

SUPREME COURT OF NORTH CAROLINA

PETITIONS

Decided by the Court in Conference: 4 March 2004

{Posted on the Internet Web Site: 4 March 2004 at 4:30 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

010P04	Martha Odom, as Guardian Ad Litem for Timothy Dustin Honeycutt, a minor v. Christopher Lane, M.D., et al.	1. Defs' (Carolinas-Anson Healthcare, Inc. d/b/a Anson Community Hospital) PDR Under N.C.G.S. § 7A-31 (COA02-1759) 2. Defs' (Carolinas-Anson Healthcare, Inc. d/b/a Anson Community Hospital) Motion for Temporary Stay	1. Denied 2. Allowed 01/29/04 Dissolve Stay
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		3. Defs' (Carolinas-Anson Healthcare, Inc. d/b/a Anson Community Hospital) Petition for Writ of Supersedeas	3. Denied
016P04	State v. Mikie Bell	Def's <i>Pro Se</i> PWC to Review the Decision of the COA (COA02-1428)	Denied
022P04	Herbert M. Green v. Dwight Edward Walker and Miller Brewing Company	Plt's PWC to Review the Decision of the COA (COA03-154)	Denied
024A-04	Richard T. Morgan, et al., Appellees v. Ashley Stephenson, et al., Appellants	Appellees' Motion to Amend Record	Denied 02/11/04
027P04	State v. Raymond Wiggins State v. Raymond Lee Wiggins	Def's PDR Under N.C.G.S. § 7A-31 (COA03-33)	Denied
029P04	State v. Jason Ray Wade	Def's PDR Under N.C.G.S. § 7A-31 (COA02-1663)	Denied
031P04	State Farm Fire and Casualty Company v. Charles Darsie,	1. Def's (Marion Harris Leinfelder) PDR Under N.C.G.S. § 7A-31 (COA03-40)	1. Denied

	Administrator CTA of the Estate of Bernard Albert Leinfelder, and Marion Harris Leinfelder	2. Plt's Conditional PDR	2. Dismissed as moot
033P04	Mary C. Morris, Cornelia K. Wily, and Joseph Ervin Morris v. The E.A. Morris Charitable Foundation, et al.	Plts' PDR Under N.C.G.S. § 7A-31 (COA03-189)	Denied 02/09/04 Edmunds, J., recused
036P04	State v. James Michael Jones, Jr.	1. Def's <i>Pro Se</i> PWC to Review the Order of the COA (COAP03-1064) 2. Def's <i>Pro Se</i> Motion to Proceed <i>In Forma Pauperis</i> 3. Def's <i>Pro Se</i> Motion to Appoint Counsel	1. Dismissed 2. Allowed 3. Denied
037P04	State v. Christopher Fontaine	1. Def's PWC to Review the Order of the Superior Court 2. Def's Motion to Stay Further Proceedings in the Superior Court	1. Denied 2. Denied

040P04	State v. Tywann Smith	<p>1. Def's <i>Pro Se</i> PWC to Review the Order of the COA (COAP03-1572)</p> <p>2. Def's <i>Pro Se</i> Motion to Proceed <i>In Forma Pauperis</i></p>	<p>1. Denied</p> <p>2. Allowed</p>
045P04	State v. John Bert Hardee, Jr.	<p>1. Def's <i>Pro Se</i> PWC to Review the Order of the COA (COAP03-892)</p> <p>2. Def's <i>Pro Se</i> Motion to Proceed <i>In Forma Pauperis</i></p>	<p>1. Dismissed</p> <p>2. Allowed</p>
046P04	Janet L. Young v. Paul M. Young	Plt's PWC to Review the Decision of the COA (COA02-1076)	Denied
051P04	State v. Chris Miller	Def's <i>Pro Se</i> PWC to Review the Order of the Superior Court	Dismissed
052P01-2	State v. Matthew James Rogers	<p>1. Def's <i>Pro Se</i> PWC to Review the Order of the COA (COAP03-989)</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. Denied</p>

		4. Def's <i>Pro Se</i> Motion for Appropriate Relief	4. Dismissed
053P04	State v. Tyrone Johnson	Def's PDR Under N.C.G.S. § 7A-31 (COA03-341)	Denied
058P04	State v. James Lee Troxler	Def's PDR Under N.C.G.S. § 7A-31 (COA03-215)	Allowed
070P04	John F. Godfrey and Patricia Godfrey, Petitioners v. Davie County Dept. of Social Services, et al., Ms. Karen Smith, Director, et al., Respondents	1. Petitioners' <i>Pro Se</i> Petition for Writ of Habeas Corpus 2. Petitioners' <i>Pro Se</i> Petition for Writ of Mandamus 3. Petitioners' <i>Pro Se</i> Amended Motion to Petition for Writs of Habeas Corpus and Mandamus for Orders and Responses and Investigations	1. Denied 02/18/04 2. Denied 02/18/04 3. Denied 02/18/04
073P04	State of North Carolina, Respondent v. James W. Robinson, Petitioner	Petitioner's <i>Pro Se</i> Petition for Writ of Habeas Corpus	Denied 02/24/04
094PA02-3	Ashley Stephenson, et al., Appellants v.	Appellees' Motion to Amend Record	Denied 02/11/04

	Gary Bartlett, et al., Appellees		Orr, J. and Martin, J. recused
175P03-2	State v. Raymond Charles Creason	Def's <i>Pro Se</i> PWC to Review the Order of the COA (COAP02-147)	Dismissed
194P03-2	State v. Edwin Wayne Joyce	1. Def's <i>Pro Se</i> Motion to Dismiss Charges 2. Def's <i>Pro Se</i> Motion for Disqualifying Judge	1. Dismissed 2. Dismissed
238P03-2	State v. Ronald McClary	Def's <i>Pro Se</i> PWC to Review the Order of the COA (COAP03-887)	Dismissed
239A96-3	State v. George Franklin Page	1. Defendant-Appellant's Petition for Writ of Prohibition 2. Defendant-Appellant's Petition for Writ of Mandamus 3. Defendant-Appellant's Petition for Writ of Certiorari 4. Defendant-Appellant's Motion for Stay of Execution	1. Denied 02/10/04 2. Denied 02/10/04 3. Denied 02/10/04

			<p>4. Denied</p> <p>02/10/04</p>
239A96-4	State v. George Franklin Page	<p>1. State's Emergency Motion to Vacate Stay of Execution Entered by Superior Court of Forsyth County</p> <p>2. Def's Motion to Dismiss State's Emergency Motion to Vacate State of Execution as Moot</p> <p>3. AG's Motion to Withdraw Emergency Motion to Vacate Stay of Execution</p>	<p>1. ---</p> <p>2. Denied</p> <p>3. Allowed</p>
306A03	David G. Kogut v. Joanne Rosenfeld, CPA	Joint Motion for Withdrawal of Appeal	<p>Allowed</p> <p>02/13/04</p>
314P02-2	State v. Brice Eddie Arthur	<p>1. Def's Pro Se Motion to Reconsider Ruling (COA01-666)</p> <p>2. Def's Pro Se Motion to Appoint Counsel</p>	<p>1. Dismissed</p> <p>2. Denied</p>
336PA03	Palmer, Guardian ad Litem for Fuentes v. Jackson d/b/a Jackson's Farming	UNC Hospital's and UNC Physicians and Associates' Motion for Allotment of Time for Oral Argument	<p>Allowed</p> <p>(See Special Order)</p>

	Co. and Companion Property and Casualty		
356A03*	State v. Steven Daniel Fisher	Def's Motion to Strike Portions of the State's New Brief	Denied 02/16/04
389A01-2	State v. Kyle Berry	1. Def's Motion for Temporary Stay 2. Def's Petition for Writ of Supersedeas 3. Def's Emergency Petition for Writ of Mandamus 4. Def's Emergency Petition for Writ of Certiorari	1. Denied 02/13/04 2. Denied 02/13/04 3. Denied 02/13/04 4. Denied 02/13/04
399P03	Lester Daniel Bryson and John Frank Bowen, Petitioners v. State of North Carolina Department of Correction Secretary Theodis	Plts' Pro Se Petition for Rehearing and En Banc by the Full Supreme Court Justices	Dismissed

	Beck and Combined Records Manager, Judy Sills, Respondents.		
406A03	Lonnell Carter v. Rockingham County Board of Education, et al.	Plt's and Defs' Motion to Withdraw NOA (COA02-716)	Allowed
456P03-2	State v. Charles Michael Cassell, III	Def's PDR Under N.C.G.S. § 7A-31 (COA03-7)	Denied
473P03-2	State v. Bobby Grady	1. Def's <i>Pro Se</i> Motion for Temporary Stay 2. Def's <i>Pro Se</i> Petition for Writ of Supersedeas 3. Def's <i>Pro Se</i> PWC to Review the Order of the COA (COAP03-703)	1. Denied 02/10/04 2. Denied 02/10/04 3. Denied 02/10/04
494P01-2	State v. Robert Lewis Styles	Def's <i>Pro Se</i> Motion to Amend PWC to Review the Order of the COA (COAP03-976)	Dismissed as moot

499A03	Walter Clark Erwin v. Lena Lowdermilk Tweed	1. Unnamed Def's (N.C. Farm Bureau Mutual Insurance Company) NOA Based Upon a Dissent (COA02-1243) 2. Unnamed Def's (N.C. Farm Bureau Mutual Insurance Company) PDR as to Additional Issues	1. --- 2. Denied
514A03*	Sloan Financial Group, Inc., et al., Plaintiffs and Cross- Claim Defendants New Africa Opportunity Fund, L.P., d/b/a ZM Africa Investment Fund, L.P., Plaintiff- Intervenor and Cross-Claimant v. Justin F. Beckett, et al., Defendants	Motion by David R. Lagasse for Admission <i>Pro Hac Vice</i>	Allowed 02/17/04
516P03	Timothy B. McKyer v. Fontella D. McKyer	Plt's PDR Under N.C.G.S. § 7A-31 (COA02-1096)	Denied
538P03-2	State v. Derrick Tyrone Shelton	Def's <i>Pro Se</i> PWC to Review the Order of the Superior Court	Denied
556A03	In re: Inquiry Concerning a Judge, No. 278 Jerry	Petitioner's (Judicial Standards Commission) Motion that Case be Decided on Briefs	Allowed 02/13/04

	Braswell, Respondent		
562A96-2	State v. Lesley Eugene Warren	Def's Second Motion for Extension of Time to File a PWC on 3/22/04	Allowed 02/06/04
574P03	State v. Michael Keith Holden	1. AG's Motion for Temporary Stay 2. AG's Petition for Writ of Supersedeas 3. AG's PDR Under N.C.G.S. § 7A-31 (COA02-1478) 4. Def's Motion to Dismiss Petition	1. Allowed pending determination of the State's PDR 10/24/03 2. Allowed 3. Allowed 4. Denied
581A02	Cecil C. Holcomb v. Colonial Associates, L.L.C., and John Olson	Def's (Colonial Associates, L.L.C.) PDR as to Additional Issues (COA02-1067)	Allowed
590P03	Pamela James v. Perdue Farms, Inc., Employer, Self-	Plt's PDR Under N.C.G.S. § 7A-31 (COA02-795)	Denied 02/23/04

	Insured (Crawford & Company, Servicing Agent), Defendant		
596A03	<p>State of North Carolina, ex rel. Commissioner of Insurance, Appellee v. North Carolina Rate Bureau, Appellant</p> <p>In the Matter of the Filing Dated May 1, 2001 By the North Carolina Rate Bureau for Revised Automobile Insurance Rates - Private Passenger Cars and Motorcycles</p>	Appellant's (North Carolina Rate Bureau) Petition for Rehearing	Denied 03/03/04
598P02-2	Boyce & Isley, PLLC; Eugene Boyce; R. Daniel Boyce; Phillip R. Isley; and Laura B. Isley v. Roy A. Cooper, III; The Cooper Committee; Julia White; Stephen Bryant; and Kristi Heyman	<p>1. Plts' PDR Prior to Determination by the COA (COA03-1542)</p> <p>2. Plts' PWC to Review and/or Dismiss Interlocutory Appeal</p> <p>3. Plts' Motion for Discovery Pending Appellate Review</p>	<p>1. Denied</p> <p>2. Denied</p> <p>3. Denied</p>

		<p>4. Plts' Motion to Expedite Filing Briefs and Oral Argument</p> <p>5. Defs' Conditional PDR as to Additional Issues</p> <p>6. Motion by North Carolina Press Association and the North Carolina Association of Broadcasters to Submit <i>Amicus Curiae</i> Response</p> <p>7. Plts' Motion to Strike "Request for Opportunity to Submit <i>Amicus Curiae</i> Response"</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>Lake, C.J., Parker, J. and Orr, J., recused</p>
605P03	<p>Velvet Sturdivant, Administratrix of the Estate of Jacqueline Elizabeth Polk v. Jesse Lee Andrews and Lemons Backhoe Loader Service, Inc., and Ricky Lenord Polk</p>	<p>1. Plt's PDR Under N.C.G.S. § 7A-31 (COA02-1455)</p> <p>2. Plt's PWC to Review the Decision of the COA</p>	<p>1. Denied</p> <p>2. Dismissed as moot</p>

610P03	State v. Destiny Raye Thompson	Def's PDR Under N.C.G.S. § 7A-31 (COA02-1597)	Denied
612P01-2	State v. Cortha McNair	Def's <i>Pro Se</i> PWC to Review the Order of the COA (COAP04-41)	Dismissed
617P03	Ronnie Eugene Meeks v. John A. Crawford and Hinson Pulpwood Limited	Plt's PDR Under N.C.G.S. § 7A-31 (COA02-1045)	Denied
627P03	State v. Jerry Bernard Jackson	1. Def's <i>Pro Se</i> PWC to Review the Order of the COA (COAP03-247) 2. Def's <i>Pro Se</i> Motion to Amend PWC	1. Denied 2. Allowed
633P03	Wanda Jefferson Hooker, Employee v. Stokes-Reynolds Hospital and North Carolina Baptist Hospital, Inc., Employer; Self-Insured	Defs' (Stokes-Reynolds Hospital and North Carolina Baptist Hospital) PDR Under N.C.G.S. § 7A-31 (COA02-1361)	Denied
642P03	William Brewster Company, Inc., Petitioner v. The Town of Huntersville, The	1. Respondents' PDR Under N.C.G.S. § 7A-31 (COA02-1264)	1. ---

	Town of Huntersville Board of Commissioners, et al. Respondents	2. Respondents' Motion for Withdrawal of Petition for Discretionary Review	2. Allowed
643P03	Battle Ridge Companies v. North Carolina Department of Transportation	Def's PDR Under N.C.G.S. § 7A-31 (COA02-973)	Denied
644P03	State v. Floyd Patterson Vincent, Jr.	Def's PDR Under N.C.G.S. § 7A-31 (COA02-1165)	Denied
653P03	Bennie Jay Eatmon v. Town of Bailey, et al.	Plt's <i>Pro Se</i> Motion for Reconsideration	Dismissed
665P03	State v. Jerry Latham Carrigan	1. Def's NOA Based Upon a Constitutional Question (COA02-1577) 2. Def's PDR 3. AG's Motion to Dismiss Appeal	1. --- 2. Denied 3. Allowed
666P03	State v. Matthew Gale	Def's <i>Pro Se</i> Motion for Extension of Time Limit for Habeas Corpus	Dismissed

667P03	State v. Kenneth Delano Bobbitt	1. Def's <i>Pro Se</i> PWC to Review the Order of the COA (COAP03-656) 2. Def's <i>Pro Se</i> Motion to Amend PWC	1. Dismissed 2. Dismissed
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