

SUPREME COURT OF NORTH CAROLINA

PETITIONS

5 April 2018

004P18	State v. Travis Rashad Mitchell	<p>1. Def's Motion for Temporary Stay (COA17-369)</p> <p>2. Def's Petition for <i>Writ of Supersedeas</i></p> <p>3. Def's PDR Under N.C.G.S. § 7A-31</p>	<p>1. Allowed 01/08/2018 Dissolved 04/05/2018</p> <p>2. Denied</p> <p>3. Denied</p>
005P18	State v. Ricardo Melgar-Argueta	Def's PDR Under N.C.G.S. § 7A-31 (COA17-434)	Denied
009P18	In the Matter of: A.L.Z.	<p>1. Respondent-Mother's PDR Under N.C.G.S. § 7A-31 (COA17-507)</p> <p>2. Respondent-Mother's Motion for Temporary Stay</p> <p>3. Respondent-Mother's Petition for <i>Writ of Supersedeas</i></p>	<p>1. Denied</p> <p>2. Allowed 02/27/2018 Dissolved 04/05/2018</p> <p>3. Denied</p>
014P18	Pender County and the Town of Atkinson v. Donald Sullivan and Marion P. Sullivan	<p>1. Defs' <i>Pro Se</i> Motion for Notice of Appeal (COA17-1160)</p> <p>2. Defs' <i>Pro Se</i> Motion to Withdraw Appeal</p>	<p>1. Dismissed <i>ex mero motu</i> 03/01/2018</p> <p>2. Dismissed as moot</p>

016P18	Barrett C. Baxley v. Jasmine Baxley	Plt's PDR Under N.C.G.S. § 7A-31 (COA17-463)	Denied
017P18	State v. Joseph Burton Mial	<p>1. Def's <i>Pro Se</i> Motion for Appropriate Relief</p> <p>2. Def's <i>Pro Se</i> Motion for Copies of Documents Out of Court Record</p> <p>3. Def's <i>Pro Se</i> Motion for Preparation of Stenographic Transcript</p> <p>4. Def's Motion to Proceed <i>In Forma Pauperis</i></p>	<p>1. Dismissed</p> <p>2. Dismissed</p> <p>3. Dismissed</p> <p>4. Allowed</p>
018A18	Thomas E. Freeman, Jr. v. NC Department of Health and Human Services, Central Regional Hospital and Whitaker PRTF	Petitioner's <i>Pro Se</i> Notice of Appeal Based Upon a Constitutional Question	Dismissed <i>ex mero motu</i>
019A18	State v. Charles Thomas Stacks	<p>1. Def's Notice of Appeal Based Upon a Constitutional Question (COA17-770)</p> <p>2. State's Motion to Dismiss Appeal</p>	<p>1. ---</p> <p>2. Allowed</p>

020P18	Vincent J. Mastanduno, Employee v. National Freight Industries, Employer, American Zurich Insurance Company, Carrier	1. Plt's Petition for <i>Writ of Certiorari</i> to Review Order of COA 2. Plt's Motion for Expedited Consideration of Plt's Petition for <i>Writ of Certiorari</i>	1. Denied 2. Denied
026PA17	David Wichnoski, O.D., P.A., et al. v. Piedmont Fire Protection Systems, LLC, et al.	Plts' Motion to Withdraw Appeal	Allowed 03/08/2018
037P18	Sony Pictures Entertainment Inc., Kim Russo, Schmid & Voiles, Kathleen McColgan, Esq., Rosen & Saba LLP, James Rosen, Esq., and Adela Carrasco, Esq. v. Glenn Henderson	Def's <i>Pro Se</i> Motion for Suspension of the Rules Under Rule 2 (COA15-1217)	Denied
040P18	Amy S. Grissom v. David I. Cohen	Plt's PDR Prior to a Decision of the COA (COA18-66)	Denied
046P18	State v. Richard Thomas Mays	1. Def's <i>Pro Se</i> Petition for <i>Writ of Certiorari</i> to Review Order of Superior Court, Mecklenburg County (COAP18-45) 2. Def's <i>Pro Se</i> Motion to Appoint Counsel	1. Dismissed 2. Dismissed as moot

052PA17-3	Cooper v. Berger, et al.	1. Plt's Motion to Enforce Mandate 2. Plt's Motion for Expedited Response	1. Denied 03/13/2018 2. Allowed, and Defendants' Response is Due on or Before Monday, March 12, 2018 at 12:00 Noon 03/07/2018
054P18	State v. Carnell L. Calhoun	Def's <i>Pro Se</i> Motion for Writ to Compel Production of Court File Records	Dismissed Jackson, J., recused Ervin, J., recused
059P18	Nathaniel R. Webb v. Wake County Detention Center	Plt's <i>Pro Se</i> Petition for <i>Writ of Certiorari</i> to Review Order of Superior Court, Wake County	Dismissed
064P18	State v. Kelvin W. Sellars	Def's <i>Pro Se</i> Motion for Discretionary Review (COAP18-100)	Denied 03/08/2018
067P18	State v. Jonathan Eugene Dixon	1. State's Motion for Temporary Stay 2. State's Petition for <i>Writ of Supersedeas</i>	1. Allowed 03/07/2018 2. Ervin, J., recused
068A18	State v. Jermel Toron Krider	1. State's Motion for Temporary Stay 2. State's Petition for <i>Writ of Supersedeas</i>	1. Allowed 03/08/2018 2.

069P18	State v. Nell Monette Baldwin	Def's <i>Pro Se</i> Petition for <i>Writ of Habeas Corpus</i>	Denied 03/13/2018 Beasley, J., recused Morgan, J., recused
071P18	Ron Metcalf, Head of Household v. Graham County Department of Social Services	1. Plt's <i>Pro Se</i> Petition for Writ of Certiorari to Review Order of Superior Court, Graham County 2. Plt's <i>Pro Se</i> Motion to Proceed <i>In Forma Pauperis</i> 3. Plt's <i>Pro Se</i> Motion to Appoint Counsel	1. Dismissed 2. Allowed 3. Dismissed as moot
080P18	Darron J. Jones v. Mr. Cranford	1. Plt's <i>Pro Se</i> Petition for <i>Writ of Certiorari</i> 2. Plt's <i>Pro Se</i> Motion to Appoint Counsel	1. Dismissed 2. Dismissed as moot
081P18	State v. Pete Muhammad	1. Def's <i>Pro Se</i> Petition for <i>Writ of Certiorari</i> to Review Order of COA (COAP18-129) 2. Def's <i>Pro Se</i> Motion to Proceed <i>In Forma Pauperis</i>	1. Dismissed 2. Allowed

083P18	Marshall Lee Brown, Jr. v. Eric Hooks, Secretary of the Department of Public Safety and Ken Beaver, Superintendent of Alexander Correctional Institution, et al.	Petitioner's <i>Pro Se</i> Petition for <i>Writ of Certiorari</i> to Review Order of North Carolina Court of Appeals (COAP18-44)	Denied 03/19/2018
084P18	State v. Tyrone Barnes	Def's <i>Pro Se</i> Motion to Compel	Dismissed 03/16/2018
085P18	State v. Gary Michael Prince, Jr.	Def's <i>Pro Se</i> Petition for <i>Writ of Certiorari</i> to Review Order of COA	Dismissed
086P18	State v. Frederick John Schumann	Def's <i>Pro Se</i> PDR Under N.C.G.S. § 7A-31 (COA17-707)	Denied
087P11-2	Mitchell, Brewer, Richardson, Adams, Burge & Boughman, PLLC; Glenn B. Adams; Harold L. Boughman, Jr., and Vickie L. Burge v. Coy E. Brewer, Jr., Ronnie A. Mitchell, William O. Richardson, and Charles Brittain	Defs' (Coy E. Brewer, Jr. and Ronnie A. Mitchell) <i>Pro Se</i> PDR Under N.C.G.S. § 7A-31 (COA16-1122)	Denied
131P16-7	State v. Somchoi Noonsob	Def's <i>Pro Se</i> Motion for Immediate Release	Denied 03/26/2018
149P17-2	State v. Mohammed N. Jilani	Def's <i>Pro Se</i> Motion for Writ of Prohibition	Dismissed
155P17-2	State v. Joe Robert Reynolds	Def's <i>Pro Se</i> Motion for PDR	Denied

219P17-2	Courtney NC LLC v. Baldwin	Def's <i>Pro Se</i> Petition for <i>Writ of Certiorari</i>	Dismissed 03/13/2018 Beasley, J., recused Morgan, J., recused
227P17	In the Matter of the Will of James Paul Allen, Deceased	Propounder's PDR Under N.C.G.S. § 7A-31 (COA16-1209)	Allowed
284P17	State v. Jonathan Wayne Broyhill	Def's PDR Under N.C.G.S. § 7A-31 (COA16-841)	Denied
300A93-3	State v. Norfolk Junior Best (DEATH)	1. Def's Motion to Hold in Abeyance the Time in Which to File a Petition for <i>Writ of Certiorari</i> from Denial of MAR 2. Def's Motion for Extension of Time to File Petition for <i>Writ of Certiorari</i>	1. --- 03/08/2018 2. Allowed 03/08/2018 Ervin, J., recused
320P17-3	State v. Ryan Lamar Parsons	1. Def's <i>Pro Se</i> Motion for Notice of Appeal (COA17-1192) 2. Def's <i>Pro Se</i> Motion for PDR	1. Dismissed <i>ex mero motu</i> 2. Denied

328P17	State v. Juan Manuel Villa	<p>1. Def's Motion for Temporary Stay (COA16-1104)</p> <p>2. Def's Petition for <i>Writ of Supersedeas</i></p> <p>3. Def's PDR Under N.C.G.S. § 7A-31</p>	<p>1. Allowed 10/05/2017 Dissolved 04/05/2018</p> <p>2. Denied</p> <p>3. Denied</p>
334PA16	ACTS Retirement Communities, Inc. v. Town of Columbus	Joint Motion to Dismiss Appeal	Allowed 03/28/2018
362P17	State v. James C. Howard	Def's PDR Under N.C.G.S. § 7A-31 (COA17-77)	Denied
363A14-3	Sandhill Amusements, Inc., et al. v. Sheriff of Onslow County, et al.	<p>1. Plts' Motion for Temporary Stay (COAP17-693)</p> <p>2. Plts' Petition for <i>Writ of Supersedeas</i></p> <p>3. Plts' Petition for <i>Writ of Certiorari</i> to Review Order of COA</p> <p>4. Plts' Motion to Withdraw Pending Petitions</p> <p>5. Plts' Motion to Vacate Writ of Prohibition as Moot</p>	<p>1. Denied 11/13/2017</p> <p>2. ---</p> <p>3. ---</p> <p>4. Special Order</p> <p>5. Special Order</p> <p>Ervin, J., recused</p>

366P17	Conleys Creek Limited Partnership, LLP, et al. v. Smoky Mountain Country Club Property Owners Association, et al.	<p>1. Plt's (Conleys Creek Limited Partnership) Notice of Appeal Based Upon a Constitutional Question (COA16-647)</p> <p>2. Plt's (Conleys Creek Limited Partnership) PDR Under N.C.G.S. § 7A-31</p> <p>3. Def's (Smoky Mountain Country Club Property Owners Association) Motion to Dismiss Appeal</p>	<p>1. ---</p> <p>2. Denied</p> <p>3. Allowed</p>
369P17	State v. Robert Lewis Bishop	Def's PDR Under N.C.G.S. § 7A-31 (COA17-55)	Denied
371P17	State v. Kenneth James Rouse	Def's PDR Under N.C.G.S. § 7A-31 (COA17-176)	Denied Jackson, J., recused
372P17-2	State v. Kenneth Kelly Duvall	<p>1. Def's <i>Pro Se</i> Motion for PDR (COAP17-711)</p> <p>2. Def's <i>Pro Se</i> Motion to Proceed <i>In Forma Pauperis</i></p> <p>3. Def's <i>Pro Se</i> Motion to Appoint Counsel</p>	<p>1. Dismissed</p> <p>2. Allowed</p> <p>3. Dismissed as moot</p> <p>Ervin, J., recused</p>

374P17	Curtis R. Holmes v. David G. Sheppard and Farm Bureau Insurance of North Carolina, Inc.	Def's PDR Under N.C.G.S. § 7A-31 (COA17-125)	Denied
377P17	State v. David Lynn Paige	1. Def's Notice of Appeal Based Upon A Constitutional Question (COA17-102) 2. Def's PDR Under N.C.G.S. § 7A-31 3. State's Motion to Dismiss Appeal	1. --- 2. Denied 3. Allowed
385P17	State v. Bradford Lee Bradshaw	Def's PDR Under N.C.G.S. § 7A-31 (COA17-196)	Denied
388P17	State v. Andwele Willie Eaves	1. Def's Motion for Temporary Stay (COA17-159) 2. Def's Petition for <i>Writ of Supersedeas</i> 3. Def's PDR Under N.C.G.S. § 7A-31	1. Allowed 11/16/2017 Dissolved 04/05/2018 2. Denied 3. Denied
398P17	State v. Joanna Roberta Madonna	Def's PDR Under N.C.G.S. § 7A-31 (COA16-1300)	Denied

402P17	Thelma Bonner Booth, Widow and Administratrix of the Estate of Henry Hunter Booth, Jr., Deceased-Employee v. Hackney Acquisition Company, f/k/a Hackney & Sons, Inc., f/k/a Hackney & Sons (East), f/k/a J.A. Hackney & Sons, Employer, North Carolina Insurance Guaranty Association, on behalf of American Mutual Liability Insurance, Carrier, and on behalf of The Home Insurance Company, Carrier	<p>1. Plt's Notice of Appeal Based Upon a Constitutional Question (COA17-274)</p> <p>2. Plt's PDR Under N.C.G.S. § 7A-31</p> <p>3. Def's (NCIGA) Motion to Dismiss Appeal</p>	<p>1. ---</p> <p>2. Denied</p> <p>3. Allowed</p>
411P17	State v. C'Quwan Johnson	Def's Petition for <i>Writ of Certiorari</i> to Review Order of COA (COA17-423)	Denied
413P17	State v. Bertylar Peace, Jr.	Def's <i>Pro Se</i> PDR Under N.C.G.S. § 7A-31	Denied
419P12-2	Michael Dennis Long v. State of North Carolina, Department of Public Safety, et al.	Petitioner's <i>Pro Se</i> Petition for <i>Writ of Habeas Corpus</i>	Denied 04/02/2018
422P17	State v. James Gregory Armistead	<p>1. Def's PDR Under N.C.G.S. § 7A-31 (COA17-323)</p> <p>2. State's Conditional PDR Under N.C.G.S. § 7A-31</p>	<p>1. Denied</p> <p>2. Dismissed as moot</p>

423PA16-2	Cecelia W. Peoples and Ernest A. Robinson, Jr. v. Thomas H. Tuck	Def's PDR Under N.C.G.S. § 7A-31 (COA16-293-2)	Denied
432P17	State v. Daris Lamont Spinks	Def's PDR Under N.C.G.S. § 7A-31 (COA17-413)	Denied
435P17	Surgical Care Affiliates, LLC v. North Carolina Industrial Commission	Petitioner's PDR Under N.C.G.S. § 7A-31 (COA17-78)	Denied
437P17	Lenton C. Brown v. North Carolina Department of Public Safety, an agency of the State of North Carolina, and Division of Adult Correction and Juvenile Justice, a subunit contained within the North Carolina Department of Public Safety	Petitioner's PDR Under N.C.G.S. § 7A-31 (COA16-1298)	Denied
438P17	Anthony M. Kyles v. The Goodyear Tire & Rubber Co., Employer, Liberty Mutual Ins. Co., Carrier	1. Plt's Motion for Temporary Stay (COA17-594) 2. Plt's Petition for <i>Writ of Supersedeas</i> 3. Plt's PDR Under N.C.G.S. § 7A-31	1. Allowed 12/29/2017 Dissolved 04/05/2018 2. Denied 3. Denied
439P17	State v. Kenneth Gore, Jr.	Def's PDR Under N.C.G.S. § 7A-31 (COA17-267)	Denied

449P11-18	In re: Charles Everette Hinton	Petitioner's <i>Pro Se</i> Motion for Request and Demand for Final Civil Judgment by Default	Denied 03/09/2018 Ervin, J., recused
532P08-2	State v. Frank Durand Tomlin	Def's <i>Pro Se</i> Petition for <i>Writ of</i> <i>Mandamus</i> (COA17-351, COAP16-846)	Dismissed
629P01-6	State v. John Edward Butler	1. Def's <i>Pro Se</i> Motion to Appeal 2. Def's <i>Pro Se</i> Motion to Locate and Preserve Evidence 3. Def's <i>Pro Se</i> Motion for Preservation of Evidence and Post- Conviction DNA Testing	1. Dismissed 2. Dismissed 3. Dismissed