

SUPREME COURT OF NORTH CAROLINA

PETITIONS

Decided by the Court in Conference: 6 March 2002

{Posted on the Internet Web Site: 7 March 2002 at 10:00 a.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

006P02	Leroy Wilkerson v. Gerald MacClamrock	Def's Pro Se Motion to Reconsider His PWC and Objection to Supreme Court Order Dated 4 February 2002	Denied
009P02	State v. Marvin D. Lewis	1. Def's NOA Based Upon a Constitutional Question(COA00-1317) 2. Def's PDR Under G.S. § 7A-31 (COA00-1317) 3. AG's Motion to Dismiss	1. -- 2. Denied 3. Allowed
010A02	Tally Eddings, M.D. v. Southern Orthopaedic and Musculoskeletal Assoc., Inc.	1. Plt's NOA Based on a Dissent (COA00-1197) 2. Plt's PDR as to Additional Issues (COA00-1197) 3. Def's PDR (COA00-1197)	1. -- 2. Denied 3. Denied
011P02	Kathy A. Wood and Evalyn Gonzales v. N.C. State University	1. Plt's NOA Based on a Constitutional Question	1. --

		<p>2. Plt's PDR Under G.S. § 7A-31 (COA00-1129)</p> <p>3. Def's Motion to Dismiss Appeal</p>	<p>2. Denied</p> <p>3. Allowed</p>
013P02	State v. Jared Lee Pugh	<p>1. Respondent's NOA Based Upon a Constitutional Question (COA00-1364)</p> <p>2. Respondent's PDR Under G.S. § 7A-31 (COA00-1364)</p>	<p>1. Dismissed <i>Ex mero motu</i></p> <p>2. Denied</p>
014P02	Sunscript Pharmacy Corporation v. N.C. Board of Pharmacy	<p>1. Plt's PDR Under G.S. § 7A-31 (COA00-1089)</p> <p>2. Plt's Motion for Temporary Stay</p> <p>3. Plt's Petition for Writ of Supersedeas</p> <p>4. COS Corporation's Motion for Leave to file <i>Amicus Curiae</i> Brief</p> <p>5. NC Retail Merchants Association's Motion for Leave to File <i>Amicus Curiae</i> Brief</p> <p>6. Eckerd Corporation's Motion for Leave to File <i>Amicus Curiae</i> Brief</p> <p>7. National Association of Chain Drug Stores, Inc.'s Motion for Leave to File <i>Amicus Curiae</i> Brief</p>	<p>1. Denied</p> <p>2.* Allowed 01/10/02 Dissolved</p> <p>3. Dismissed as Moot</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>
019A02*	Crawford, Trustee and Greene v. Commercial Union Midwest Ins., et al.	Def-Appellant's (Commercial Union) Motion for Extension of Time to File Brief	Allowed 02/14/02
020P02	Wallace R. Conway v. Garry Yeomans, Director of Inspections, Carteret County; Larry D. Smith, Building Inspector III, Carteret County; Claud R. Wheatly, III, County Attorney, Carteret County;	1. Plt's Pro Se NOA Based Upon a Constitutional Question (COA01-212)	1. Dismissed <i>Ex mero motu</i>

	Katrina F. Marshall, Director of Planning and Inspections, Carteret County; James M. Lupton, Assistant County Attorney, Carteret County	2. Def's Pro Se PDR Under G.S. § 7A-31 (COA01-212)	2. Denied
024P02	The N.C. State Bar v. Robert M. Talford	1. N.C. State Bar's PDR Under G.S. § 7A-31 (COA00-952) 2. N.C. Real Estate Commission's Motion for Leave to File <i>Amicus Curiae</i> Brief	1. Allowed 2. Allowed
026P02	State v. Larry Jay Fowler	Def's PDR Under G.S. § 7A-31 (COA01-69)	Denied
027P02	State v. Timothy Steven Jones	1. Def's Pro Se PWC to Review the Decision of the COA (COA01-205) 2. Def's Pro Se Motion to Appoint Counsel	1. Denied 2. Denied
028P02	State v. Gary White	1. Def's Pro Se PWC to Review the Order of the COA (COAP01-912) 2. Def's Pro Se Motion to Appoint Counsel	1. Dismissed 2. Denied
030A02	State v. Mason Arnold	1. Def's NOA Based Upon a Dissent (COA00-1514) 2. Def's NOA Based Upon a Constitutional Question (COA00-1514)	1. -- 2. Dismissed <i>Ex mero motu</i>
033P02	State v. David Ezell Foreman	1. Def's NOA Based Upon a Constitutional Question 2. Def's PDR Under G.S. § 7A-31 (COA00-1015) 3. AG's Motion to Dismiss Appeal	1. -- 2. Denied 3. Allowed
035A02	State v. Frank Junior Chambers	Def's Pro Se Request for Judicial Notice on Discretionary Review of the Trial Court's Decision Denying MAR	Dismissed

042P02	Melissa Renee Jenkins v. Han Pyo Choong, M.D. and Alexander Community Hospital	Plt's PDR Pursuant to G.S. § 7A-31 (COA01-175)	Denied
044P02	Wilda Kay Zimmerman v. Eagle Electric Manufacturing, Inc. and Zurich-American Insurance Co.	Def's PDR Pursuant to G.S. § 7A-31 (COA00-1287)	Allowed
050P02	Cyril Z. Cacha, and wife, Renata Cacha v. Montaco, Inc., American Drywall Company, and Dryvit Systems, Inc.	Plt's PWC to Review the Decision of the COA (COA00-374)	Denied
051P02	State v. Bradley Monte Brooks	1. Def's NOA Based on a Constitutional Question (COA01-586) 2. Def's PDR Under G.S. § 7A-31 (COA01-586) 3. State's Motion to Dismiss Appeal	1. -- 2. Denied 3. Allowed
052P02	Tonja F. Bowser v. NC Dept. of Corrections	Plt's PDR Under G.S. § 7A-31 (COA00-1418)	Denied
054P01	State v. Bobby Ray Frye	1. Def's Pro Se PWC to Review the Order of the COA (COAP01-949) 2. Def's Pro Se Motion to Appoint Counsel	1. Dismissed 2. Denied
055P02	State v. Henry Ford Adkins	Def's Pro Se PWC to Review the Order of the COA (COAP01-922)	Denied
056P02	State v. Cleveland Nelson	Def's Pro Se PWC to Review the Order of the COA (COAP01-766)	Dismissed
057P02	Louis Burton d/b/a/ Burton Automotive v. Beverly Ann Hobbs	Plt's Pro Se PWC to Review the Order of the COA (COAP02-13)	Denied
058A02	State v. Travis Levance Walters	Def's Motion for Appropriate Relief	See Special Order
059P02	State v. Juan Christopher Santiago	Def's PDR Under G.S. § 7A-31 (COA01-191)	Denied
061P02	Aubrey Boone v. Home Insurance/Risk Enterprise	Plt's PWC	Denied
064A96-4	State v. Patrick Lane Moody	Def's PWC to Review the Order of the Superior Court	Denied

065P02	B & F Slosman v. Sonopress, Inc.	Plt's-Appellant's PDR Under G.S. § 7A-31 (COA00-1465)	Denied
066P02*	Deadwood, Inc. v. N.C. Department of Revenue	Def's motion to Amend and Substitute NOA and PDR	Allowed 02/07/02
070P02*	State v. Travis Newton Johnson	Defendant-Appellant's Motion to Correct Typographical Errors (In Petition)	Allowed 02/28/02
071P02	State v. Pamela Denise Pulley	1. Def's-Appellant's NOA Pursuant to G.S. § 7A-30(COA00-1479) 2. Def's-Appellant's PDR Pursuant to G.S. § 7A-31 (COA00-1479) 3. AG's Motion to Dismiss Appeal for Lack of Substantial Constitutional Question	1. -- 2. Denied 3. Allowed
073P02	State v. Warren David Isenburg, Sr.	1. Def's-Appellant's NOA Pursuant to G.S. § 7A-30 (Constitutional Question) (COA99-1381) 2. Def's-Appellant's PDR (COA99-1381) 3. AG's Motion to Dismiss	1. -- 2. Denied 3. Allowed
076P02	State v. Arnold William Hicks	Def's PDR (COA01-142)	Denied
077P02	State v. Jerry Henderson	1. Def's NOA as to Constitutional Question 2. Def's PDR 3. AG's Motion to Dismiss (COA01-145)	1. -- 2. Denied 3. Allowed
078A02	State of North Carolina, ex rel. Utilities Commission; Public Staff - North Carolina Utilities Commission, Intervenor; BellSouth Telecommunications, Inc., Intervenor; Carolina Telephone and Telegraph Company, Intervenor; Central Telephone Company, Intervenor; and GTE South, Inc., Intervenor v.	1. Intervenor's (Carolina Telephone) PDR (COA00-718) 2. Intervenor's (Carolina Telephone) Petition for Writ of Supersedeas (COA00-718) 3. Intervenor's (Carolina Telephone) NOA Based Upon a Dissent	1. Denied 2. Dismissed as Moot 3. --

	The North Carolina Payphone Association, Petitioner	<p>4. Intervenor's (BellSouth) Petition for Writ of Supersedeas (COA00-718)</p> <p>5. Intervenor's (BellSouth) NOA Based Upon a Dissent</p> <p>6. N.C. Payphone's Motion to Dismiss (Carolina Telephone's) Appeal</p> <p>7. N.C. Payphone's Motion to Dismiss (BellSouth) Appeal</p> <p>8. Petitioner's Motion for Leave to File Supplemental Pleading</p>	<p>4. Dismissed as Moot</p> <p>5. --</p> <p>6. Allowed</p> <p>7. Allowed</p> <p>8. Allowed</p>
081P02	James E. Price v. Hyde County Superior Court	Plt's-Appellant's Pro Se PWC (COAP02-12)	Denied
082P02	State v. Joseph Paul Reeves, Jr.	Def's PWC to Review the Decision of the COA (COA01-149)	Denied
083P02*	Ingram & Ingram v. McPhail, Bray, Murphy & Allen	<p>1. Defs' (Kemper/American) Motion for Temporary Stay</p> <p>2. Defs' (Kemper/American) Verified PWC or, alternatively, for Writ of Mandamus to COA</p> <p>3. Defs' (Kemper/American) Petition for Writ of Supersedeas</p>	<p>1. Denied 02/11/02</p> <p>2. Denied 02/11/02</p> <p>3. Denied 02/11/02</p>
085P02*	Chester M.. Fleetwood v. State, N.C. Dept. of Correction	Plt's Pro Se Petition for Writ of Habeas Corpus	Denied 02/18/02
088P02	Guy Tobias LeGrande v. State of N.C. Attorney General, Roy Cooper	<p>1. Plt's Pro Se Civil Claim Against the State for Malicious and Deliberate Erroneous Convictions, Imprisonments and Sentence to Death in Capital Murder and Conspiracy to Commit Murder Convictions 95 CRS 567, 847 from Stanly County</p> <p>2. Plt's Pro Se Demand for Mediated Settlement Conference and/or Dispute Settlement Center Resolution of Civil Claim Against the State</p>	<p>1. Dismissed</p> <p>2. Denied</p>

		from Stanly County for Malicious and Deliberate Erroneous Convictions, Imprisonments and Sentence to Death in Capital Murder and Conspiracy to Commit Murder Case 95 CRS 567, 947	
090P02	State v. Fred D. Murphy-Bey	<p>1. Def's Pro Se Motion for Order for the Superior Court to Release Stenographic Transcript and Police Report within the Def's Motion for Discovery</p> <p>2. Def's Pro Se Motion for Writ of Certiorari to Review the Order of the Superior Court</p> <p>3. Def's Pro Se Motion to Appoint Counsel</p>	<p>1. Denied</p> <p>2. Denied</p> <p>3. Denied</p>
091P02	State v. Hieu Van Nguyen	Def's Pro Se PWC to Review the Order of the COA (COAP01-486)	Denied
092P02	State v. Toby Franklin Heath, III	<p>1. Def's Pro Se PWC to Review the Order of the COA (COAP01-172)</p> <p>2. Def's Pro Se Motion to Appoint Counsel</p>	<p>1. Denied</p> <p>2. Denied</p>
093P02	State v. Larnell Huffman	<p>1. Def's Pro Se PWC to Review the Order of the Superior Court</p> <p>2. Def's Pro Se Motion to Appoint Counsel</p> <p>3. Def's Pro Se Motion to Proceed <i>In Forma Pauperis</i></p>	<p>1. Dismissed</p> <p>2. Denied</p> <p>3. Allowed</p>
096P02	Darrin James Nelson v. Cherokee County Jail Administrator and Sheriff of Cherokee County	Plt's Pro Se Petition for Writ of Mandamus	Denied
098P02*	State v. Zellie Alexander Edwards	Def's Pro Se Motion for Suspension of Time Requirement to File Appeal Under G.S. § 7A-30	Dismissed 02/22/02

100P02	State v. Jeffrey Dennard McNear	Def's Pro Se PWC to Review the Order of the Superior Court (COA01-291)	Dismissed
101P02	State v. George Edward Seamon	Def's PWC to Review the Decision of the COA	Denied
106A02	State v. Dulaine Lothrop	1. Plt's Petition for Writ of Supersedeas (COA-1329) 2. Plt's Application for Temporary Stay (COA-1329)	1. Allowed 02/26/02 2. Allowed 02/26/02
107P02	In the Matter of: A Petition to Remove John M. Kennedy as Clerk of Superior Court of Wake County	1. Petitioner's Pro Se Petition for Writ of Mandamus Compelling John M. Kennedy, Clerk, et al., to Perform the Duties of There (sic) Office 2. Plt's Pro Se Motion to Proceed <i>In Forma Pauperis</i> 3. Plt's Pro Se Motion for Appointment of Counsel	1. Dismissed 2. Allowed 3. Denied
112P02	DaimlerChrysler Corporation v. H.C. Kirkhart, Individually and The Law Office of H.C. Kirkhart	1. Plt's Motion for Temporary Stay 2. Plt's Petition for Writ of Supersedeas	1.* Allowed 03/06/02 2.
115A00	State v. Carlos Canady	1. Def's Motion for Appropriate Relief 2. Def's Motion for Imposition of a Life Sentence	1. See Special Order 03/06/02 2. Denied
131P01-3	State v. Anthony Dove	Def's Pro Se Petition for Writ of Mandamus (COA01-1085)	Denied
208P01-2	John Frank Bowen v. State of N.C., Judge James U. Downs, Acting as a Court	Plt's Pro Se Petition for Rehearing and En Banc by Full Supreme Court Justices	Dismissed

317P01	Jane Doe v. Rodney Edward Jenkins	1. Plt's PDR Under G.S. § 7A-31 (COA00-629) 2. Def's (Orange County) Conditional PDR as to Additional Issues (COA00- 629)	1. Denied 2. Dismissed as Moot
356P00-2	State v. Robert S. Doisey	1. Def's Pro Se PWC to Review the Order of the COA (COAP02-41) 2. Def's Pro Se Motion to Appoint Counsel	1. Dismissed 2. Denied Edmunds, J. Recused
389P00-2*	State v. Jeffrey Allen Brown	Def's Application for Writ of Habeas Corpus	Denied 02/20/02
402A00	State v. Terry Alvin Hyatt	Def's Pro Se Motion for Rehearing on Application for Writ of Habeas Corpus	Denied
417P01-2	State v. Thomas W. Wright	Def's Pro Se Petition for Writ of Mandamus	Denied
429P99-2	Ronnie L. Akins, et al. v. City of Thomasville, a Municipal Corporation Leatha Byerly Baton, et al. v. City of Thomasville, a Municipal Corporation	Petitioners' PDR Under G.S. § 7A-31 (COA00-1294)	Denied Martin, J. Recused
435A96-2	State v. Walic Christopher Thomas	Def's Pro Se Petition for Writ of Habeas Corpus	Denied
435P01-2	State v. Berkley Eugene Hairston	1. Def's Pro Se PWC to Review the Order of the Superior Court 2. Def's Pro Se Motion to Appoint Counsel 3. Def's Pro Se Motion to Proceed <i>In Forma Pauperis</i>	1. Dismissed 2. Denied 3. Allowed
459PA01*	Annie Mitchell Reid and James Donald Reid v. Town of Madison and Richard Keith Tucker	Def's Motion to File Replay to Memorandum of Additional Authorities	Allowed 03/06/02

462A01*	Guy Tobias LeGrande v. Warden Roley C. Lee and the Attorney General Roy Cooper, et al.	Plt's Petition for Writ of Habeas Corpus	Denied 02/22/02
476P01	Branch Banking and Trust Company v. Reflections Carwash, LLC, James A. Alexander, George W. Brackett, Diane B. Rivers, and C. Lynn White	1. Def's PDR Under G.S. § 7A-31 (COA00-788) 2. Def's Motion to Withdraw PDR	1. Withdrawn 2.* Allowed 02/05/02
513P00-2	State v. Willard Lee Martin, Jr.	Def's Petition for Writ of Habeas Corpus	Denied 02/15/02
521A01	State v. James Russell Smith	AG's Motion to Strike Portions of Defendant's New Brief	Denied
538P00-2	State v. Smittie James	1. Def's Pro Se PWC to Review the Order of the COA (COA00-586) 2. Def's Pro Se Motion for Preparation of Stenographic Transcript 3. Def's Pro Se Motion for a New Sentencing Hearing 4. Def's Pro Se Motion for Sentence Reduction	1. Denied 2. Denied 3. Denied 4. Denied
541A01	State v. Marion Edward Pearson, Jr.	Def's Pro Se Motion for Leave to Address the Court	Denied
541A01*	State v. Marion Edward Pearson, Jr.	1. Def's Counsel's Motion for Leave to Withdraw 2. Def's Pro Se Motion to be allowed to Withdraw Counsel and Suspend Rules	1. Denied 02/06/02 2. Denied 02/06/02
549A01*	James Dewey Milon and Rosa P. Milon v. Duke University, et al.	1. Plts' Motion to Admit John Vail Pro Hac Vice 2. Plts' Motion to Admit Gayle Malone, Jr. Pro Hac Vice	1. Allowed 02/05/02 2. Allowed 02/05/02

554A01	State v. Antonia Demont Johnson	1. Def's NOA Based Upon a Constitutional Question (COA00-521) 2. AG's Motion to Dismiss	1. -- 2. Allowed
557P01*	State v. Jonathan Linton	AG's Motion for Permission to Respond to PDR	Allowed 03/04/02
561A94-2	State v. Malcom Geddie, Jr.	Def's PWC to Review the Order of the Superior Court	Denied
561P01	Norwood Fennell and Annie Fennell, Administrators of the Estate of Kenneth B. Fennell, Deceased v. N.C. Department of Crime Control and Public Safety	1. Plts' PWC to Review the Decision of the COA (COA00-824) 2. Plts' Motion to Allow Counsel's Verification of PWC	1. Denied 2. Allowed Edmunds, J. Recused
564A99*	State v. Abner Ray Nicholson	Def's Motion to Stay the Mandate	Denied 02/11/02
579P01	State v. Antonio Maurice Smarr	Def's PDR Under G.S. § 7A-31 (COA00-722)	Denied
581P01	State v. Cleveland Alston	Def's Pro Se PWC to Review the Order of the Superior Court	Denied
592P01	Alfonso Simpson v. State	Plt's Pro Se PWC to Review the Order of Superior Court	Denied
610P01	State v. Anthony C. Lambert	1. Def's Pro Se NOA Based Upon a Constitutional Question (COA00-1133) 2. Def's Pro Se PDR Under G.S. § 7A-31 (COA00-1133) 3. Def's Pro Se Motion for Appropriate Relief	1. Dismissed <i>Ex mero motu</i> 2. Denied 3. Dismissed
611P01	State v. Alexander Jones	Def's Pro Se PDR Under G.S. § 7A-31 (COA00-41)	Denied

634P01	Jane Y. Hager v. Charles Bradford Smith and Tammy Nichols Smith	Plt's PDR Under G.S. § 7A-31 (COA00-1353)	Denied
645P01	State v. Phia Yang	1. Def's PDR Under G.S. § 7A-31 (COA00-1176) 2. AG's Motion to Dismiss Appeal	1. Denied 2. Dismissed as Moot
653A01*	State v. Keith Butler	Def's Motion to Submit Case Under Rule 30(f)(1)	Allowed 03/04/02
655P01	State v. Frank Edmund Milano [Monk]	Def's Pro Se Motion to Reconsider PWC	Dismissed
670P01	State v. Paul Garrison Newsome, II	Def's PDR Under G.S. § 7A-31 (COA00-1012)	Denied 02/11/02
681P01	In the Matter of the Appeal of: The Greens of Pine Glen Ltd. Partnership from the decision of the Durham County Board of Equalization and Review Regarding the Valuation of Certain Real Property for Tax Year 1997	1. Durham County's NOA Based Upon a Constitutional Question (COA00-1218) 2. Durham County's PDR Under G.S. § 7A-31 (COA00-1218) 3. Appellee's (Greens of Pine Glen Ltd. Partnership) Motion to Dismiss Appeal 4. Appellee's (Greens of Pine Glen Ltd. Partnership) Conditional PDR as to Additional Issues (COA00-1218) 5. Motion by the N.C. Ass'n. of County Commissioners for Leave to File <i>Amicus Curiae</i> Brief	1. -- 2. Allowed 3. Allowed 4. Denied 5. Allowed
685P01	Camilia Michelle Hamilton, et al. v. Theodis Beck and Judy Sills (Formerly Franklin Freeman and Hazel Keith)	1. Defs' Motion for Temporary Stay 2. Defs' Petition for Writ of Supersedeas 3. Defs' NOA Based Upon a Constitutional Question (COA00-1470)	1.* Allowed 01/10/02 Dissolved 2. Dismissed as Moot 3. Dismissed

		4. Def's PDR Under G.S. § 7A-31 (COA00-1470)	<i>Ex mero motu</i> 4. Denied
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