision of the COA (COA03-1248)	Denied
040P05	James Whitehead, Employee -Plaintiff v. Pillowtex, Employer and U.S. Fire Insurance (Crawford & Co., Servicing Agent), Carrier-Defendents	Plt's PDR Under N.C.G.S. § 7A-31 (COA03-1536)	Denied
043P05	Bernard Marvin Lavalley v. Wayne Felarca Lavalley	Plt's PDR Under N.C.G.S. § 7A-31 (COA04-227)	Denied
044P05	State of North Carolina v. Nicholas Tyrone Coleman	1. Def's NOA Based Upon a Constitutional Question (COA04-490) 2. Def's PDR Under N.C.G.S. § 7A- 31 3. AG's Motion to Dismiss Appeal	1. --- 2. Denied 3. Allowed
045P05	State of North Carolina v. Laquez Eugene Simmons	1. Def's NOA Based Upon a Constitutional Question (COA03- 1272) 2. Def's PDR Under N.C.G.S. § 7A- 31	1. --- 2. Denied 3. Allowed

		3. AG's Motion to Dismiss Appeal	
046P05	State of North Carolina v. Kevin McKenzie Dawkins	Def's PDR Under N.C.G.S. § 7A-31 (COA04-342)	Denied
049P05	State of North Carolina v. Kenneth Leon Spellman	1. Def's NOA Based on a Constitutional Question (COA03- 1526) 2. Def's PDR Under N.C.G.S. § 7A- 31	1. Dismissed ex mero motu 2. Denied
051P05	State of North Carolina v. Levi Bash	Def's Pro Se PWC to Review the Order of the COA (COAP04-1159)	Dismissed
052P05	State of North Carolina v. George Lee Thomas	Def's Pro Se Motion for Appropriate Relief	Dismissed
055P02-2	State of North Carolina v. Henry Ford Adkins	Def's Pro Se Petition for Writ of Mandamus (COAP04-260)	Denied
055P05	In Re: R.H.	Respondent's (A.B.) PDR Under N.C.G.S. § 7A-31 (COA04-486)	Denied
056P05	State of North Carolina v. Allen Brian Cornett	Def's PDR Under N.C.G.S. § 7A-31 (COA04-85)	Denied
058P05	State of North Carolina v. Ricky Kenard Royster	Def's Emergency Petition for Writ of Certiorari to Review Order of Superior Court of Forsyth County	See Special Order 02/10/05
059P05	Talley Eddings, M.D. v. Southern Orthopaedic And Musculoskeletal Associates, P. A.	1. Plt's NOA Based Upon a Constitutional Question (COA03- 1298) 2. Plt's PDR Under N.C.G.S. § 7A-31	1. Dismissed ex mero motu 2. Denied

061P05	State of North Carolina v. Raymond Lee Patrick, Jr.	Def's PDR Under N.C.G.S. § 7A-31 (COA03-1320)	Denied
064P05	J. Calvin Cunningham and Lori Watson Berger v. Cynthia B. Sams	1. Def's Motion for Temporary Stay 2. Def's PDR Under N.C.G.S. § 7A-31 (COA03-1719) 3. Def's Motion to Strike 4. Def's Motion for Sanctions	1. Allowed 02/07/05 Stay Dissolved 03/03/05 2. Denied 3. Denied 4. Denied
065P05	Richard H. Robertson and Barbara G. Robertson v. Zoning Board of Adjustment for the City of Charlotte	Plts' PDR Under N.C.G.S. § 7A-31 (COA04-166)	Denied
066P05	In the Matter of F.M.L.W. and F.J.S.	Respondent's (Michelle Smith) PWC to Review the Decision of the COA (COA04-18)	Denied
068P05	State of North Carolina v. Joseph L. Robinson	Def's <i>Pro Se</i> Petition for Writ of Mandamus	Denied
072P05	James Reynolds, Employee v. M&M Contracting, Employer and AMCOMP Assurance Corp., Carrier	Plt's PDR Under N.C.G.S. § 7A-31 (COA03-1015)	Denied
073P05	Brenda Robinson v. Richard Curtis Gardner and Pike Electric, Inc. Cory R. Robinson v. Richard Curtis Gardner and Pike Electric, Inc.	Defs'(Gardner and Pike Electric) PDR Under N.C.G.S. § 7A-31 (COA03-1477)	Denied
074P05	In Re: M.A.L.	1. Respondent's (R.L.) PDR Under N.C.G.S. § 7A-31 (COA04-614) 2. Respondent's (S.L.) PDR Under N.C.G.S. § 7A-31	1. Denied 2. Denied

076P05	State of North Carolina v. Gerald Wayne Adams	<p>1. Def's NOA Based Upon a Constitutional Question (COA03- 1004)</p> <p>2. Def's PDR Under N.C.G.S. § 7A- 31</p> <p>3. AG's Motion to Dismiss Appeal</p>	<p>1. ---</p> <p>2. Denied</p> <p>3. Allowed</p>
077P05	State of North Carolina v. Joe Earl Wilson	<p>1. Def's <i>Pro Se</i> Petition for Writ of Habeas Corpus</p> <p>2. Def's <i>Pro Se</i> Motion to Proceed in <i>Forma Pauperis</i></p>	<p>1. Denied</p> <p>2. Allowed</p>
078P05	Frank Delano Whitehead a/k/a Neal Deon Lucas v. State of North Carolina	Def's <i>Pro Se</i> PWC to Review Order of Superior Court of Wake County	Dismissed
081P05	Patrick Todd Bayliff v. State of North Carolina, Hon. J. B. Allen, Jr.	Plt's <i>Pro Se</i> PDR Under N.C.G.S. § 7A-31 (c) (COAP05-7)	Denied
082P05	Dennis Michael Elwell v. State of North Carolina	<p>1. Def's <i>Pro Se</i> NOA (COAP04- 1182)</p> <p>2. Def's <i>Pro Se</i> Motion for Discretionary Review</p> <p>3. Def's <i>Pro Se</i> Motion to Proceed in <i>Forma Pauperis</i></p>	<p>1. Dismissed ex mero motu</p> <p>2. Denied</p> <p>3. Allowed</p>
083P05	Production Systems, Inc. v. Amerisure Insurance Company and Union Insurance Comp. a/k/a The Chesapeake Bay Property & Casualty Insurance Comp.	<p>1. Plt's PDR Under N.C.G.S. § 7A-31 (COA04-580)</p> <p>2. Def's (Amerisure Insurance Co.) Conditional PDR Under N.C.G.S. § 7A-31</p>	<p>1. Denied</p> <p>2. Dismissed as moot</p> <p>3. Dismissed as moot</p>

		3. Def's (Union Insurance Co.) Conditional PDR Under N.C.G.S. § 7A-31	
088P05	State of North Carolina v. Gay Eugene Blankenship	Def's <i>Pro Se</i> PDR (COAP03-98)	Dismissed
089A05	State of North Carolina v. Steven Christopher Burke	1. Def's NOA Based Upon a Constitutional Question (COA03- 1557) 2. AG's Motion to Dismiss Appeal	1. --- 2. Allowed
090P05	State of North Carolina v. Michael Shameek Simmons	Def's PDR Under N.C.G.S. § 7A-31 (COA90P05)	Denied
091P05	State of North Carolina v. Bruce Antoine Felton	Def's PDR Under N.C.G.S. § 7A-31 (COA04-832)	Denied
093P05	State of North Carolina v. Walter Herman Hill	Def's PDR Under N.C.G.S. § 7A-31 (COA04-876)	Denied
096P05	State of North Carolina v. Ward Lee Staton	Def's <i>Pro Se</i> PDR Under N.C.G.S. § 7A-31 (COA04-655)	Dismissed
097P05	State of North Carolina v. Mujahid Suluki	Def's <i>Pro Se</i> Motion for "Notice Of Appeal"	Dismissed
099P05	Kathy Dianne Craven, Employer, Plaintiff v. VF Corp. D/B/A VF Jeanswear Ltd. Partnership, Employer, Self- Insured Gallagher Bassett Services, Inc., Administrator, Defendants	1. Defs' PDR Under N.C.G.S. § 7A- 31 (COA03-1688) 2. Defs' Motion for Temporary Stay 3. Defs' Petition for Writ of Supersedeas	1. Denied 2. Allowed 02/17/05 Stay Dissolved 03/03/05 3. Denied
102P05	State of North Carolina v. Heath Damon Green	Def's <i>Pro Se</i> PWC to Review the Order of	Dismissed

		Buncombe County Superior Court	
105PA04	Suzanne Beatenhead v. Lincoln County, Lincoln County Board of Education, Martin Eddy, Individually and as a Member of the Lincoln County Board of Education	1. Def's (Martin Eddy) Petition for Rehearing 2. Conditional Motion on N.C. School Boards Association and the N. C. Association of County Commissioners to File Amicus Curiae Brief on Behalf of Defendant-Appellants	1. Denied 2. Dismissed as moot
118P01-13	State of North Carolina v. Cornelius Tucker, Jr.	Def's <i>Pro Se</i> Petition for Certiorari/Motion to Vacate	Denied
122P05	State of North Carolina v. Anthony Jerome Jackson	Def's <i>Pro Se</i> Petition for Writ of Habeas Corpus	Denied
123P05	State of North Carolina v. Anthony Jerome Jackson	Def's <i>Pro Se</i> Motion for "Direct Appeal and /or Writ of Habeas Corpus, Certiorari or Supersedeas to the Supreme Court of North Carolina to the Denial of his 'Writ of Certiorari' by the North Carolina Court of Appeals"	Denied
124P04	State of North Carolina v. Nathaniel Mark Upshur	1. Def's Motion for Temporary Stay 2. Defendant's Petition for Writ of Supersedeas 3. Def's PWC to Review the Order of the COA (COAP03-639)	1. Allowed pending determination of Def's PWC 03/22/04 Stay Dissolved 03/03/05 2. Denied

		<p>4. AG's Petition for Writ of Supersedeas</p> <p>5. AG's PWC to Review the Decision of the COA (COAP03-639)</p> <p>6. Def's Motion to Proceed as an Indigent</p>	<p>3. Denied</p> <p>4. Denied</p> <p>5. Denied</p> <p>6. Allowed</p>
126P05	State of North Carolina v. Ricky D. Dotson	Def's <i>Pro Se</i> Motion for "Application and Writ of Habeas Corpus Ad Testificandum"	Denied 03/02/05
142A97-2	State of North Carolina v. Terrance Dion Bowman	Def's <i>Pro Se</i> Motion for Relief	Dismissed as moot
142PA04	Harry E. Stetser, et al., v. TAP Pharmaceutical Products, Inc., et al.	<p>1. Motion by Def (Takeda Pharmaceutical Co., Ltd.) to Amend Record on Appeal</p> <p>2. Motion by Def (Takeda Pharmaceutical Co., Ltd.) to Seal Selected Portion of Def Appellee's Brief</p>	<p>1. Allowed</p> <p>2. Allowed</p>
189A95-3	State of North Carolina v. Thomas Michael Larry	<p>1. Def's PWC to Review the Order of the Superior Court</p> <p>2. Def's Alterative Motion to Defer Consideration of the PWC Pending Resolution of Similar Issues in the Direct Appeal of <i>State v. Walters</i></p> <p>3. Def's Motion to Defer Consideration of the PWC Pending Resolution of Similar Issues in the Direct</p>	<p>1. Denied</p> <p>2. Denied</p> <p>3. Denied</p> <p>4. Allowed</p>

		<p>Appeal of <i>State v. Poindexter</i></p> <p>4. Def's Motion to Supplement PWC</p>	
232A04	<p>Howard C. Jones, et al. v. Robert Wayne Davis, et al.</p>	<p>1. Plts' (Jones, Southland, Mr. & Mrs. Bowers and Mr. & Mrs. Sammons) NOA based upon a Dissent (COA03- 594)</p> <p>2. Def's (Surry County) PWC to Review the Decision to the COA</p> <p>3. Defs' (Mr & Mrs. Davis and Mr. & Mrs. Allred) Motion to Dismiss Appeal</p>	<p>1. --- 10/06/04</p> <p>2. Allowed 10/06/04</p> <p>3. Dismissed as moot 03/03/05</p>
365P04	<p>State of North Carolina v. Anthony Dwayne Burrell and Rodney Matthew Burrell</p>	<p>1. Def's (Anthony) NOA Based Upon a Constitutional Question</p> <p>2. Def's (Anthony) PDR Under N.C.G.S. § 7A-31 (COA03-989)</p> <p>3. AG's Motion to Dismiss Appeal</p> <p>4. Def's (Rodney) PDR Under N.C.G.S. § 7A-31</p>	<p>1. ---</p> <p>2. Denied</p> <p>3. Allowed</p> <p>4. Denied</p>
444P98-3	<p>State of North Carolina v. Samuel Wayne Guy</p>	<p>Def's <i>Pro Se</i> Petition for Writ of Mandamus</p>	<p>Denied</p>
448P04	<p>In Re: The Adoption of Baby Girl Anderson</p>	<p>1. Petitioners' (unidentified adoptive parents) PDR Under N.C.G.S. § 7A- 31 (COA03-651)</p>	<p>1. Allowed</p> <p>2. Allowed</p>

		2. Respondent's (Father) Conditional PDR	
471P04	Susan Owens v. Wal- Mart Stores, Inc. and American Home Assurance Company	Def's PDR Under N.C.G.S. § 7A-31 (COA03-975)	Denied
485PA04	State of North Carolina v. Levar Jamel Allen	Def's Motion for Appropriate Relief	See Special Order 02/11/05
511P04	Anthony Dove v. Debra H. Speller (Formerly Dove)	Plt's <i>Pro Se</i> PDR	Denied
523P04	Hector Diaz v. Division of Social Services and Division of Medical Assistance, N.C. Department of Health and Human Services	1. Respondent's Motion for Temporary Stay 2. Respondent's Petition for Writ of Supersedeas 3. Respondent's PDR Under N.C.G.S. § 7A-31 (COA03-1151) 4. Petitioner's Conditional PDR	1. Allowed pending determination of Def's PDR 10/13/04 2. Allowed 3. Allowed 4. Allowed
525P04	Sylvia U. Cook, Widow, Emily L. Cook, Daughter , and Tyan D. Cook, son of Roscoe D. Cook v. Watson Electrical Construction Comp. and C.N.A. Insurance Comp.	1. Plt's PDR Under N.C.G.S. § 7A-31 (COA03-456) 2. Plt's Alternative PWC	1. Denied 2. Denied
529P04	N.C. Department of Transportation v. Stagecoach Village	Plt's PDR Under N.C.G.S. § 7A-31 (COA03-1026)	Allowed
549P04	State of North Carolina v. Alfred Odom	1. Def's NOA Based Upon a Constitutional Question (COA03-600)	1. Dismissed ex mero motu 2. Denied

		2. Def's PDR Under N.C.G.S. § 7A- 31	
557P04	Robert W. Clark and Debra L. Clark v. Bobby Lee McArthur, Deborah H. McArthur, et al.	Defs'(Bobby Lee McArthur and Deborah H. McArthur) PWC to Review Order of COA (COAP04- 763)	Denied
566P04	Elijah A. Ball v. State of North Carolina	1. Plt's <i>Pro Se</i> NOA 2. Plt's Request for Delayed Appeal	1. Dismissed ex mero motu 2. Dismissed
573A04	Eunice C. Eckard, Executrix of The Estate of Steven Vincent Eckard, Deceased, and State of North Carolina, Ex Rel Eunice C. Eckard v. Chanae Evon Smith, et al.	Plt's (Eunice C. Eckard) NOA (Dissent) 1. Plt's (Eunice C. Eckard) PDR as to Additional Issues	1. Denied
577P04	State of North Carolina v. Antoine Denard Young	1. Def's PDR Under N.C.G.S. § 7A- 31 (COA03-257) 2. AG's Motion to Deem Response Timely Filed	1. Denied 2. Allowed
591P04	State of North Carolina v. Russell Ellis Roberts	1. Def's NOA Based Upon a Constitutional Question (COA03- 1424) 2. Def's PDR Under N.C.G.S. § 7A- 31 3. AG's Motion to Dismiss Appeal for Lack of Substantial Constitutional Question	1. --- 2. Denied 3. Allowed
607P04	In Re: M.R.D.C.	Petitioner's (Wilkes County Department of Social Services) PDR	Denied

		Under N.C.G.S. § 7A-31 (COA04-2)	
611P04	Robert M. Ward, Employee, Plaintiff v. Wake County Board of Education , and Carolina Sunrock Corp., Employers, Defendant, North Carolina School Boards Insurance Trust and ITT Hartford; Carrier, Defendants	Def's (Wake Co. Board of Education) PDR Under N.C.G.S. § 7A-31 (COA03-1578)	Denied
631P04	State of North Carolina v. Kenneth Eugene Whittenburg	1. Def's NOA Based Upon a Constitutional Question (COA03- 1267) 2. Def's PDR Under N.C.G.S. § 7A- 31 3. AG's Motion to Dismiss Appeal	1. --- 2. Denied 3. Allowed
640P04	Lester Daniel Bryson and John Frank Bowen v. State AG Roy Cooper and State Superior Court Judges Robert P. Johnston and Forrest D. Bridges	Plts' <i>Pro Se</i> NOA Based Upon a Constitutional Question (COA03- 1484)	Dismissed ex mero motu
642A04	Charlie Lee Richardson v. N.C. Department of Public Instruction and State Board of Education	Plt's <i>Pro Se</i> Motion for Reconsideration	Dismissed
643P04	Ray Richard Perry v. State of North Carolina	Plt's <i>Pro Se</i> PWC to Review Order of COA (COAP04-1021)	Dismissed