

**SUPREME COURT OF NORTH CAROLINA**

**PETITIONS**

**11 MARCH 2010**

001P10	State v. John Roswell Reynolds, Jr.	<p>1. State's Motion for Temporary Stay</p> <p>2. State's Petition for Writ of Supersedeas</p> <p>3. State's PWC to Review Order of Caswell County Superior Court</p> <p>4. Defendant's Motion to Hold Matter in Abeyance in <i>Brown and Jones</i></p>	<p>1. Allowed <b>01/05/10</b></p> <p>2.</p> <p>3.</p> <p>4.</p>
003P09-2	State v. Reginald Lee Rogers	Def's <i>Pro Se</i> Motion for Appropriate Relief (COA08-188)	Dismissed Without Prejudice
006P10	In the Matter of: A.K., L.R., V.R., J.R.	Respondent's (Mother) PDR Under N.C.G.S. § 7A-31 (COA09-892)	Denied
009P10	State v. Michael Andrew Roughton	<p>1. State's Motion for Temporary Stay (COA09-536)</p> <p>2. State's Petition for Writ of Supersedeas</p> <p>3. State's PDR Under N.C.G.S. § 7A-31</p>	<p>1. Allowed <b>01/12/10</b></p> <p>2.</p> <p>3.</p>

011P10	In the Matter of: Appeal of: IBM Credit Corporation from the decision of the Durham County Board of County Commissioners concerning the valuation of business personal property for tax year 2001	1. Appellant's (Durham County) PDR Under N.C.G.S. § 7A-31 (COA08- 1514)  2. Appellee's (IBM Credit) Conditional PDR Under N.C.G.S. § 7A-31	1. Denied  2. Dismissed as Moot
012P10	David Lawyer and Sheila Lawyer v. City of Elizabeth City North Carolina and Brent Thornton	Defs' PWC (COA08- 765)	Denied
014P10	State v. Corey Eugene Moore	1. Def's PDR Under N.C.G.S. § 7A-31 (COA09-801)  2. State's Motion to Strike Material Outside the Record from Def's PDR  3. Def's Motion to Substitute Redacted Document	1. Denied  2. Allowed  3. Allowed
015P10	State v. Corey Eugene Moore	Def's PDR Under N.C.G.S. § 7A-31 (COA09-11)	Denied
017P10	Patricia Heflin, Widow, et al. v. G. R. Hammonds Roofing, Inc., Employer; American Interstate Ins. Co., Carrier	Defs' PDR Under N.C.G.S. § 7A-31 (COA08-1309)	Denied  <b>Hudson, J., Recused</b>

018A10	Karen Steinkrause v. George Tatum, Commissioner, NCDMV	1. Petitioner's (Steinkrause) NOA (Dissent) (COA08-1080) 2. Petitioner's (Steinkrause) PDR As to Additional Issues 3. Petitioner's (Steinkrause) Motion for Temporary Stay 4. Petitioner's (Steinkrause) Petition for Writ of Supersedeas	1. - - - 2. Denied 3. Allowed <b>01/21/10</b> Dissolved the Stay <b>03/11/10</b> 4. Denied
022P10-2	State v. John W. Hockabout	Def's <i>Pro Se</i> Petition for Rehearing of Dismissal of PWC (COAP09-916)	Dismissed
029P10	State v. John Kennedy Meadows	1. State's Motion for Temporary Stay (COA08-1576) 2. State's Petition for Writ of Supersedeas 3. State's PDR Under N.C.G.S. § 7A-31	1. Allowed <b>01/19/10</b> 2. 3.
031P10	State v. Johnathan Seymore	Def's <i>Pro Se</i> PWC to Review Order of Cumberland County Superior Court	Dismissed

032P10	State v. Aubrey Alberto Mumford	1. State's Motion for Temporary Stay 2. State's Petition for Writ of Supersedeas 3. State's PDR	1. Allowed <b>01/22/10</b> 2. 3.
033P10	State v. David John Williams	1. State's Motion for Temporary Stay 2. State's Petition for Writ of Supersedeas 3. State's PDR	1. Allowed <b>01/22/10</b> 2. 3.
035P10	Stanley Barrett, Employee v. Cell Payment Services, Inc., Employer and NC Insurance Guaranty Ass'n, Carrier	1. Defs' Motion for Temporary Stay 2. Defs' Petition for Writ of Supersedeas (COA09-541) 3. Defs' PDR Under N.C.G.S. § 7A-31	1. Allowed <b>01/22/10</b> Dissolved the Stay <b>03/11/10</b> 2. Denied 3. Denied
038P10	John Fletcher Church v. Jean Marie Church (Now Decker)	Plt's <i>Pro Se</i> Motion for NOA Under N.C.G.S. § 7A-30(1) and N.C. R. App. P. 14(b)(2)	Dismissed <i>Ex Mero Motu</i>
039P10	James Kevin Pike v. D.A. Fiore Construction Services, Inc., A.N.C. Corporation	1. Plt's PDR Under N.C.G.S. § 7A-31 (COA09-520) 2. Def's Conditional PDR Under N.C.G.S. § 7A-31	1. Denied 2. Dismissed as Moot

040P10	Susan Boykin, Adm. of the Estate of Claudia Faison v. Wilson Medical Center, Wilson Emergency Group, P.A., and John Killgore	Defs' (Wilson Medical Center and John Killgore) PDR Under N.C.G.S. § 7A-31 (COA09-450)	Denied
041P10	State v. Antwan Maurice Sanders	Def's PDR Under N.C.G.S. § 7A-31 (COA09-443)	Denied
045P10	State v. Jose M. Hernandez	Def's <i>Pro Se</i> Motion for PDR (COA08-1446)	Denied
046P10	State v. Sherman Lee McIntyre	Df's <i>Pro Se</i> PDR Under N.C.G.S. § 7A-31 (COA09-414)	Denied
047P10	State v. Antonio Williams	Def's PDR Under N.C.G.S. § 7A-31 (COA09-388)	Denied
048A08	State v. Mario Lynn Phillips	Def's Motion to Amend Record on Appeal	Allowed <b>02/12/10</b>
050P10	State v. Rodney Keith Boothe	Def's PDR Under N.C.G.S. § 7A-31 (COA09-264)	Denied
053P10	State v. Dwayne E. Coe	Def's <i>Pro Se</i> Motion for NOA	Dismissed <i>Ex Mero Motu</i>

055P10	State v. Daniel Palestino	<p>1. Def's <i>Pro Se</i> PWC to Review Decision of COA (COA06-185)</p> <p>2. Def's <i>Pro Se</i> PWC to Review Order of COA (COAP09-837)</p> <p>3. Def's <i>Pro Se</i> PWC to Review Order of Forsyth County Superior Court</p>	<p>1. Dismissed</p> <p>2. Dismissed</p> <p>3. Dismissed</p>
056P10	State v. Timothy Crockett	Def's <i>Pro Se</i> Motion for PDR to N.C. Supreme Court (COAP09-1017)	Dismissed
057P10	State v. Sylvester Leon Little	<p>1. Def's PWC to Review the Order of Anson County Superior Court</p> <p>2. State's Motion for Extension of Time to File Response</p>	<p>1. Denied</p> <p>2. Allowed <b>02/12/10</b></p>
058P10	State v. Damien Smith	<p>1. State's Motion for Temporary Stay (COA09-467)</p> <p>2. State's Petition for Writ of Supersedeas</p> <p>3. State's PDR Under N.C.G.S. § 7A-31</p>	<p>1. Allowed <b>02/05/10</b></p> <p>2.</p> <p>3.</p>

059P10	Horace Pope, Employee v. Johns Manville, Employer, and Travelers Indemnity Company of America, Carrier	1. Defendant- Appellants' Motion for Temporary Stay  2. Defs' Motion to Dissolve Rule 23 Temporary Stay	1. Allowed <b>02/09/10</b>  2. Allowed <b>02/19/10</b>
063P10	State v. Myron Roderick Nunn	Def's <i>Pro Se</i> PWC to Review Order of Superior Court	Dismissed
065P10	State v. Terrence Jamal Smith	1. Def's NOA Based Upon a Constitutional Question (COA09- 708)  2. Def's PDR Under N.C.G.S. § 7A-31  3. State's Motion to Dismiss Appeal	1. - - -  2. Denied  3. Allowed
068P10	State v. Jeffrey Ray Jenkins	1. State's Motion for Temporary Stay (COA09-54)  2. State's Petition for Writ of Supersedeas  3. State's PDR Under N.C.G.S. § 7A-31	1. Allowed <b>02/19/10</b>  2.  3.
069P10	In the Matter of: J.A.G.	1. State's Motion for Temporary Stay (COA09-462)  2. State's Petition for Writ of Supersedeas  3. State's PDR Under N.C.G.S. § 7A-31	1. Allowed <b>02/22/10</b>  2.  3.

071P10	State v. Samuel Alando Walker	Def's <i>Pro Se</i> PWC to Review Order of Halifax County Superior Court	Dismissed
073P10	Jeremiah Royster v. Jeffrey E. Wall; Miranda C. Mims; Rasheeda Nicholson	Petitioner's <i>Pro Se</i> PWC to Review Order COA (COAP10-37)	Denied
074P10	State v. Derek B. Twyman	1. Def's <i>Pro Se</i> PWC to Review the Order of the COA (COAP09-544)  2. Def's <i>Pro Se</i> Motion to Appoint Counsel	1. Dismissed  2. Dismissed as Moot
089P10	State v. Lacy Lee Pratt	1. Def's <i>Pro Se</i> PWC to Review the Order of Montgomery County Superior Court  2. Def's <i>Pro Se</i> Motion for a Rule Evidentiary Hearing on the One-Fourth and Fifth Law 1978 to 1981  3. Def's <i>Pro Se</i> Motion for a Full Evidentiary Hearing on Article 42 Attendance of Witness Generally 15A-80 Subpoena for Witnesses and Documents	1. Dismissed  2. Dismissed as Moot  3. Dismissed as Moot



092P10	State v. Bruce Lee Kushner	1. Def's <i>Pro Se</i> PWC to Review Order of Durham County Superior Court  2. Def's <i>Pro Se</i> Motion for Appointment of Counsel	1. Dismissed  2. Dismissed as Moot
095P10	State v. Marcos Cruz	Def's <i>Pro Se</i> Motion for PDR Under N.C.G.S. § 7A-30, 7A-31(c) (COA09-373)	Denied
120A92-5	State v. Kenneth Bernard Rouse	Def's PWC to Review Order of Randolph County Superior Court	Denied
189P09-3	State v. William T. Henderson	Def's <i>Pro Se</i> Motion for PDR Under N.C.G.S. § 7A-31 (Habeas Corpus) Evidentiary Hearing Requested (COAP10-50)	Denied <b>02/25/10</b>
243P09	Michael Schwartz and Dawn Gray v. Banbury Woods Homeowners Asso., Inc.	Plts' PDR Under N.C.G.S. § 7A-31 (COA08-964)	Denied

259P09-2	Carol Dalenko d/b/a Brighton Stables v. Peden General Contractors, Inc. and James M. Peden, Jr., James M. Peden, III, Individually, and as Officers and Shareholders of Peden	1. Plt's <i>Pro Se</i> PWC in Conjunction with Pending NOA 2. Plt's Motion to Amend Title of Cert Petition	1. Denied 2. Allowed
295P09	Schwarz & Schwarz, LLC v. Caldwell County Railroad Co. and Caldwell County Economic Development Commission, Inc.	Plt's PDR Under N.C.G.S. § 7A-31 (COA08-1458)	Denied
302P09	Paul Christopher Blow v. DSM Pharmaceuticals, Inc., formerly Catalytica Pharmaceuticals, Inc., Eastern Omni Constructors, Inc., The Greenwood Group, Inc., d/b/a Manpower Temporary Services	Plt's PDR (COA08-1500)	Denied  <b>Martin, J., Recused</b>
312P09	State v. Jason Matthew Patton	1. Def's PWC to Review Order of Richmond County Superior Court 2. State's Motion for Extension of Time to File Response to Petition for Writ of Certiorari	1. 2. Allowed <b>08/17/09</b>

317P09	State v. Wilbur William Folston	1. State's Motion for Temporary Stay  2. State's Petition for Writ of Supersedeas  3. State's PWC to Review Order of Cleveland County Superior Court  4. Def's Motion for Extension of Time to Respond to PWC	1. Allowed <b>08/07/09</b>  2. Allowed  3.  4. Allowed <b>08/17/09</b>
349P09	State v. Jeffrey Robinson	1. Def's <i>Pro Se</i> PDR Under N.C.G.S. § 7A-31 (COA08- 1495)  2. Def's <i>Pro Se</i> NOA Based Upon a Constitutional Question	1. Denied  2. Dismissed <i>Ex Mero Motu</i>
383P09	Pinewild Project Limited Partnership, et al. v. Village of Pinehurst	Petitioners' PDR Under N.C.G.S. § 7A-31 (COA08- 1288)	Denied

389A01-3	State v. Kyle O'Brian Berry	<p>1. State's Motion for Temporary</p> <p>2. State's Petition for Writ of Supersedeas</p> <p>3. State's PWC to Review Order of the New Hanover Superior Court</p> <p>4. Def's Motion to Dissolve the Stay and Expedite Dismissal of the State's PWC</p>	<p>1. Allowed <b>02/16/10</b> Dissolved the Stay <b>03/11/10</b></p> <p>2. Denied</p> <p>3. Denied</p> <p>4. Dismissed as Moot</p>
418P09	Douglas Gordon Brackney v. Robin Mason Brackney	<p>1. Plt's PDR Under N.C.G.S. § 7A-31 (COA08-1044)</p> <p>2. Plt's Motion to Withdraw PDR and/or Dismiss Appeal</p>	<p>1. - - -</p> <p>2. Allowed</p>
434A09	Self-Help Ventures Fund v. Custom Finish LLC, et al.	Def's (Clarence & Gladys Adams) Motion to Dismiss Appeal	Allowed
446P09	Judy Williams, Plt v. Craft Development, LLC, et al., Defs and Third-Party Plts v. Mark Lowder, et al., Third-Party Defs	<p>1. Def's &amp; Third-Party Plts' PDR Under N.C.G.S. § 7A-31 (COA09-3)</p> <p>2. Def's &amp; Third-Party Plts' Motion for Temporary Stay</p> <p>3. Def's &amp; Third-Party Plts' Petition for Writ of Supersedeas</p>	<p>1. Denied</p> <p>2. Allowed <b>11/05/09</b> Dissolved the Stay <b>03/11/10</b></p> <p>3. Denied</p>

448PA09	State v. Kenneth Edward Plemmons, Kenny F. Bowditch, Mark Waters	Defs' PDR (Prior to Determination) (COA09-1323)	See Special Order <b>02/18/10</b>
452P09	Howard Biggers, III, et al. v. Bald Head Island, et al. v. Timothy Matthews	Plt's PWC to Review Decision of COA (COA08-249)	Denied  <b>Hudson, J., Recused</b>
459P09	State v. Ricky Sylvester Graham	1. Def's NOA Based Upon a Constitutional Question (COA09-135)  2. Def's PDR Under N.C.G.S. § 7A-31  3. State's Motion to Dismiss Appeal	1. - - -  2. Denied  3. Allowed
462P09	In re: Search Warrant Issued In Connection with the Homicide Investigation Into the Death of Nancy Cooper	Plts' (Capitol Broadcasting Co. d/b/a WRAL-TV & The News & Observer d/b/a The News & Observer) PDR Under N.C.G.S. § 7A-31 (COA08-1280)	Denied
478P09	Lexington Furniture Industries, Inc. v. Furnco International Corporation; Furnco International (North America), Inc.	Plts' PDR Under N.C.G.S. § 7A-31 (COA09-265)	Denied
480A09 481A09	Viktoria King, et al. v. Beaufort County Board of Education, et al.	Joint Motion to Consolidate for Hearing 480A09 and 481A09	See Special Order <b>02/18/10</b>

497P09	In the Matter of M.L.T.H.	1. Appellant's (State of NC) Motion for Temporary Stay (COA08-1569)  2. Appellant's (State of NC) Petition for Writ of Supersedeas  3. Appellant's (State of NC) PDR Under N.C.G.S. § 7A-31	1. Allowed <b>12/08/09</b>  2.  3.
498P09	Sheryl A. Boylan, Employee v. Verizon Wireless, Employer, Self-Insured (Sedgwick CMS, Servicing Agent)	1. Defs' Motion for Temporary Stay  2. Defs' Petition for Writ of Supersedeas  3. Defs' PDR Under N.C.G.S. § 7A-31 (COA09-350)	1. Allowed <b>12/08/09</b> Dissolved the Stay <b>03/11/10</b>  2. Denied  3. Denied
502P09	Steve R. Jones, Employee, Plaintiff v. Steve Jones Auto Group, Employer and Universal Underwriters Group, Carrier, Defendants	1. Defs' Motion for Temporary Stay (COA08-1593)  2. Defs' Petition for Writ of Supersedeas  3. Defs' PDR Under N.C.G.S. § 7A-31	1. Allowed <b>12/09/09</b> Dissolved the Stay <b>03/11/10</b>  2. Denied  3. Denied
503P09	Sherri B. Blaylock, as GAL for H.L., Minor, and B.L., Minor v. NC Dep't of Correction, Division of Community Corrections	1. Def's PDR Under N.C.G.S. § 7A-31 (COA09-65)  2. Plts' Conditional PDR Under N.C.G.S. § 7A-31	1. Denied  2. Dismissed as Moot

504P84-3	State v. Roscoe Artis	Def's <i>Pro Se</i> Motion for Application for Peremptory Writ of Mandamus	Denied
508P09-2	State v. Alfonzo Meeks	Def's <i>Pro Se</i> Motion for NOA (COAP09-818)	Dismissed <i>Ex Mero Motu</i>
515P06-2	State v. Rodney Stephon Hairston	Def's <i>Pro Se</i> PWC to Review Order of COA (COAP09-982)	Dismissed
520P09	State v. Timothy Randolph Williams	Def's PDR Under N.C.G.S. § 7A-31 (COA09-354)	Denied
521P09	Charlotte-Mecklenburg Hospital Authority, et al. v. NCDHHS, et al.	Plt's PDR Under N.C.G.S. § 7A-31 (COA09-9)	Denied
525A09	Nancy Hensley, Diane Kent, and Clean Water for NC, Inc. v. NCDENR, Division of Land Resources and Mountain Air Development Corp.	1. Respondent's (NCDENR) Motion for Judicial Notice of Declaratory Ruling by Sedimentation Control Commission 2. Petitioners' Motion to Strike 3. Petitioners' Alternative Motion for Judicial Notice	1. Allowed 2. Dismissed as Moot 3. Allowed

527P09-2	In the Matter of: M.X., Minor Child	Respondent's (Father) <i>Pro Se</i> Petition for Writ of Mandamus	Dismissed as Moot
530P09	State v. Jerry Linell Belk	1. State's Motion for Temporary Stay  2. State's Petition for Writ of Supersedeas  3. State's PDR	1. Allowed <b>12/28/09</b>  2.  3.
531P09-2	State v. George William Gantt	Def's <i>Pro Se</i> Motion for Request to Reconsider Opinion or Issue a More Definite Opinion/Statement E.T.C.	Dismissed
556P07-3	George E. Burdick v. Mary Kate Burdick	Plt's <i>Pro Se</i> PWC to Review the Order of the COA (COAP09- 978)	Denied