

**SUPREME COURT OF NORTH CAROLINA**

**PETITIONS**

Decided by the Court in Conference: 4 April 2002

{Posted on the Internet Web Site: 5 April 2002 at 10:45 a.m.}

**COMMON ABBREVIATIONS**

<b>Abbreviation</b>	<b>Full Term</b>
<b>PWC</b>	<b>Petition for Writ of Certiorari</b>
<b>MAR</b>	<b>Motion for Appropriate Relief</b>
<b>COA</b>	<b>North Carolina Court of Appeals</b>
<b>MTS</b>	<b>Motion for Temporary Stay</b>
<b>Def</b>	<b>Defendant</b>
<b>NOA</b>	<b>Notice of Appeal</b>
<b>Plt</b>	<b>Plaintiff</b>
<b>PDR</b>	<b>Petition for Discretionary Review</b>
<b>Cert</b>	<b>Certiorari</b>
<b>AG</b>	<b>Attorney General</b>

<b>004A01</b>	<b>State v. Timothy Lionell White</b>	<b>1. Def's Motion to Enlarge the Record on Appeal</b>  <b>2. Def's Motion to File Additional Brief</b>	<b>1. Denied 03/21/02</b>  <b>2. Denied 03/21/02</b>
<b>009P01-2</b>	<b>State v. Irving D. Chappell</b>	<b>Def's Pro Se PWC to Review the Order of the COA (COAP00-861)</b>	<b>Denied</b>
<b>015A02*</b>	<b>Geraldine A. Best v. Ford Motor Company, Sam Johnson's Lincoln Mercury, Inc. and TRW, Inc.</b>	<b>Def's (TRW, Inc.) Motion for Admission of Counsel for Pro Hac Vice (David R. Reed)</b>	<b>Allowed 03/21/02</b>
<b>031P02</b>	<b>Gaston County, by and through its Child Support Enforcement Agency, ex rel., Georgia R. West (Anderson) v. Launeil Sanders</b>	<b>1. Def's Pro Se PWC to Review the Decision of the COA (COA00-1096)</b>  <b>2. Def's Pro Se Motion to Proceed <i>In Forma Pauperis</i></b>	<b>1. Denied</b>  <b>2. Allowed</b>

035A02	State v. Frank Junior Chambers	Def's PWC to Review the Order of the Superior Court	Denied
039P02	State v. Joseph Osmar Jones	1. Def's NOA Based Upon a Constitutional Question (COA00-1182) 2. Def's PDR Under G.S. § 7A-31 (COA00-1182) 3. AG's Motion to Dismiss Appeal for Lack of Substantial Question	1. -- 2. Denied 3. Allowed
048P01	State v. Derrick Lamont Williams	1. Def's Pro Se PWC to Review the Order of the COA (COAP02-63) 2. Def's Pro Se Motion to Appoint Counsel	1. Denied 2. Denied
060P02	State v. Teresa Ann Sams	1. Def's NOA Based Upon a Constitutional Question (COA01-110) 2. Def's PDR Under G.S. § 7A-31 (COA01-110) 3. AG's Motion to Dismiss Appeal	1. -- 2. Denied 3. Allowed
062P02	Lorraine K. Doyle v. Asheville Orthopaedic Associates, P.A.	Plt's PDR Under G.S. § 7A-31 (COA01-159)	Denied
063P02	Sharon Creech and Travis Creech Guardians Ad Litem of Justin Creech, Minor v. Evelyn H. Melnik, M.D.	Def's PDR (COA00-717)	Denied
078A02*	State of N.C. ex rel. Utilities Commission Public Staff-- N.C. Utilities Commission, Intervenor et al. v. The N.C. Payphone Association	Carolina Telephone and Telegraph Company and Central Telephone Company (Sprint) Motion to Supplement Response to the NCPA's Motion to Dismiss Sprint's NOA, Reply to Response to Sprint's PDR and Reply to Response to Sprint's Petition for Writ of Supersedeas	Dismissed as Moot 03/12/02

082P00-2	State v. William S. Cooper	1. Def's Pro Se PWC to Review the Order of the Superior Court 2. Def's Pro Se Motion to Appoint Counsel	1. Dismissed 2. Denied
094PA02	Ashley Stephenson, et al. v. Gary Bartlett, et al.	1. N.C. State Conf. of Branches of the NAACP to Participate in Oral Argument 2. Amici Curiae (DKT Liberty's) Motion to Participate in Oral Argument 3. Americans for the Defense of Constitutional Rights, Inc.'s Conditional Motion to Participate In Oral Argument 4. Motion by the Foreman Plt's (Foreman, Kindley, Moore, Brewington, Mitchell, McMillian, Taylor, Parker and McKoy) for Leave to file Amicus Curiae Brief 5. Motion by the Foreman Plt's for Leave to Participate in Oral Argument	1. See Special Order 03/28/02 2. See Special Order 04/01/02 3. See Special Order 03/28/02 4. Allowed 03/28/02 5. See Special Order 03/28/02
094PA02*	Ashley Stephenson, et al. v. Gary Bartlett, et al.	1. Plts' Motion to Take Judicial Notice of Orders By the Johnston County Superior Court Sent to the United States Dept. of Justice 2. Plts' Second Motion to Supplement the Record 3. Richard Melvin's Motion for Leave to File Brief as Amicus Curiae 4. Pender County's Motion for Leave to File as Amicus Curiae 5. Defs' Motion to Supplement the Record	1. Allowed 03/28/02 2. Allowed 03/28/02 3. Denied 03/28/02 4. Allowed 04/01/02 5. Allowed 04/02/02

094PA02*	Ashley Stephenson, et al. v. Gary Bartlett, et al.	<p>1. DKT Liberty Project's Motion for Leave to Participate as Amicus Curiae</p> <p>2. Amicus (DKT Liberty Project) Motion for Admission Pro Hac Vice (Scott A. Sinder)</p> <p>3. N.C. Academy of Trial Lawyers' Motion for Leave to File Brief as Amicus Curiae</p> <p>4. Defs' Motion for Pro Hac Vice Admission of Donald Verilli</p> <p>5. Motion By the N.C. State Conference of Branches of the National Association for the Advancement of Colored People for Leave to File Brief as Amicus Curiae</p> <p>6. Wilbur Gulley, Luther Jordan, David Weinstein, Edd Nye and Victor Farah's Motion for Leave to File Brief as Amicus Curiae</p> <p>7. Defs' Motion to Strike Plt-Appellees' Reply Brief</p> <p>8. Plt-Appellees' Motion to Strike Amicus Curiae Brief</p>	<p>1. Allowed 03/22/02</p> <p>2. Allowed 03/22/02</p> <p>3. Allowed 03/22/02</p> <p>4. Allowed 03/22/02</p> <p>5. Allowed 03/25/02</p> <p>6. Allowed 03/27/02</p> <p>7. Denied 04/02/02</p> <p>8. Denied 04/02/02</p>
097P02	Schoolcraft Enterprises, Inc. and Charles Schoolcraft v. Bright Life, L.L.C. and Craig Bright	Plts' PWC to Review the Decision of the COA (COA00-1469)	Denied
099P02	State v. Wayne Thomas Johnson	<p>1. Def's Pro Se PDR Under G.S. § 7A-31 (COA00-1336)</p> <p>2. Def's Pro Se Motion for DNA Testing Deoxyribonucleic Acid</p>	<p>1. Denied</p> <p>2. Denied</p>
103P02	State v. Shana Goode	Def's PWC to Review the Decision of the COA	Denied

		(COA01-573)	
104P02	Russell H. Harrell, II, a Minor, by and through his Guardian ad Litem, Russell H. Harrell, and Russell H. Harrell, Plaintiffs v. Larry Keith Hawley, Jr. and Joe Ayers, Defendants, Joe Ayers, Third Party Plaintiff v. Generali U.S. Branch, Seibels, Bruce & Company, and Harrison- Crawford/Manning-Sparrow Agency, Inc., Third Party Defendants	1. Def/Third Party Plt's (Ayers) Motion for Relief Under Rule 2 2. Def/Third Party Plt's (Ayers) PWC to Review the Decision of the COA (COA00-941) 3. Def/Third Party Plt's (Ayers) NOA Based upon a Dissent	1. Dismissed 2. Allowed 3. Dismissed <i>Ex mero motu</i>
105A02	State v. Michael McNeill	Def's Pro Se NOA Based Upon a Constitutional Question (COA01-616)	Dismissed <i>Ex mero motu</i>
110P02	State v. Anthony Lashaun Mills	1. Def's NOA Based on a Constitutional Question 2. Def's PDR (COA01-405) 3. AG's Motion to Hold Matter in Abeyance	1. -- 2. -- 3. Allowed
113P02	K. Mark Stephens and wife, Denise Buff Stephens and V. Ken Pfahl and wife, Susan C. Pfahl v. Michael J. Dortch and wife, Elyn Sikes Dortch	Defs' PDR Under G.S. § 7A-31 (COA00-1430-2)	Denied
118P02	Analog Devices, Inc. v. Christopher Michalski, Kiran Karnik, and Maxim Integrated Products, Inc.	1. Plt's Motion for Temporary Stay 2. Plt's Petition for Writ of Supersedeas	1. Denied 03/27/02 2. Denied 03/27/02
119P02	State v. Ernest G. Hargett	1. AG's Application for Temporary Stay 2. AG's Petition for Writ of Supersedeas 3. AG's PDR (COA01-265)	1. Allowed 03/08/02 2. Allowed 3. Allowed
120P02*	State v. David Lee Jones	Def's Pro Se Petition for Writ of Habeas Corpus	Denied 03/12/02
127A02*	In the Matter of: Mitchell, M., a minor child, d.o.b. 12/24/94; In the Matter of Mitchell, K., a minor child, d.o.b. 01/	1. Pet's (Guardian ad Litem) Motion for Temporary Stay	1. Allowed 03/12/02

	16/98; In the Matter of Mitchell, K., a minor child, d.o.b. 02/06/96	2. Pet's (Guardian ad Litem) Petition for Writ of Supersedeas 3. Pet's (Guardian ad Litem) NOA Based Upon a Dissent (COA01-489-90)	2. 3.
134P02	Larry E. Triplett, Sr. v. Gerald McKinney, Attorney; and Jerry Vaughan, Investigator	Plt's Pro Se Petition for Writ of Mandamus	Denied
135P02	State v. Garland Edward Pittman	Def's Pro Se PWC to Review the Order of the COA (COAP02-81)	Denied
137P02	State v. Huey Lee Billups	1. Def's Pro Se PWC to Review the Order of the COA (COAP02-86) 2. Def's Pro Se Motion to Appoint Counsel	1. Dismissed 2. Denied
138P02	Lee Woodburn, Petitioner v. N.C. State University, Respondent	Pet's PDR Prior to Determination by COA (COA02-262)	Denied
140P02	Richard L. McCreery v. N.C. Department of Correction, Theodis Beck, Secretary	1. Plt's Pro Se NOA Based Upon a Substantial Constitutional Question (COA01-1536) 2. Plt's Pro Se Petition for Writ of Mandamus 3. Def's Motion to Dismiss	1. -- 2. Denied 3. Allowed
144P02	R.J. Reynolds Tobacco Company, Petitioner v. N.C. Department of Environment and Natural Resources, Respondent	1. Def's Motion for Temporary Stay 2. Def's Petition for Writ of Supersedeas (COA01-74)	1. Denied 03/20/02 2.
145A02	State v. Paul Anthony Brown	Def's Motion for Extension of Time to Serve Proposed Record on Appeal on 05/21/02	Allowed 03/26/02
181P99*	John R. Goodwin, JR., and Linda K. Goodwin, Husband and Wife, and Heather Lynn Goettel	Plts' Fifth Motion to Reconsider Denied PDR	Dismissed 03/12/02

	<b>v</b> <b>Schneider National, Inc., Keith Gault and Neal Jackson Hutton</b>		
<b>328A97-2</b>	<b>State v. Lawrence Eugene Peterson, Jr.</b>	<b>Def's Motion to Hold Consideration of PWC in Abeyance</b>	<b>Allowed</b>
<b>385A92-4</b>	<b>State v. Carl Stephen Moseley</b>	<b>Def's PWC to Review the Orders of the Superior Court</b>	<b>Denied</b>
<b>457P01</b>	<b>Janice Mann Mintz a/k/a, Carolyn Mintz and John Larry Mintz v. Jeffrey Keith Fowler and Joseph Carlton Fowler</b>	<b>Plt's PDR Under G.S. § 7A-31 (COA00-900)</b>	<b>Denied</b> <b>Martin, J. Recused</b>
<b>483P00-2*</b>	<b>State v. Frank Robert Schlaepfer, Jr.</b>	<b>Def's Petition for Writ of Habeas Corpus</b>	<b>Denied</b> <b>03/12/02</b>
<b>494P01</b>	<b>Robert L. Styles v. State</b>	<b>Plt's Motion to Amend Petition for Writ of Certiorari</b>	<b>Dismissed</b>
<b>501P01</b>	<b>Stanley Lorenzo Williams v. Rick Anderson, Superintendent</b>	<b>Plt's Petition for Writ of Habeas Corpus</b>	<b>Denied</b>
<b>549P00-3*</b>	<b>Ora Vivian Hill, Petitioner v. Thomas W. Hill, Barbara Hill Garrison, Maurice D. Hill, Garford Tony Hill, Christopher Jon Hill, Karen Hill Frost, Teresa Hill Cochran, Michele Hill Stepp, and Ervin B. Bazzle, Administrator</b>	<b>1. Respondent's (Thomas W. Hill) Motion for Temporary Stay</b> <b>2. Respondent's (Thomas W. Hill) Petition for Writ of Supersedeas</b>	<b>1. Denied</b> <b>03/14/02</b> <b>2.</b> <b>Martin, J. Recused</b>
<b>569P01</b>	<b>David Felton v. State</b>	<b>Plt's PWC to Review the Order of the COA (COAP01-668)</b>	<b>Dismissed</b>
<b>594P01</b>	<b>State v. Donald Demras Parker</b>	<b>Def's PWC to Review the Decision of the COA (COA99-965)</b>	<b>Dismissed</b>
<b>599A01</b>	<b>State v. Timothy Lane Beane</b>	<b>1. Def's NOA Based Upon a Constitutional Question (COA00-421)</b> <b>2. AG's Motion to Dismiss Appeal</b>	<b>1. --</b> <b>2. Allowed</b>
<b>609P01</b>	<b>State v. Anthony Coward</b>	<b>Def's Pro Se Petition for Writ of Mandamus</b>	<b>Denied</b>

			Butterfield, J. Recused
617P01	In the Matter of John Lee Morris, Sr. v. Mike Jones, The Budd Group, Jan Taylor, and Eisai, Inc.	<p>1. Plt's Pro Se PWC to Review Order of the COA (COAP01-775)</p> <p>2. Plt's Pro Se Motion to Amend this Action, Writ of Certiorari</p> <p>3. Plt's Pro Se Motion to Uphold the Motion Filed 15 October 2001 in the COA</p> <p>4. Plt's Pro Se Motion to Impose Sanctions Upon the COA for Violation and Falsifying Record</p>	<p>1. Denied</p> <p>2. Denied</p> <p>3. Denied</p> <p>4. Denied</p>
621A01	Margaret Wrenn Anderson v. Dr. Dean George Assimios, M.D., Dr. Lawrence Kroovard, M.D., Dr. Mark R. Hess, M.D., Wake Forest University Physicians, Wake Forest University Baptist Medical Center, The Medical Center of Bowman Gray School of Medicine and North Carolina Baptist Hospital and The North Carolina Baptist Hospitals, Incorporated	<p>1. Defs' NOA Based Upon a Dissent (COA00-587)</p> <p>2. Defs' NOA Based Upon a Constitutional Question (COA00-587)</p> <p>3. Defs' Motion to Strike and/or Disregard all Documents Contained in Appendix to Plt's-Appellee's Brief</p> <p>4. Plt's Motion to Dismiss Appeal</p> <p>5. Plt's Motion to Sanction Appellants for Failure to Comply with the Rules of Appellate Procedure</p> <p>6. Plt's Amended Motion to Dismiss Appeal</p> <p>7. Plt's (Amended) Motion to Sanction Appellants for Failure to Comply with the Rules of Appellate Procedure</p>	<p>1. --</p> <p>2. Retain</p> <p>3.</p> <p>4.</p> <p>5.</p> <p>6.</p> <p>7.</p> <p>8. Denied 03/21/02</p> <p>9. Allowed 03/21/02</p> <p>10. Allowed 03/21/02</p>



		<p>8. Plt's Motion to Strike and Set Aside the Amicus Brief of the N.C. Medical Society et al.</p> <p>9. Amicus Motion for Admission Pro Hac Vice (Robert S. Peck)</p> <p>10. Motion by the Association of Trial Lawyers of America and The American Civil Liberties Union of N.C. Legal Foundation, Inc. for Leave to File Amicus Curiae Brief</p>	
622P01	State v. Donald Todd Guiton	Def's PDR Under G.S. § 7A-31 (COA00-1080)	Denied
635P01	State v. James C. George	Def's Pro Se PWC to Review the Order of the COA (COAP01-793)	Dismissed
640P01	Shelby Jean Parris v. Nathaniel L. Light	Plt's PDR Under G.S. § 7A-31 (COA00-1230)	Denied
652P01	Albert Alexander Jackson, Jr. v. State of N.C., Howard Cummings, Assistant District Attorney, Wake County, David Edward McGee	<p>1. Plt's Pro Se Petition for Writ of Mandamus</p> <p>2. Plt's Pro Se Motion to Proceed <i>In Forma Pauperis</i></p>	<p>1. Denied</p> <p>2. Allowed</p>
658P01-2	David Felton v. N.C. Department of Correction	Plt's Pro Se PWC to Review the Order of the COA (COA01-982)	Denied
661P01	Finesse G. Couch, Individually and as Administratrix of the Estate of Carnell Simmons Couch v. Private Diagnostic Clinic and Duke University	<p>1. Appellant's (Maria Sperando) NOA Based Upon A Constitutional Question (COA00-1032)</p> <p>2. Appellant's (Maria Sperando) PDR Under G.S. § 7A-31 (COA00-1032)</p> <p>3. Appellee's (Trial Court) Motion to Dismiss Appeal</p>	<p>1. --</p> <p>2. Denied</p> <p>3. Allowed</p> <p>4. Dismissed as Moot</p>

		4. Appellee's (Trial Court) Conditional PDR as to Additional Issues (COA00-1032)	Orr, J. Recused
666P01	State v. Arthur Lee Byrd, Sr.	Def's PDR Under G.S. § 7A-31 (COA00-1272)	Denied
678P01	William T. Rhodes, Jr. d/b/a/ B&T Enterprises and Taps RV Park v. Marcus Cable Associates, L.L.C., d/b/a Charter Communications	Plt PDR Under G.S. § 7A-31 (COA00-1454)	Denied
683A01	State v. James Stanley Spencer	1. Def's NOA Based Upon a Constitutional Question (COA00-1296) 2. AG's Motion to Dismiss Appeal	1. -- 2. Allowed