

SUPREME COURT OF NORTH CAROLINA

PETITIONS

Decided by the Court in Conference: 27 March 2003

{Posted on the Internet Web Site: 28 March 2003 at 11:30 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

005A86-8*	State v. Henry Lee Hunt	1. D. Stuart Meiklejohn's Motion for Admission to Limited Practice 2. Joseph P. Facciponti's Motion for Admission to Limited Practice 3. Steven L. Holley's Motion for Admission to Limited Practice 4. Richard C. Pepperman, II's Motion for Admission to Limited Practice 5. Joseph J. Reilly's Motion for Admission to Limited Practice 6. Brent J. McIntosh's Motion for Admission to Limited Practice	1. Allowed 03/18/03 2. Allowed 03/18/03 3. Allowed 03/18/03 4. Allowed 03/18/03 5. Allowed 03/18/03 6. Allowed 03/18/03
005A86-8*	State v. Henry Lee Hunt	AG's Motion to File Addendum to Record	Allowed 03/21/03
010P03	Diane Atkins v. Kelly Springfield Tire Co. and The Travelers Ins. Co.	1. Defs' PDR Under N.C.G.S. § 7A-31 (COA01-1460)	1.Allow PDR as to Issues 1 and 2 only

		<p>2. Defs' Motion for Temporary Stay</p> <p>3. Defs' Petition for Writ of Supersedeas</p> <p>4. Motion for the North Carolina Association of Self-Insurers to File <i>Amicus Curiae</i> Brief Conditioned on the Grant of Discretionary Review</p>	<p>2. Allowed pending determination of defs' PDR 01/14/03</p> <p>3. Allowed</p> <p>4. Allowed</p>
011P03	State v. Randy Doven Bryant	<p>1. Def's NOA Based Upon a Constitutional Question (COA02-144)</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>
016P03-2	State v. Stanley Eugene Franklin	<p>1. Def's <i>Pro Se</i> Petition for Writ of Mandamus</p> <p>2. Def's <i>Pro Se</i> Motion for Appointment of Counsel</p> <p>3. Def's <i>Pro Se</i> Motion for Evidentiary Hearing in Support of Writ of Mandamus</p>	<p>1. Denied</p> <p>2. Denied</p> <p>3. Denied</p>
031P03	State v. James Bunn Wiggins	<p>1. Def's NOA Based Upon a Constitutional Question (COA02-148)</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>
044P03	North Carolina Farm Bureau Mutual Insurance Company v. Julie S. F. Holt	<p>1. Def's NOA Based Upon a Constitutional Question (COA01-1439)</p> <p>2. Def's PDR Under N.C.G.S. § 7A-31</p> <p>3. Plt's Motion to Dismiss Appeal</p>	<p>1. ---</p> <p>2. Denied</p> <p>3. Allowed</p> <p>4. Dismissed as Moot</p>

		4. Counsels' Motion for Admission <i>Pro Hac Vice</i>	
045A03	Richard Allen Overton v. William Robert Purvis	1. Plt's NOA Based Upon a Dissent (COA01-1520) 2. Plt's PWC to Review the Decision of the COA	1. --- 2. Denied
046P03	County of Wake, Petitioner v. N.C. Department of Environment & Natural Resources and Jerry Franks and John Schifano, et al., Respondents and Town of Holly Springs, Respondent/Intervenor	1. Respondents' (Franks and Schifano et al.) and Respondent-Intervenor's (Town of Holly Springs) PDR Under N.C.G.S. § 7A-31 (COA01-847) 2. Petitioner's Conditional PDR as to Additional Issues 3. Respondent-Appellant Jerry Franks' PDR Under N.C.G.S. § 7A-31 4. Petitioner's Motion to Strike PDR	1. Denied 2. Dismissed as Moot 3. Denied 4. Denied
050P03	Sandra B. Huntley v. Howard Lisk Co., Inc.	Plt's PDR Under N.C.G.S. § 7A-31 (COA02-75)	Denied
051P03	State v. Howard Eugene Safrit	Def's PDR Under N.C.G.S. § 7A-31 (COA02-304)	Denied
057P03	State ex rel Utilities Commission; BellSouth Telecommunications, Inc. v. Thrifty Call, Inc.	1. Respondent's NOA Based Upon a Constitutional Question (COA01- 1466) 2. Respondent's PDR Under N.C.G.S. § 7A-31 3. Respondent's Alternative PDR of Constitutional Issues 4. Respondent's Motion to Avoid Inconsistency With Federal Tribunal by Holding Proceeding in Abeyance, Referring Matter to FCC, and/or Requesting FCC to Submit <i>Amicus Curiae</i> Brief 5. Respondent's Motion for Leave to File Reply to Response to PDR	1. Dismissed <i>ex mero motu</i> 2. Denied 3. Denied 4. Denied 5. Dismissed as Moot

063P03	State v. Michael Scott Pasour	Def's <i>Pro Se</i> PWC to Review the Decision of the COA (COA01-1432)	Denied
065P03	State v. Carlos DeVito Payne	<ol style="list-style-type: none"> 1. Def's <i>Pro Se</i> Motion for Reconsideration 2. Def's <i>Pro Se</i> Petition for Writ of Mandamus 3. Def's <i>Pro Se</i> "PDR" 4. Def's Motion for Court to Exercise its Discretion and Consider "Forged" "NOA" 5. Def's PWC 	<ol style="list-style-type: none"> 1. Dismissed 2. Denied 3. Denied 4. Dismissed 5. Denied
067P03	<p>Neuse River Foundation, Inc., et al. v. Smithfield Foods, Inc., et al.</p> <p>Thomas E. Jones, et al. v. Smithfield Foods, Inc., et al.</p>	Plts' PDR Under N.C.G.S. § 7A-31 (COA01-1204; COA01-1205)	Denied 02/28/03
073P03	American Woodland Industries, Inc., et al. v. Norris Tolson, Secretary of Revenue, et al.	<ol style="list-style-type: none"> 1. Plts' PDR Under N.C.G.S. § 7A-31 (COA01-1533) 2. Defs' (Secretary of Revenue and State of NC) Conditional PDR as to Additional Issues 3. Defs' (Forsyth, Franklin, Gaston, Gates, Graham, Granville, Green, Guilford, Halifax, Harnett, Haywood, Henderson, Hertford, Hoke, Hyde, Iredell, Jackson, Johnston, Jones, Lee, Lenoir, Lincoln, Macon, Martin, McDowell, Mecklenburg, Mitchell, Montgomery, Moore, Nash, Scotland and Wake Counties) Conditional PDR as to Additional Issues 4. Defs' (Alamance, Alleghany, Anson, Ashe, Avery, Beaufort, Bertie, Bladen, Brunswick, Buncombe, Burke, Cabarrus, Caldwell, Camden, Carteret, Caswell, Catawba, Chatham, Cherokee, Chowan, Clay, Cleveland, Columbus, Craven, 	<ol style="list-style-type: none"> 1. Denied 2. Dismissed as Moot 3. Dismissed as Moot 4. Dismissed as Moot

		Currituck, Dare, Davidson, Duplin, Durham and Edgecombe Counties) Conditional PDR as to Additional Issues	
074P03	Celeste Renee McNeely v. William Brannon Bollinger	Plt's PDR Under N.C.G.S. § 7A-31 (COA01-1059)	Denied
076A03	Peter Brevorka and wife, Carole Brevorka v. Wolfe Construction, Inc.	1. Plts' NOA (Dissent) (COA02-5) 2. Plts' PDR as to Additional Issues	1. --- 2. Denied Edmunds, J., recused
077P03	Dorothy T. Howard, by and through the Administratrix of her Estate v. Robert D. Vaughn, Jr., M.D.; James A. Watkins, M.D.; Louis H. Zbinden, III, M.D.; Dilworth Surgical Group, P.A. o/k/a Dilworth Surgical Specialists, P.A.; Mercy Hospital, Inc.; Carolinas Health Care System d/b/a Mercy Hospital, Inc.	Several Defs' (Vaughn, Watkins, Dilworth Surgical Group, P.A. o/k/a Dilworth Surgical Specialists, P.A.) PDR Under N.C.G.S. § 7A-31 (COA02-28)	Denied
080P03	State v. Victor Shevay Thomas	Def's PDR Under N.C.G.S. § 7A-31 (COA01-1310)	Denied
084P03	Kenneth H. Myers, Jr. v. Thomas P. Mutton, M.D.; Forsyth Memorial Hospital, Inc.; Novant Health, Inc.; Novant Health Triad Region, LLC	1.. Plt's and Petitioners' (Faison and Gillespie) NOA Based Upon a Constitutional Question (COA01-1409) 2. Plt's and Petitioners' (Faison and Gillespie) PDR Under N.C.G.S. § 7A-31	1. Dismissed <i>ex mero motu</i> 2. Denied
085P03	Bessemer City Express, Inc. and Mike's Food Store, Inc. v. City of Kings Mountain, North Carolina	Plts' PDR Under N.C.G.S. § 7A-31	Denied
089P03	Sandra P. Suarez, et al. v. James William Wotring, Jr., M.D., et al.	1. Plts' PDR Under N.C.G.S. § 7A-31 (COA02-108) 2. Plts' Alternate PWC to Review the Decision of the COA 3. Defs' Conditional PDR as to Additional Issues	1. Denied 03/03/03 2. Denied 03/03/03 3. Dismissed as Moot 03/03/03

091P03	Barbara Paquette v. County of Durham and Dale Gaddis and Priscilla Lewis and Brenda Watson	1. Defs' PDR Under N.C.G.S. § 7A-31 (COA02-59) 2. Plt's Motion for Additional Time to File Response	1. 2. Allowed
092P03	Karen Ann Blankenship and Mike Thompson v. Town and Country Ford, Inc. and Ford Credit Leasing, Inc.	1. Def's (Town and Country Ford, Inc..) PDR Under N.C.G.S. § 7A-31 (COA02-191) 2. Plts' PDR Review as to Additional Issues	1. Denied 2. Dismissed as Moot
094PA02-2	Ashley Stephenson, et al. v. Gary Bartlett, et al.	Citizen Quinn's Motion to File a "Friend of the Court" Brief in Support of Modifying Current Districts	Allowed Orr, J., recused
096A03	State v. Gerald Wayne Adams	1. Def's NOA Based Upon a Constitutional Question (COA01-1419) 2. AG's Motion to Dismiss Appeal	1. --- 2. Allowed
098P99-2	State v. Frank Boyd Chance	Def's <i>Pro Se</i> PWC to Review the Order of the COA (COAP03-24)	Dismissed
099P03	Algie D. Toomer, Jr. v. Garland Garrett, John Doe #1, John Doe #2, individually and in their official capacities; State of North Carolina; North Carolina Department of Transportation; and North Carolina Department of Correction	1. Defs' NOA Based Upon a Constitutional Question (COA01-1385) 2. Defs' PDR Under N.C.G.S. § 7A-31 3. Plt's Motion to Dismiss Appeal	1. --- 2. Denied 3. Allowed
100P03	In Re: Request for Declaratory Ruling by the Environmental Management Commission N.C. Home Builders Association, et al. v. Environmental Management Commission and N.C. Chapter of the Sierra Club, et al.	Plts' PDR Under N.C.G.S. § 7A-31 (COA02-99)	Denied

101P03	Charles W. Plummer, M.D. v. Community General Hospital of Thomasville, Inc.; Allegiant Physician Services, Inc.; and Premiere Anesthesia, Inc.	Plt's PDR Under N.C.G.S. § 7A-31 (COA97-191)	Denied
105P03*	David Teasley v. Theodis Beck, Secretary of the North Carolina Department of Correction, in his official capacity, et al. Odell Clinton Bates v. Theodis Beck, Secretary of the North Carolina Department of Correction, in his official capacity, et al.	Plt's Motion to Amend PDR to Correct Error as to Form	Allowed 02/24/03
106P03	State v. Donald Frederick Taylor	Def's PWC to Review the Decision of the COA (COA01-942)	Denied
110P03	State v. Jeremiah Jermaine Stubbs	Def's <i>Pro Se</i> PWC Review Under N.C.G.S. § 7A-31 (COA01-259)	Denied
111P03	In the Matter of the Will of Gladys Baars Campbell	Caveators' (Fred Baars, Carole Baars Hakan, Sue Baars Smith, Emerson Campbell) PDR Under N.C.G.S. § 7A-31 (COA01-1223)	Denied Lake, C.J., recused
113P03	State v. Rodney Jay Tucker	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 (COA02-156)	1. Denied 02/21/03 2. Allowed 3. Allowed
114P03	State v. Jeremy John Howard	Def's PWC to Review the Order of the COA (COAP03-38)	Denied
115P03	Reginald Sherwood Grandy v. Supt. Ernest Sutton, et al.	Plt's <i>Pro Se</i> Petition for Writ of Error <i>Coram Nobis</i> (COAP02-796)	Denied
117P03	Carolyn Campbell v. North Carolina Department of Transportation - Division of Motor Vehicles	Respondent-Appellant's PDR Pursuant to N.C.G.S. § 7A-31 (COA02-81)	Denied
118P03	Jack Walker v. Lake River Lawn and Garden and N.C. Farm Bureau Mutual Ins. Co.	Defs' PDR Under N.C.G.S. § 7A-31 (COA01-1525)	Denied

119P03	State v. Carl W. Moore	Def's <i>Pro Se</i> PWC to Review the Order of the COA (COAP02-960)	Dismissed
121P03	State v. Lovett Henderson	1. Def's NOA Based Upon a Constitutional Question (COA01-1501) 2. Def's PDR Under N.C.G.S. § 7A-31 3. AG's Motion to Dismiss Appeal	1. --- 2. Denied 3. Allowed
122P03	John H. Icardi v. Celeris Corporation f/k/a Summit Medical Systems, Inc., et al.	Defs' PWC to Review the Decision of the COA (COA01-988)	Denied
124P03	State v. Jonathan Montego Banner	1. Def's <i>Pro Se</i> PDR Under N.C.G.S. § 7A-31 (COA02-272) 2. Def's <i>Pro Se</i> Motion to Amend PDR	1. Denied 2. Denied
129P03	James Elve Flowers, Jr. v. State	Petitioner's <i>Pro Se</i> Petition for Writ of Habeas Corpus	Denied 03/04/03
143A95-5*	Charles Phillips Bond v. State	3. Petitioner's <i>Pro Se</i> Second Amended Petition for Writ of Habeas Corpus	Denied 03/04/03
154P03	State v. Roman Guitierrez Rubio	1. AG's Petition for an Extraordinary Writ and Motion Under Rule 2 of the Rules of Appellate Procedure 2. AG's Petition for Writ of Supersedeas 3. AG's Motion for the Court to Issue an Extraordinary Writ Staying All Orders in the Trial Court re Appointment Fees 4. AG's Motion to Consolidate and Preview All Cases Simultaneously Filed or Soon to be Filed Raising Same Issue	1. See Special Order 2. See Special Order 3. See Special Order 4. See Special Order
155P03	State v. John Walter McNeil	1. AG's Petition for an Extraordinary Writ and Motion Under Rule 2 of the Rules of Appellate Procedure	1. See Special Order 2. See Special Order

		<p>2. AG's Petition for Writ of Supersedeas</p> <p>3. AG's Motion for the Court to Issue an Extraordinary Writ Staying All Orders in the Trial Court re Appointment Fees</p> <p>4. AG's Motion to Consolidate and Preview All Cases Simultaneously Filed or Soon to be Filed Raising Same Issue</p>	<p>3. See Special Order</p> <p>4 See Special Order.</p>
156P03	State v. Marvin Junior Kelly	<p>1. AG's Petition for an Extraordinary Writ and Motion Under Rule 2 of the Rules of Appellate Procedure</p> <p>2. AG's Petition for Writ of Supersedeas</p> <p>3. AG's Motion for the Court to Issue an Extraordinary Writ Staying All Orders in the Trial Court re Appointment Fees</p> <p>4. AG's Motion to Consolidate and Preview All Cases Simultaneously Filed or Soon to be Filed Raising Same Issue</p>	<p>1. See Special Order</p> <p>2. See Special Order</p> <p>3. See Special Order</p> <p>4. See Special Order</p>
157P03	State v. Dudley Cedrick Webb	<p>1. AG's Petition for an Extraordinary Writ and Motion Under Rule 2 of the Rules of Appellate Procedure</p> <p>2. AG's Petition for Writ of Supersedeas</p> <p>3. AG's Motion for the Court to Issue an Extraordinary Writ Staying All Orders in the Trial Court re Appointment Fees</p> <p>4. AG's Motion to Consolidate and Preview All Cases Simultaneously Filed or Soon to be Filed Raising Same Issue</p>	<p>1. See Special Order</p> <p>2. See Special Order</p> <p>3. See Special Order</p> <p>4. See Special Order</p>
174A02*	State v. William Jasper Goodman, Jr.	Def's Motion Under Rule 2 of the Rules of Appellate Procedure	Denied 03/11/03

211P02	Leroy E. Tuckett v. L.E. Tuckett Architect Group, P.A., Jerry U. Guerrier d/b/a The Atepa Group, P.A., and/ or Any Persons Doing Business for or as The Atepa Group, P.A.	1. Defs' PWC to Review the Order of the COA (COA01-348) 2. Defs' PWC to Review the Decision of the COA	1. Denied 02/27/03 2. Denied 02/27/03
228A95-2*	State v. Darrell Christopher Woods	Def's Motion for Extension of Time to File PWC	Allowed 03/03/03
322A02*	Daniel Fabricio Rosero v. Lisa Blake	N.C. Academy of Trial Lawyers' Motion for Leave to Participate in Oral Argument	Allowed 03/07/03
331P01-2	State v. Nicholas N. Cauley	Def's <i>Pro Se</i> PWC to Review the Order of the COA (COAP03-21)	Dismissed
379A95-3*	State v. Jeffrey Karl Meyer	1. Def's PWC to Review the Order of Superior Court 2. Def's Motion Requesting Justice Brady to Not Participate in Consideration of PWC 3. Def's Motion to Hold in Abeyance Consideration of PWC Pending Decision by Justice Brady Whether He Should Disqualify Himself 4. Def's Motion to Hold consideration of PWC in Abeyance Pending Decision by Cumberland County Superior Court on Motion for Reconsideration	1. 2. Dismissed 3. Denied 4.
428A00	State v. Marcus Lorenzo Squires	AG's Motion to Amend Record on Appeal	Allowed
435A96-3	State v. Walic Christopher Thomas	Def's <i>Pro Se</i> Petition for Writ of Mandamus on Petitioner's Motion to Recuse Post-Conviction Attorneys Due to Conflict of Interest	Dismissed
445P02-2	State v. Vernelle Lafarris Bullock, Sr.	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 (COA01-476)	1. Allowed 12/18/02 Dissolved 2. Denied 3. Denied

		<p>4. Def's Motion to Deem Response to AG's PDR Timely Filed</p> <p>5. Def's NOA Based Upon a Constitutional Question</p> <p>6. Defendant's PDR Under N.C.G.S. § 7A-31</p>	<p>4. Dismissed as Moot</p> <p>5. Dismissed <i>ex mero motu</i></p> <p>6. Denied</p>
516P02	Allen Wayne Seymour, Jr. v. Lenoir County and Sandy Bottom Volunteer Fire Dept., Inc., et al.	<p>1. Joint Motion by All Parties for Leave to File Voluntary Dismissal With Prejudice as to Non-Appealing Defendant Lenoir County</p> <p>2. Joint Motion to Dismiss Appeal and for Leave to File Dismissal with Prejudice (COA01-972)</p>	<p>1. Allowed 03/04/03</p> <p>2. Allowed</p>
522A02	Dan Rhyne and Alice Rhyne v. K-Mart Corporation, Shawn Roberts, and Joseph Hoyle	<p>1. Plts' NOA Based Upon a Dissent (COA00-1516)</p> <p>2. Plts' NOA Based Upon a Constitutional Question</p> <p>3. Plts' PDR as to Additional Issues</p> <p>4. Defs' PDR as to Additional Issues</p>	<p>1. ---</p> <p>2. Retained</p> <p>3. Denied</p> <p>4. Allowed</p>
530P02*	Randy L. Hasty, et al. and Cassandra Ingram, et al. v. State of North Carolina and the State Board of Education	<p>1. Defs' PDR Prior to Determination by the COA (COA02-1181)</p> <p>2. Plts' and Plt Intervenors' PDR Prior to Determination by the COA</p>	<p>1. Allowed 03/18/03</p> <p>2. Allowed 03/18/03</p>
581A02	Cecil C. Holcomb v. Colonial Associates, LLC, and John Olson	<p>1. Plt's NOA Based Upon a Dissent (COA01-1067)</p> <p>2. Plt's PDR as to Additional Issues</p> <p>3. Defs' Conditional PDR as to Additional Issues</p>	<p>1. ---</p> <p>2. Denied</p> <p>3. Dismissed as Moot</p>
617PA02*	Whitacre Partnership v. BioSignia, Inc., T. Nelson	Motion for Admission <i>Pro Hac Vice</i> of J. William Koegel, Jr.	Allowed 03/26/03

	Campbell and T. Colin Campbell		
642P02	Terry Vares, Individually, and as Guardian Ad Litem for Justice Vares v. Gregory Vares, Bert L. Bennett, Jr., John Bennett, Sean McPartland, and Ann Bennett Phillips	Plt's PDR Under N.C.G.S. § 7A-31 (COA01-1411)	Denied
656P02	Structural Components v. City of Charlotte and Lockheed Martin IMS	1. Plt's NOA Based Upon a Constitutional Question (COA02-200) 2. Plt's PDR Under N.C.G.S. § 7A-31 3. Def's Motion to Dismiss Appeal	1. - - - 2. Denied 03/11/03 3. Allowed 03/11/03