

SUPREME COURT OF NORTH CAROLINA

PETITIONS

Decided by the Court in Conference: 5 April 2001

{Posted on the Internet Web Site: 6 April 2001 at 1:25 p.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

002P01	State v. Joseph Marion Head, Jr.	<p>1. Def's Pro Se Motion to Dismiss for Conviction was Obtained in Violation of the Protection Against Double Jeopardy and for Civil Relief (received 1/31/01)</p> <p>2. Def's Pro Se Motion for Dismissal or New Trial for Defendant was Deprived of his Liberty Without Due Process and Equal Protection of Law and Constitution (received 2/6/01)</p> <p>3. Def's Pro Se Motion for Appointment of Counsel to File Writ of Certiorari to the</p>	<p>1. Denied</p> <p>2. Denied</p> <p>3. Denied</p> <p>4. Denied</p> <p>5. Denied</p> <p>6. Denied</p> <p>7. Denied</p> <p>8. Denied</p>
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	<p>U.S. Supreme Court (received 2/20/01) 4. Def's Pro Se Motion for a New Trial for Failure to Advise and Afford Court Appointed Counsel of Choice for Defense and Trial and for Civil Relief of One Zillion Dollars Tax Free (received 2/20/01) 5. Def's Motion for a New Trial for Denial of Motion for a Continuance for Purpose of Time to Obtain Counsel, Time to Prepare for Trial (received 2/20/01) 6. Def's Pro Se Motion for a New Trial For Failure to Order Continuance and for Civil Relief of One Zillion Dollars Tax Free (received 2/20/01) 7. Def's Pro Se Motion to Dismiss for Denial of a Speedy Trial (received 2/26/01) 8. Def's Pro Se Motion for a New Trial for a Zillion Zillion Dollars Tax Free Civil Relief (received 2/26/01) 9. Def's Pro Se Motion for New Trial Right to Counsel Violated Right to Self Representation Violated (received 2/28/01) 10. Def's Pro Se Motion for a New Trial (received 3/16/01) 11. Def's Pro Se Motion for a Copy of this Court's Opinion entered in 137P00 and 2P01 (received 3/22/01) 12. Def's Pro Se Motion for Appointment of Counsel</p>	<p>9. Denied 10. Denied 11. Denied 12. Denied</p>
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		Criminal Justice Act of 1964, ... (received 3/22/01)	
009A94-3	State v. Randy Lynn Atkins	1. Def's Motion for Stay of Proceedings Below 2. Def's PWC	1. Denied 03/27/01 2. Denied 03/27/01
012P01-2	State v. Carlie W. McCormick	Def's Pro Se PWC to Review Orders of Superior Court	Dismissed
013P01	State v. James Edward Kirby	1. Def's Pro Se PWC to Review Order of Superior Court 2. Def's Pro Se PWC to Review Order of COA 3. Def's Pro Se Motion to Proceed <i>In Forma Pauperis</i>	1. Dismissed 2. Dismissed 3. Allowed
016P01	Rosalyn Glenn- Robinson v. Robert Charles Acker; City of Durham, North Carolina	1. Def's (Acker) NOA Based Upon a Constitutional Question 2. Def's (Acker) PDR Under G.S. § 71-31 3. Plt's Motion to Dismiss Appeal	1. --- 2. Denied 3. Allowed
020P01	Blue Sky Associates, a North Carolina Corporation v. Bank of Essex, a Virginia State Banking Corporation	1. Def's NOA Based Upon a Constitutional Question 2. Def's PDR Under G.S. § 7A-31	1. Dismissed 2. Denied

023P01	State v. John Kermit Allen, Jr.	<p>1. Def's NOA Based Upon a Constitutional Question</p> <p>2. Def's PDR Under 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>
035P01	Stan Bratton v. Kevin Oliver, John W. Harper and South Carolina Insurance Company, d/b/a The Seibels Bruce Insurance Companies	Plt's PDR Under G.S. § 7A-31	<p>Denied</p> <p>Edmunds, J. Recused</p>
037P01	State v. Theodore Mead Kimble	<p>1. Def's PDR Pursuant to G.S. § 7A- 31(e)(2) and (3)</p> <p>2. AG's Motion to Have Response Deemed Timely Filed</p>	<p>1. Denied</p> <p>2. Allowed</p>
043P01	State v. Douglas Allen Moffitt	Def's Pro Se PWC	Dismissed
046P01	State v. Helen Davene Medley	<p>1. Def's NOA Based Upon Constitutional Question</p> <p>2. Def's PDR</p> <p>3. AG's Motion to Dismiss Appeal</p>	<p>1. ---</p> <p>2. Denied</p> <p>3. Allowed</p> <p>Edmunds, J. Recused</p>
047P01	State v. Carl Vincent Choppy, Jr.	1. Def's NOA Based Upon a Constitutional Question	<p>1. ---</p> <p>2. Denied</p>

		2. Def's PDR 3. AG's Motion to Dismiss	3. Allowed
049P01	State v. James Albert Hopkins	1. Def's NOA to a Constitutional Question N.C.G.S. § 7A-30 2. Def's Motion for Extension of Time to File PDR	1. Dismiss <i>ex mero motu</i> 2. Denied
054P01	Daisy Felder Bridges v. Crystal Lynn Bridges, et al.	Def's (Bruce Bridges) PDR	Denied Edmunds, J. Recused
055P01	Jose A. Isasi v. F.D.Y., Incorporated	Def's PDR	Denied Edmunds, J. Recused
060P01-2	State v. Curtis Devon Mitchell	1. Def's Pro Se Motion to Delay Judgment 2. Def's Pro Se PWC to Review Order of COA	1. Denied 2. Dismissed
062A01	Ralph William Pfouts v. Felicia Livia Pfouts	Def's Pro Se NOA Based Upon a Constitutional Question	Dismiss <i>ex mero motu</i>

064A93-3*	State v. Patrick Lane Moody	Def's Petition for Writ of Habeas Corpus	Denied 03/06/01
072P01	The Disciplinary Hearing Commission, of the North Carolina State Bar v. Reginald Frazier	Def's PDR	Allowed 03/02/01 Edmunds, J. Recused
073A01	Wayne Austin, Employee v. Continental General Tire (Self-Insured) Employer	1. Def's NOA Based Upon a Dissent 2. Def's NOA Based Upon a Constitutional Question 3. Def's PDR as to Additional Issues 4. Plf's Motion to Dismiss Appeal	1. --- 2. --- 3. Denied 4. Allowed Edmunds, J. Recused
078P01	Coca-Cola Bottling Co. Consolidated and Reidsville Transaction Corporation, Inc. v. Durham Coca-Cola Bottling Co. Durham Coca-Cola Bottling Co. v. Coca-Cola Bottling Co. Consolidated, Reidsville Transaction Corporation, Inc. et al.	Plt/Def's (Coca-Cola Bottling Co. Consolidated and Reidsville Transaction Corporation, Inc.) PDR Under G.S. § 7A-31	Denied 03/02/01
082P01	William V. Keech v. William G. (Willie) Hendricks	1. Def's PDR 2. Plt's Conditional PDR	1. -- 2. --

		3. Joint Motion to Withdraw PDR	3. Allowed 03/21/01
088P01	Erie Insurance Company v. Sondra Adams Bledsoe	Plt's PDR Under G.S. § 7A-31	Denied 03/22/01
089P01	Gerald E. Kelley v. City of Durham	Plt's PDR	Denied
097P01	Jettie Ruth Stevens v. Jacinto Herrera Guzman	Plt's PDR Under G.S. § 7A-31	Allowed 03/06/01 Edmunds, J. Recused
098P01	Alfred T. Potter, Jr., d/b/a Green's Grocery v. City of Hamlet	Plt's PDR	Denied
101P01	Jimmy R. Webb v. Power Circuit, Inc., d/b/a Hoke Electric and State Auto Insurance Companies	Def's PWC (filed as PDR) to Review Decision of COA	Denied
106P01	State v. William Dale Strickland	Def's PDR	Denied
112A01	Mary Evelyn James v. Wal-Mart Stores, Inc.	1. Def's NOA Based Upon a Dissent 2. Def's PDR As to Additional Issues	1. --- 2. Denied Edmunds, J. Recused

114P01	State v. Delmus Ray Thompson	Def's PDR Under G.S. § 7A-31	Denied
121P01	In re: Enjoli Danelle Brown	Guardian Ad Litem's PWC to Review Decision of COA	Denied
124P01	State v. Clarence Lee Walker	Def's Pro Se PWC to Review Order of Superior Court	Dismissed
125P01	Gerald Walter Jones v. William Anderson	Plt's Pro Se PWC to Review Order of COA	Denied
127P01	Henry Adkins v. N.C. Prisoner Legal Services, Inc. & Linda B. Weisel, Staff Attorney	Plt's Pro Se Petition for Writ of Mandamus	Denied
129P01	Mitch Iram Pharr, Jr. v. Judy Milstead Pharr	Def's PWC To Review Order of COA	Denied
131P01*	State v. Anthony Dove	Def's Pro Se Petition for Writ of Mandamus	Denied 03/12/01
132P01	State v. Charles R. McFadden	1. Def's Pro Se NOA Based Upon a Constitutional Question 2. Def's Pro Se PWC to Review Decision of COA	1. Dismissed <i>ex mero motu</i> 2. Denied
133P01	Anne A. Reece v. The Estate of Edward Filmore Swann, Jr., deceased; Todd A. Cline, in his capacities as Executor and Trustee of the Estate of Edward Filmore Swann, Jr., deceased, and New England Mutual Life Insurance	Plt's PWC to Review the Decision of the N.C. Court of Appeals	Denied

	Company		
134P01	State v. James Victor Sheffield	<p>1. Def's Motion for Temporary Stay Pending Consideration of PDR and NOA and Any Subsequent Review of COA Opinion Pursuant to N.C. R. App. 23(B)</p> <p>2. Def's Petition for Writ of Supersedeas Pending Consideration of PDR and NOA and Any Subsequent Review of COA Opinion Pursuant to N.C. R. App. 23(B)</p> <p>3. Def's Motion for Temporary Stay</p> <p>4. Def's Petition for Writ of Supersedeas</p> <p>5. Defendant's NOA Based Upon a Constitutional Question</p> <p>6. Def's PDR Under G.S. § 7A-31</p> <p>7. AG's Motion to Dismiss</p>	<p>1. Denied 03/09/01</p> <p>2. Denied</p> <p>3. Denied</p> <p>4. Denied</p> <p>5. ---</p> <p>6. Denied</p> <p>7. Allowed</p>
137P01	William Lee Rasor v. R. David Mitchell, Superintendent of Mountain View Correctional Center	<p>1. Plt's Pro Se PWC to Review Order of COA</p> <p>2. Plt's Pro Se Motion to Proceed <i>In Forma Pauperis</i></p>	<p>1. Denied</p> <p>2. Allowed</p>
138P01	State v. Rapheal Dwayne McEachern	<p>1. Def's NOA Based Upon a Constitutional Question</p>	<p>1. ---</p>

		<p>2. Def's PDR Under G.S. § 7A-31</p> <p>3. AG's Motion to Dismiss Appeal</p> <p>4. AG's Conditional PDR as to Additional Issues</p>	<p>2. Denied</p> <p>3. Allowed</p> <p>4. Dismiss as moot</p>
139A01	In re: Inquiry Concerning a Judge, No. 240, Gregory R. Hayes, Respondent	<p>1. Respondent's (Hayes) NOA From the Apparent Ruling of the Executive Secretary that Commission Lacks Jurisdiction to Consider Post Hearing Motions</p> <p>2. Respondent's (Hayes) Motion to be Allowed to Examine Entirety of Record and Proceedings</p>	<p>1. Dismissed <i>ex mero motu</i> 03/19/01</p> <p>2. See Special Order 03/30/01</p>
141P01	State v. Victor Orlandus Moultry	Def's PDR	Denied
147P01	Ben Johnson Homes, Inc., C. Benjamin Johnson, Jr. v. Bruce Berryhill et ux	<p>1. Plts' NOA</p> <p>2. Plts' PDR</p> <p>3. Defs' Motion to Dismiss Appeal</p>	<p>1. ---</p> <p>2. Denied</p> <p>3. Allowed</p> <p>Martin, J. Recused</p>
153P01	State v. Samuel B. Davis	Def's PDR Under G.S. § 7A-31	Denied

155P01	In the Matter of: Appeal of General Electric Co. from the decision of the New Hanover County Board of Equalization and Review concerning the valuation of real property for tax year 1996	PDR under G.S. § 7A-31	Denied
157P01	Terry Evans v. US Automobile Assoc. & USAA Casualty Ins. Co.	1. Defs' PWC to Review Decision of COA 2. Plt's Conditional PDR as to Additional Issues	1. Denied 2. Dismiss as moot
159P01*	State v. William Lamonte Quick	Def's Pro Se Petition for Writ of Habeas Corpus	Denied 03/16/01
160P01	State v. Wiley Clark	Def's Pro Se PWC to Review Order of Superior Court	Dismissed
162P01	State v. Javier Escobedo Avila	Def's Pro Se PWC to Review Decision of N.C. Court of Appeals	Denied 03/26/01
163P01	State v. Terry Arnell Morton	Def's Pro Se PWC to Review Order of Superior Court	Dismissed
164P01	State v. David F. Dameron, Sr.	Def's Pro Se PWC (Filed as a PDR) to Review Order of COA	Dismissed
165P01*	William Robert Randell v. District Court of Forsyth County (Honorable Roland B. Hayes, Judge)	1. Petitioner's (Randell) Emergency Application for Petition for Writ of Prohibition	1. Denied 03/20/01 2. Denied 03/20/01

		2. Petitioner's (Randell) Emergency Application for Petition for Writ of Mandamus	
166P01	State v. Michael E. Scurlock	Def's Pro Se PWC to Review Decision of N.C. Court of Appeals	Denied
167P01*	State v. Shawn Singletary	1. Def's Pro Se Notice of Mis-Prison and Felony Malice at Law Racial Discrimination (Petition for Writ of Habeas Corpus) 2. Def's Pro Se Motion to dismiss with Prejudice Case Nos. 00CRS23479; 00CRS58146; 00CRS53461 and 00CRS23478 3. Def's Pro Se Motion for Return of Property	1. Denied 03/20/01 2. Denied 03/20/01 3. Denied 03/20/01
168P01	State v. Robert E. Spencer	Def's Pro Se Motion for Appointment of Counsel	Denied
169P01	State v. Pedro Garcia Quintero	Def's Pro Se PWC to Review Order of N.C. Court of Appeals	Denied
172P01	State v. Charlie S. Blackwell, Jr.	Def's Pro Se Motion for Appropriate Relief	Denied
176P01	State v. Keith Detric Wiley	1. Def's PWC to Review Order of District Court	1. Denied

		2. Def's Motion to Bypass COA	2. Denied
178A95-3	State v. Samuel Russell Flippen	1. Def's PWC to Review Order of the Superior Court 2. Def's Motion for Extension of Time to File PWC 3. Def's Motion to Deem PWC Timely Filed	1. Denied 2. Dismiss as Moot 03/20/01 3. Allowed 03/20/01
179P01	State v. Joseph P. Smith	Def's Pro Se PWC to Review Order of Superior Court	Dismissed
184P01	State v. Michael Todd Buchanan	Def's Pro Se PWC to Review Order of Superior Court	Dismissed
186P01	Bryain E. Gray v. Theodis Beck, et al.	Plt's Pro Se PWC to Review Order of COA	Denied
190P01	State v. Herman K. Simpson	Def's Pro Se Motion for Production of Transcript	Dismissed
192P01	State v. Destry Riccard	Def's Pro Se Motion for Appointment of Counsel	Dismiss as moot
198A01*	State v. Steven M. Grover, Sr.	1. AG's Motion for Temporary Stay 2. AG's Petition for Writ of Supersedeas	1. Allowed 2. 3.

		3. AG's NOA Based Upon a Dissent (COA99-1447)	
305PA00	Christenbury Surgery Center v. North Carolina Department of Health and Human Services	Joint Motion for Authority to Share Time for Oral Argument	Allowed 03/06/01
305PA00*	Christenbury Surgery Center v. N.C. Department of Health and Human Services	Motion to Strike <i>Amicus Curiae</i> Memorandum of Additional Authority	Denied
336A95-2*	State v. Richard Eugene Cagle	1. Def's Motion for Extension of Time to File PWC on 3/15/01 2. Def's Motion for Leave to File Amended PWC 3. Def's PWC to Review Order of Superior Court	1. Allowed 03/15/01 2. Dismissed as moot 03/15/01 3.
354PA00*	Lynne Herbig Steg v. Brian David Steg	Plt's Motion to Dismiss PWC and Petition for Writ of Supersedeas	Denied
410A00*	Henry J. Murphy v. Coastal Physician Group, Inc.	Joint Motion to Withdraw Appeal	Allowed Edmunds, J. Recused
472P00-2	George L. Gaunt, et al. v. Donald E. Pittaway, et al.	1. Plts' (Gaunt and Center for Reproductive Medicine, P.A.) PWC to Review Decisions of COA	1. Denied 2. Denied

		2. Plts' (Gaunt and Center for Reproductive Medicine, P.A.) Motion Under Rule 2	
505P00-2	State v. Timothy Lamont Hill	Def's Pro Se PWC to Review Order of COA	Denied
571P00	Mary Ellison Little and Robert J. Ellison v. Jack Douglas Stogner, individually, and Jack Douglas Stogner, as Administrator of the Estate of Peggy W. Stogner and Jeffrey W. Malickson, Trustee	Def's (Jack Stogner) PDR Under G.S. § 7A-31	Denied
575P00	State v. Joseph Dawayne Johnson	1. Def's Pro Se PWC to Review Order of N.C. COA 2. Def's Pro Se Motion for Appointment of Counsel	1. Dismissed 2. Denied
577P00	State v. Michael Shawn Thomas	1. Def's Pro Se PDR Under G.S. § 7A-31 2. Def's NOA Based Upon a Constitutional Question	1. Denied 2. Dismiss <i>ex mero motu</i> Edmunds, J. Recused

Converted by Andrew Scriven