

SUPREME COURT OF NORTH CAROLINA

PETITIONS

19 MARCH 2009

002A05-4	State v. Philip Morris, USA, Inc.; R.J. Reynolds Tobacco Company; Brown & Williamson Tobacco Corporation, Individually and as successor by merger to The American Tobacco Company; and Lorillard Tobacco Company	<p>1. Plts' (State of MD, et al) NOA (Dissent) (COA07-1572)</p> <p>2. Plts' (State of MD, et al) PDR as to Additional Issues</p> <p>3. Plts' Motion for Limited Admission Pro Hac Vice of Marlene Trestman</p> <p>4. Plts' Motion for Limited Admission Pro Hac Vice of David S. Lapp</p> <p>5. Motion by Joel M. Ressler for Limited Admission Pro Hac Vice</p>	<p>1. - - -</p> <p>2. Allowed</p> <p>3. Allowed</p> <p>4. Allowed</p> <p>5. Allowed</p>
002P05-3	State v. Philip Morris USA, Inc.; R.J. Reynolds Tobacco Co., Brown & Williamson Tobacco Corporation, Individually and as successor by merger to The American Tobacco Company; and Lorillard Tobacco Company	<p>1. State's Motion for Temporary Stay</p> <p>2. State's Petition for Writ of Supersedeas (COA07-409)</p> <p>3. State's PDR Based Upon N.C.G.S. § 7A-31</p>	<p>1. Allowed 11/10/08 Dissolved the Stay 03/19/09</p> <p>2. Denied</p> <p>3. Denied</p>

003P09	State v. Reginald Lee Rogers	Def's PDR Under N.C.G.S. § 7A-31 (COA08-188)	Denied
006P09	State v. Norwood Glenn Williams, Jr.	Def's PDR Under N.C.G.S. § 7A-31 (COA08-554)	Denied
009P09	State v. Anthony J. Grier	1. Def's NOA Based Upon a Constitutional Question (COA08-84) 2. Def's PDR Under N.C.G.S. § 7A-31	1. Dismissed <i>Ex Mero Motu</i> 2. Denied
012P09	Johnny Fink, Employee v. Goodyear Tire & Rubber Co., Employer, Liberty Mutual Ins. Co. Carrier	1. Defs' Motion for Temporary Stay (COA07-1371) 2. Defs' Petition for Writ of Supersedeas 3. Defs' PDR Under N.C.G.S. § 7A-31	1. Allowed 01/08/09 2. 3. Hudson, J., Recused
015P04-5	State v. Gene Archer Dickens, Jr.	Def's Motion for Extraordinary Writ (COAP08-678)	Dismissed
017P08	State v. Stanley Lorenzo Williams	Def's PWC to Review Decision of COA (COA06-240)	Denied
018P09	State v. Jamarra Rico Smith	Def's PWC to Review Order of COA (COAP08-876)	Denied
021P09	State v. Lamont Darrell Carter	Def's PDR (Prior to Determination) (COA08-1545)	Denied

024P09	State v. Michael Deweaver	Def's PWC To Review Order of Cumberland County Superior Court	Dismissed
026P09	In the Matter of the Estate of: J. Daniel Severt	1. Petitioner's (Mary Yearick) PDR Under N.C.G.S. § 7A-31 (COA08-203) 2. Respondent's (Edward F. Greene) Conditional PDR Under N.C.G.S. § 7A-31	1. Denied 2. Dismissed as Moot
028P09	State v. Robert Lee Wooten	1. Def's PDR Under N.C.G.S. § 7A-31 (COA08-734) 2. Def's PWC To Review Order of COA	1. Denied 2. Dismissed
032P09	State v. Yvonne Lorraine Brewer	Def's PDR Under N.C.G.S. § 7A-31 (COA08-303)	Denied
038P09	State v. Thomas Edward Anderson	Def's PDR Under N.C.G.S. § 7A-31 (COA08-67)	Denied
042P09	State v. Wendell Knight	Def's Motion for "Petition for Discretionary Review De Novo" (COAP08-855)	Dismissed
046P09	State v. Dennis Patton	Def's PWC To Review Decision of COA (COA08-199)	Dismissed

047P09	State v. Keith D. Wilson	1. Def's Motion for NOA Based Upon a Constitutional Question (COAP07-191) 2. Def's Motion for PDR Under N.C.G.S. § 7A-31	1. Dismissed <i>Ex Mero Motu</i> 2. Dismissed
050P09	In the Matter of: S.R.M., C.P.S.H., S.A.M.	Respondent's (Father) PDR Under N.C.G.S. § 7A-31 (COA08-571)	Denied
051P09	State v. Antwan Latrell Stephens	Def's PWC To Review Order of Sampson County Superior	Dismissed
052P09	State v. Terry Allen Boles	Def's Petition for Writ of Mandamus	Dismissed Without Prejudice to Petitioner's Right to File In the COA Per Appellate Rule 22(a) 03/16/09
053P09	Carroll Douglas Smith v. Melissa Bernard Smith	Plt's PDR Under N.C.G.S. § 7A-31 (COA08-78)	Denied
054P09	State v. John A. Leggett	1. Def's PWC To Review Order of COA (COA08-1433) 2. Def's PWC to Review Order of Cumberland County Superior Court	1. Denied 2. Denied

055A09	Brian Tate Helms v. Angelique Landry	<p>1. Plt's NOA (Dissent) (COA08-33)</p> <p>2. Def's PDR as to Additional Issues</p> <p>3. Def's NOA (Dissent)</p> <p>4. Def's Motion for Temporary Stay (01-CVD-12314)</p> <p>5. Def's Petition for Writ of Supersedeas</p>	<p>1. - - -</p> <p>2. Denied</p> <p>3. - - -</p> <p>4. Denied</p> <p>5. Denied</p>
056P09	State v. Larry Shelton James	Def's PWC To Review Order of Durham County Superior Court	Dismissed
057P09	State v. James M. Ferguson	Def's PDR (Prior to Determination) (COA08-1568)	Denied
058P09	Hospira, Inc. v. Alphagary, Inc.	Plt's Motion for Pro Hac Vice Admission of Allen C. Schlinsog, Jr.	Allowed
070P09	State v. Cameron Lawrence Kuegel	<p>1. Def's Motion for Temporary Stay (COA08-587)</p> <p>2. Def's Petition for Writ of Supersedeas</p> <p>3. Def's PDR Under N.C.G.S. § 7A-31</p>	<p>1. Allowed 02/13/09</p> <p>2.</p> <p>3.</p>
074P09	John R. McDonnell v. Tradewind Airlines, Inc.	Plt's PDR Under N.C.G.S. § 7A-31 (COA07-634)	Denied

080P09	State v. Robert Ray Allred	Def's PWC To Review Order of COA (COAP08-989)	Dismissed
081P09	Nancy M. Nuttall, Employee v. Hornwood, Inc., Employer and The Hartford, Carrier	Plt's PDR Under N.C.G.S. § 7A-31 (COA08-395)	Denied
082P09	State v. Eddie Smith	Def's Motion for Petitioner's Appellant's Brief/Petition for Writ of Habeas Corpus (COAP09-12)	Denied 02/24/09
083P09	State v. Willie James White	Def's Motion for PDR (COAP08-1008)	Dismissed
086P09	State v. Antoine Perry	Def's PDR Under N.C.G.S. § 7A-31 (COA08-676)	Denied
093P09	State v. Travis D. Miller	1. Def's PWC To Review Order of Davidson County Superior Court 2. Def's Motion for "Petition to Proceed as a Poor Person"	1. Dismissed 2. Allowed
094P09	Said Abdullah Hakim v. Sandra F. Thomas, Supt. IV	Plt's Petition for Writ of Habeas Corpus	Denied 03/04/09

096P09	In re: Will of Frances Faison Johnson, Deceased	<p>1. Petitioner's (Jeff D. Johnson, III) Motion for Temporary Stay (COAP09-115)</p> <p>2. Petitioner's (Jeff D. Johnson, III) Petition for Writ of Supersedeas</p>	<p>1. Denied 03/09/09</p> <p>2. Denied 03/09/09</p>
103P09	Harold K. Jordan & Co., Inc. v. Shady Grove Development, Inc., Village Landing, LLC	<p>1. Def's (Village Landing) Motion for Temporary Stay (COA08-1204)</p> <p>2. Def's (Village Landing) Petition for Writ of Supersedeas</p> <p>3. Def's (Village Landing) PWC To Review Order of COA</p> <p>4. Def's (Village Landing) Motion to Amend Record on Appeal</p>	<p>1. Allowed 03/10/09</p> <p>2.</p> <p>3.</p> <p>4.</p>
113P09	State v. Mark Stephen Thomas	<p>1. State's Motion for Temporary Stay (COA08-599)</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 03/19/09</p> <p>2.</p> <p>3.</p>
118P96-2	State v. Thomas Franklin Cross, Jr.	Def's Petition for Writ of Mandamus	Denied

136P08	Mark D. Shulenberger, Employee v. HBD Industries, Inc., Employer, Sentry Insurance, Carrier	Plt's PDR Under N.C.G.S. § 7A-31 (COA07-470)	Denied
187PA06	Theresa D. Hall v. Toreros, II, Inc.	Def's Motion to Dismiss Plt's Appeal	Denied Martin, J., Recused
192P08-2	State v. Quantine Alexander Little	Def's Petition for Writ of Habeas Corpus (COAP09-134)	Denied 02/11/09
214P08-2	State v. Rigoberto Rosales-Villa	Def's Motion for PDR (COAP08-1003)	Dismissed
222P04-2	State v. Salramon Gonzales	Def's Motion for "Petition for Discretionary Review" (COAP09-65)	Denied Timmons-Goodson, J., Recused

237P08	Robert A. Carlisle v. CSX Transportation, Inc.	<p>1. Plt's PWC To Review Order of COA (COA08-43)</p> <p>2. Def's PDR Under N.C.G.S. § 7A-31</p> <p>3. Motion by the Association of American Railroads for Leave to File Amicus Curiae Brief</p> <p>4. Plt's Motion to Strike Amicus Brief of the Association of American Railroads</p> <p>5. Alternative Motion for Leave to Seek Amicus in Support of Plt's Opposition to Def's PDR</p>	<p>1. Denied</p> <p>2. Denied</p> <p>3. Dismissed as Moot</p> <p>4. Dismissed as Moot</p> <p>5. Dismissed as Moot</p>
244P08-2	State v. Jamel Byrd Price a/k/a Jamel Byrd-El	<p>1. Def's Motion for "Petition for Discretionary Review"</p> <p>2. Def's Motion to Appoint Counsel</p>	<p>1. Dismissed</p> <p>2. Dismissed as Moot</p>
258P08	State v. Bobby Donnell Hairston, Jr.	Def's PDR Under N.C.G.S. § 7A-31 (COA07-1119)	Denied
260P08	State v. Rima Yvette Yancey	Def's PDR Under N.C.G.S. § 7A-31 (COA07-1406)	Denied

269P08	Bennie Leon Corbett v. NC Division of Motor Vehicles	1. Def's PDR Under N.C.G.S. § 7A-31 (COA07-791) 2. Plt's Petition for Dismissal of Petition for Discretionary Review	1. Denied 2. Dismissed as Moot
271P08	State Farm Mutual Automobile Insurance Company v. Linda P. Gaylor and Paul E. Gaylor	Def's PDR Under N.C.G.S. § 7A-31 (COA07-1421)	Denied
281P06-6	Joseph E. Teague, Jr., P.E., C.M. v. NC DOT, et al Lyndo Tippett and T.A. Krasner	1. Plt-Appellant's Motion for Temporary Stay 2. Plt-Appellant's PWC Based on Additional Issues	1. Denied 07/22/08 2. Edmunds, J., Recused
283P08	Robin Hinson, Individually and as Adminstratrix of the Estate of Billy Douglas Hinson, et al. v. Randy Jarvis, et al.	1. Plt's PDR Under N.C.G.S. § 7A-31 (COA07-1142) 2. Def's (Linnie Jarvis) Conditional PDR Under N.C.G.S. § 7A-31	1. Denied 2. Dismissed as Moot
289P06-4	State v. Steve Morrison	Def's PWC to Review Order of Mecklenburg County Superior Court	Dismissed

291P08	State v. Brian Steven Meyers	<p>1. Def's PWC to Review Order of COA (COAP08-394)</p> <p>2. Def's PWC to Review Order of COA (MAR)</p> <p>3. Def's Motion to Dismiss on Grounds of Excess Jurisdiction and Fraud (MAR)</p>	<p>1. Denied</p> <p>2. Dismissed</p> <p>3. Dismissed</p>
292P03-3	State v. Wali Farad Muhammad Bilal	Def's PDR Under N.C.G.S. § 7A-31 (COAP08-562)	Denied
292P08	State v. Marlon Goodwin	Def's PDR Under N.C.G.S. § 7A-31 (COA07-1028)	Denied
295P08	State v. Roy Oswald Bodden	<p>1. Def's NOA Based Upon a Constitutional Question (COA07-719)</p> <p>2. Def's PDR Under N.C.G.S. § 7A-31</p> <p>3. State's Motion to Dismiss Appeal</p>	<p>1. - - -</p> <p>2. Denied</p> <p>3. Allowed</p>
298P08	J. Wayne King v. Peggy Sain Lingerfelt	Unnamed Def's (Nationwide Mutual Ins. Co.) PDR Under N.C.G.S. § 7A-31 (COA07-1193)	Denied

300P08	The Lynwood Foundation v. NC Department of Revenue	1. Def's PDR Under N.C.G.S. § 7A-31 (COA07-945) 2. Def's Motion to Amend PDR	1. Denied 2. Allowed
324P08	Elsie J.Kelly, Sister of Betty Jean Jeffreys, Deceased Employee v. Duke University	1. Def's PDR Under N.C.G.S. § 7A-31 (COA07-874) 2. Def's Motion for Temporary Stay 3. Def's Petition for Writ of Supersedeas	1. Denied 2. Allowed 01/26/09 Dissolved the Stay 03/19/09 3. Denied
331P06-2	State v. Arthur O. Armstrong	1. Def's Motion for Leave to File Petition for Writ of Mandamus 2. Def's Petition for Writ of Mandamus	1. Dismissed 02/11/09 2. Dismissed 02/11/09
354P08	State v. Ernest Jawarren Wright, Jr.	1. Def's Motion for "Writ of Mandanna Relief" 2. Def's Motion to Dismiss for Denial of a Speedy Trial	1. Dismissed 2. Dismissed

356P08	Jerry S. Mills, Individually and as Executor for the Estate of Pauline E. Mills, Deceased v. Wachovia Bank, N.A., et al.	<p>1. Plt's NOA Based Upon a Constitutional Question (COA07-365)</p> <p>2. Plt's PDR Under N.C.G.S. § 7A-31</p> <p>3. Def's (Wachovia Bank) Conditional PDR</p>	<p>1. Dismissed <i>Ex Mero Motu</i></p> <p>2. Denied</p> <p>3. Dismissed as Moot</p>
368P08	Dominion Healthcare Services, Inc. v. NCDHHS, Division of Mental Health, Division of Medical Assistance, Wake County Local Management Entity, The Durham Center Local Management Entity	<p>1. Respondent's PWC To Review Order of COA (COAP08-243)</p> <p>2. Respondent's Alternative Petition for Writ of Supersedeas</p> <p>3. Respondent's Motion for Leave to Withdraw Petition for Writ of Supersedeas</p> <p>4. Respondent's Motion to Withdraw PWC</p>	<p>1. - - -</p> <p>2. - - -</p> <p>3. Allowed</p> <p>4. Allowed</p>
383P08	Alice Camara and Isatta Camara, Plts v. Musa Gbarbera, Def	Plts' PDR Under N.C.G.S. § 7A-31 (COA07-1480)	Denied

388P08	State v. Mario Deandre Taylor	1. State's Motion for Temporary Stay (COA07-391) 2. State's Petition for Writ of Supersedeas 3. State's PDR Under N.C.G.S. § 7A-31	1. Allowed 08/25/08 Dissolved the Stay 03/19/09 2. Denied 3. Denied
389P08	State v. Zane Anthony Johnson	Def's PWC to Review Order of Lee County Superior Court	Dismissed
391A08	In the Matter of: D.G.	Appellant's (Juvenile) Notice of Mootness and Motion to Dismiss Appeal as Moot	Allowed 02/18/09
392P08	Jacob Wearing, Employee v. Bovis Lend Lease, Employer, Insurance Co. of the State of Pennsylvania/AIG Claims Service, Carrier	1. Plt's PDR Under N.C.G.S. § 7A-31 (COA08-722) 2. Plt's Motion to "Supplement PDR of the Order and Decision" 3. Plt's Supplemental Motion for a Procedural Order 4. Plt's "Supplemental Motion to do Justice"	1. Denied 2. Allowed 3. Dismissed 4. Dismissed
401P07-2	State v. Anthony Dewayne Daye	Def's PWC To Review Order of COA (COAP08-560)	Dismissed
406P08	State v. Jeremy Tyler Martin	Def's PDR Under N.C.G.S. § 7A-31 (COA07-1392)	Denied

416P08	Julia Catherine Boseman, Plt v. Melissa Ann Jarrell, Def and Melissa Ann Jarrell, Third-Party Plt v. Julia Catherine Boseman and NCDHHS, Third-Party Defs	Def & Third-Party Plt's (Jarrell) PDR Under N.C.G.S. § 7A-31 (Prior to Determination)	Denied
422P08	State v. Tressin Eugene Young	Def's PWC To Review Order of COA (COA07-1443)	Denied
424PA08	In the Matter of the Summons Issued to Ernst & Young, LLP, et al.	Intervenor's (Wal-Mart) Motion to Take Judicial Notice	Allowed
427P08	Henry London Anderson, Jr., and wife, Frances W. Anderson v. Lee Crouch, Margaret Collins, James E. Wallace, Jr., and Intracoastal Realty Corp.	Def's PDR Under N.C.G.S. § 7A-31 (COA07-1319)	Denied Martin, J., Recused
428P08	State v. Roderick Monta Jenkins	1. Def's NOA Based Upon a Constitutional Question (COA07-1006) 2. Def's PDR Under N.C.G.S. § 7A-31	1. Dismissed <i>Ex Mero Motu</i> 2. Denied
434P08-3	State v. Preston Davis	Def's Motion for "Petition for Reconsideration"	Dismissed

440P08	Michael J. Deason, Employee v. Owens- Illinois, Inc., Employer and Insurance Co. State of Pennsylvania (AIG), Carrier	1. Defs' Motion for Temporary Stay (COA07-1159) 2. Def's Petition for Writ of Supersedeas 3. Def's PDR Under N.C.G.S. § 7A-31 4. Plt's Conditional PDR Under N.C.G.S. § 7A-31	1. Allowed 09/22/08 Dissolved the Stay 03/19/09 2. Denied 3. Denied 4. Dismissed as Moot
448P08	Larry Cagle, Employee v. P.H. Glatfelter/Eusta Division, Self- Insured, Employer, and PMA Insurance Group, Third Party Administrator	Def's (P.H. Glatfelter) PDR Under N.C.G.S. § 7A-31 (COA08-26)	Denied
464P08	David M. Goodman v. Holmes & McLaurin Attorneys at Law, a/k/a Holmes & McLaurin, et al.	1. Plt's PDR Under N.C.G.S. § 7A-31 (COA07-199) 2. Defs' (Holmes and Holmes & McLaurin) Conditional PDR Under N.C.G.S. § 7A-31 3. Plt's Motion to Withdraw PDR	1. - - - 2. Dismissed as Moot 3. Allowed

465A06	State v. Ryan Gabriel Garcell	1. Def's Motion to Amend Record On Appeal 2. Def's MAR 3. Def's Motion for Leave to File a Reply Brief	1. Allowed 01/24/08 2. See Opinion 3. Allowed
471P03-2	State v. Lloyd T. Leonard, II	Def's Motion for Petition for Discretionary Review (COAP08-235)	Dismissed
474P08	State v. Samuel Travis Tanner	1. State's Motion for Temporary Stay (COA08-251) 2. State's Petition for Writ of Supersedeas 3. State's PDR Under N.C.G.S. § 7A-31	1. Allowed 10/20/08 2. 3.
490P06-4	Arthur O. Armstrong v. City of Wilson, et al.	1. Plt's Motion for Leave to File Petition for Writ of Mandamus 2. Plt's Petition for Writ of Mandamus	1. Dismissed 02/06/09 2. Dismissed 02/06/09
495P05-2	State v. William Jasper Goodman, Jr.	Def's Motion for "Petition for Discretionary Review Under N.C.G.S. § 7A-31" (COAP06-900)	Dismissed

501P06-4	Arthur O. Armstrong v. Nina A. Knight, et al.	1. Plt's Motion for Leave to File Petition for Writ of Mandamus 2. Plt's Petition for Writ of Mandamus	1. Dismissed 02/11/09 2. Dismissed 02/11/09
514P08	State v. Bobby E. Bowden	1. State's Motion for Temporary Stay (COA08-372) 2. State's Petition for Writ of Supersedeas 3. State's PDR Under N.C.G.S. § 7A-31 4. Def's Motion to Dismiss PDR	1. Allowed 11/21/08 2. 3. 4.
515P08-2	State v. Jerome Robert Posey	Def's Motion for Judgement Summary (COAP08-597)	Dismissed
534P08	State v. Tracy Glen Smith	1. State's Motion for Temporary Stay (COA08-533) 2. State's Petition for Writ of Supersedeas 3. State's PDR Under N.C.G.S. § 7A-31	1. Allowed 12/05/08 2. 3.
549P08-2	Lelia J. Bailey v. Winston-Salem State University	Plt's Motion to Reconsider	Dismissed
551P08	State v. Terry Lee Dix	1. Def's Motion for Temporary Stay (COA07-1440) 2. Def's Petition for Writ of Supersedeas	1. Allowed 12/18/08 2.

554P08	State v. Everton Austin Berry	1. Def's NOA Based Upon a Constitutional Question (COA08- 262) 2. Def's PDR Under N.C.G.S. § 7A-31	1. Dismissed <i>Ex Mero Motu</i> 2. Denied
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555P08	State v. Johnny Ray Pope	Def's PDR Under N.C.G.S. § 7A-31 (COA08-440)	Denied
566P01-4	Douglas Lee Husketh, Jr., v. Herb Jackson, Superintendent Brown Creek Correctional Institution	1. Plt's Motion to Amend Def Party 2. Plt's Motion for Petition for Rehearing	1. Dismissed 2. Dismissed
606A05	State v. Eric Glenn Lane	State's Motion for Clarification of Court's Opinion	See Special Order 03/09/09
609P07-2	State v. Charles N. Carson	Def-Appellant's PWC	Denied
689P01-2	State v. Kenneth Michael Boekenoogen	Def's Petition for Writ of Mandamus	Dismissed 02/06/09