

**SUPREME COURT OF NORTH CAROLINA**

PETITIONS

Decided by the Court in Conference: 6 April 2005

{Posted on the Internet Web Site: 7 April 2005 at 12:00 p.m.}

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**COMMON ABBREVIATIONS**

| <b>Abbreviation</b> | <b>Full Term</b>                         |
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| <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>                  |

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| <b>036P05</b> | <b>Santiago Rogriguez, a/k/a Rodriguez v. State of N.C.</b>  | <b>Plt's <i>Pro Se</i> PDR (COAP04-1085)</b>                                 | <b>Dismissed</b> |
| <b>048P05</b> | <b>Charles Dexter Johnson, Individually and in his capacity as a shareholder of Dexter Sports Supplements, Inc. and Powerstar, Inc. v. Samuel J. Wornom, III; Dexter Sports Supplements, Inc., and Powerstar, Inc. (as nominal corporate defendants)</b> | <b>Def's (Samuel J. Wornom, III) PDR Under N.C.G.S. § 7A-31 (COA04- 356)</b> | <b>Denied</b>    |
| <b>054P05</b> | <b>Sinclair A. Parker, Jr. v. Michael Willis</b>   | <b>Def's PDR Under N.C.G.S. § 7A-31 (COA03-1711)</b>                         | <b>Denied</b>    |
| <b>057P05</b> | <b>In Re: L.G.</b>   | <b>Respondents' (parents of minor child) <i>Pro Se</i> PDR Under</b>         | <b>Denied</b>    |

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|          |   | N.C.G.S. § 7A-31<br>(COA04-456)   |  |
| 059P97-2 | State of N.C. v. Ardie DeFronso Nolon   | 1. Def's <i>Pro Se</i> PDR<br>2. Def's <i>Pro Se</i> Motion to Proceed <i>In Forma Pauperis</i>   | 1. Dismissed<br>2. Allowed             |
| 060P05   | Brenton D. Adams, Trustee of Brenton D. Adams, Retirement Plan v. Bank United of Texas FSB, H. Terry Hutchens, M.A. Mansour, and Wife, Taghrid D. Mansour, Robert T. Hedrick, Williams M. Griggs  | Plt's PDR Under N.C.G.S. § 7A-31 (COA03-1423)   | Denied<br>Lake, CJ & Martin, J recused |
| 062P05   | William A. Hayes, et al. v. Town of Fairmont  | Plts' PDR Under N.C.G.S. § 7A-31 (COA03-1562)   | Denied                                 |
| 079P05   | Wesley D. Stevens v. State of N.C.  | Plt's <i>Pro Se</i> PDR (COAP03-756)  | Dismissed                              |
| 080P05   | State of N.C. v. Bradley Dean Crawford  | Def's PDR Under N.C.G.S. § 7A-31 (COA04-286)  | Denied                                 |
| 084P05   | Citifinancial, Inc., f/k/a Commercial Credit Corp., Plaintiff v. Cynthia D. Messer, Defendant/Third-Party Plaintiff v. T.L. Davis, State of North Carolina Department of Transportation, Division of Motor Vehicles, Third Party Defendants | 1. Third Party Defs' NOA Based Upon a Constitutional Question (COA04-261)<br>2. Third Party Defs' PDR Under N.C.G.S. § 7A-31 (COA04-261)<br>3. Def and Third Party Plt's Motion to Dismiss Appeal | 1. ---<br>2. Denied<br>3. Allowed      |
| 086P05   | Tonya Lannette Williams, et al. v. Alvin E. Bell, Individually and, American Bass Fishing Club, Inc.  | Plt's PDR Under N.C.G.S. § 7A-31 (COA03-1538)   | Denied                                 |
| 105P04   | In the Matter of the Will of Sallie Schenck Mason, Deceased   | Caveator's (Lucinda Lewis Mason) PDR  | Denied                                 |

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|        |   | Under N.C.G.S. § 7A-31 (COA04-318)  |  |
| 106P05 | In Re: Wachovia Shareholders Litigation   | Plts' (Wachovia Shareholders) PDR Under N.C.G.S. § 7A-31 (COA04- 402)   | Denied   |
| 108P05 | State of N.C. v. James Earl Ewell   | 1. AG's PDR Under N.C.G.S. § 7A- 31 (COA04-372)<br>2. Def's Motion to Deem Response Timely Filed  | 1. Denied<br>2. Allowed                                |
| 109P05 | State of N.C. v. Barney Kouyen Huang  | Def's PDR Under N.C.G.S. § 7A-31 (COA03-1716)   | Denied   |
| 113P05 | In the Matters of : J.F.M. and T.J.B.   | 1. Respondent's (T.J.B.) NOA (Constitutional Question) (COA04-183)<br>2. Respondent's (T.J.B.) PDR Under N.C.G.S. § 7A-31<br>3. AG's Motion to Dismiss Appeal | 1. ---<br>2. Denied<br>3. Allowed                      |
| 116P05 | James Drewry, Administrator of the Estate of Roger McKinley Drewry, Deceased v. N.C. Department of Transportation | Plt's PDR Under N.C.G.S. § 7A-31 (COA03-1390)   | Denied   |
| 119P05 | State of N.C. v. James David Faircloth  | 1. Def's <i>Pro Se</i> PWC to Review Order of Cumberland County Superior Court<br>2. Motion by <i>Pro Se</i> Defendant for                                    | 1. Dismissed ex mero motu<br>2. Dismissed ex mero motu |

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|               |   | <b>Application Requesting the Production of Documents</b>  |   |
| <b>121P05</b> | <b>State of N.C. v. Zachary David Grimes</b>  | <b>Def's <i>Pro Se</i> PWC to Review Order of Guilford County Superior Court</b>   | <b>Dismissed</b>  |
| <b>124P05</b> | <b>In Re: I.D.S., a minor child</b>           | <b>Respondent's PWC to Review the Order of the COA (COA04-1210)</b>  | <b>Denied</b>   |
| <b>125P05</b> | <b>State of N.C. v. James Edward Williams</b> | <b>1. Def's <i>Pro Se</i> NOA Based Upon a Constitutional Question (COA04-680)</b><br><b>2. Def's <i>Pro Se</i> PDR Under N.C.G.S. § 7A-31</b><br><b>3. AG's Motion to Dismiss Appeal</b><br><b>4. Def's <i>Pro Se</i> Motion for Supersedeas and Temporary Stay</b> | <b>1.---</b><br><b>03/16/05</b><br><b>2. Denied</b><br><b>03/16/05</b><br><b>3. Allowed</b><br><b>03/16/05</b><br><b>4. Denied</b><br><b>03/16/05</b> |
| <b>127P05</b> | <b>State of N.C. v. Billy Joe Frisbee</b>     | <b>Def's <i>Pro Se</i> PWC to Review Order of Haywood County Superior Court</b>  | <b>Dismissed</b>  |
| <b>129P05</b> | <b>State of N.C. v. Restoney Robinson</b>     | <b>Def's <i>Pro Se</i> Motion for Relief</b>   | <b>Denied</b><br><b>03/15/05</b>  |
| <b>133P05</b> | <b>State of N.C. v. Brandon Buford Davis</b>  | <b>1. AG's Petition for Writ of Supersedeas</b>  | <b>1. Denied</b><br><b>2. Denied</b><br><b>04/04/05</b>   |

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|         |   | <p>2. AG's Application for Stay of Execution of the Mandate</p> <p>3. AG's PDR Under N.C.G.S. § 7A- 31 (COA03-1718)</p>  | 3. Denied   |
| 141P05  | Christie N. Smith Administratrix of the Estate of Meg M. Parmaei v. Khosrow Parmaei | Def's <i>Pro Se</i> Motion for "Notice of Appeal"  | Dismissed ex mero motu  |
| 142P05  | State of N.C. v. Michael Alonzo Bannerman   | <p>1. Def's <i>Pro Se</i> Petition for Writ of <i>Habeas Corpus</i></p> <p>2. Def's <i>Pro Se</i> Motion to Proceed <i>In Forma Pauperis</i></p>   | <p>1. Denied 03/17/05</p> <p>2. Allowed 03/17/05</p>  |
| 142PA04 | Stetser et al. v. TAP Pharmaceutical Products et al.                                | <p>1. Plt - Appellants' Motion to Strike Portions of Defendant-Appellee's Brief</p> <p>2. Plt - Appellants' Motion for Leave to File Reply Brief</p> <p>3. Plt - Appellants' Motion to extend time to file reply Brief</p> | <p>1. Denied See Special Order 03/09/05</p> <p>2. Allowed See Special Order 03/09/05</p> <p>3. Allowed See Special Order 03/09/05</p> |
| 146A02  | State of N.C. v. LaMorris J. Chapman  | Def's Motion to Dissolve Hold of Decision  | Dismissed as moot   |
| 146P05  | Thomas T. Dillard, Jr. v. State of N.C.   | Def's <i>Pro Se</i> PWC to Review the COA (COAP05-136/137)   | Dismissed   |
| 148P05  | State of N.C. v. Doneal Brewington  | Def's <i>Pro Se</i> Petition for Writ of Habeas Corpus   | Denied 03/18/05   |

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| 150P05 | Ray Whitley, Clarice Ohl and Todd Ohle v. William T. Horton, Chambers Food & Spirits, LLC, and DFI Group, Inc. | Plt's PDR Under N.C.G.S. § 7A-31 (COA03-1459)   | Denied  |
| 151P05 | State of N.C. v. Randall Greenough   | Def's <i>Pro Se</i> Motion for Appropriate Relief   | Dismissed                                       |
| 152P05 | State of N.C. v. Eugene A. Morgan  | Def's <i>Pro Se</i> Petition for Writ of Mandamus   | Denied  |
| 153P05 | State of N.C. v. Mitchell Dial   | 1. Petitioner's <i>Pro Se</i> Response to PWC (COAP04-532)<br>2. Petitioner's <i>Pro Se</i> Motion for Evidentiary Hearing  | 1. Dismissed<br>2. Dismissed as moot            |
| 154P05 | Samuel Thomas Atkinson, Petitioner v. Theodis Beck, Secretary of Prison, Respondent.                           | Petitioner's <i>Pro Se</i> Petition for Writ of Habeas Corpus   | Denied<br>03/18/05                              |
| 155P05 | State of N.C. v. Michelle Lafaye Ingram  | Def's <i>Pro Se</i> PDR (COA03-1668)  | Denied  |
| 159P05 | State of N.C. v. Teresa Darlene Pope   | Def's PDR   | Denied  |
| 179A04 | State of N.C. v. Darren William Dennison   | 1. Def's Motion for Temporary Stay of the Mandate, for Withdrawal and Correction of Opinion, and for Other Relief<br>2. Motion by Office of Appellate Defender for Leave to File <i>Amicus Curiae</i> Brief | 1. Denied<br>03/22/05<br>2. Allowed<br>03/22/05 |
| 192A04 | State of N.C. v. David Franklin Hurt   | 1. Def' Motion for Appropriate Relief   | 1. See Special Order<br>03/04/05                |

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|                 |  | <b>2. AG's Motion for Extension of Time to File Response to Motion for Appropriate Relief</b>  | <b>2. Allowed<br/>03/04/05</b>             |
| <b>238P04-2</b> | <b>State of N.C. v. Sidney Eddie</b>   | <b>Def's <i>Pro Se</i> PDR (COA04-308)</b>   | <b>Dismissed</b>                           |
| <b>315P04-2</b> | <b>Paull Anderson, Plaintiff v. Julius Jennings Wade, Jr., James H. Wade, Margaret L. Godley, Godley, Inc., and Wade and Wade, Attorneys at Law, Defendants</b>  | <b>Plt's <i>Pro Se</i> PWC to Review Order of Superior Court of Mecklenburg County</b>   | <b>Dismissed</b>                           |
| <b>362A01-3</b> | <b>In Re: The Estate of Candice Leigh Lunsford</b>   | <b>Petitioner's (Dawn Bean) Motion to Strike</b>   | <b>Allowed<br/>04/06/05</b>                |
| <b>408P04</b>   | <b>State of N.C. ex rel Utilities Commission, Ocean Club Ventures, L.L.C., Complainant v. Carolina Water Service, Inc., Respondent v. Monterey Shores, Inc, and Robert R. and Laurie T. DeGabrielle, Intervenors</b> | <b>Intervenor's (Monteray Shores and DeGabrielle) PDR Under N.C.G.S. § 7A-31 (COA03-896)</b>   | <b>Denied</b>                              |
| <b>434P04</b>   | <b>In the Matter of the Estate of Theodore E. Best</b>   | <b>Charles M. Best's PDR Under N.C.G.S. § 7A-31 (COA02-1449)</b>   | <b>Denied</b>                              |
| <b>443P04</b>   | <b>State of N.C. v. Francisco Javier-Martinez Ayala</b>  | <b>1. Def's NOA (Constitutional Question COA03-1449)<br/>2. Def's PDR Under N.C.G.S. § 7A- 31<br/>3. AG's Motion to Dismiss Appeal</b> | <b>1. ---<br/>2. Denied<br/>3. Allowed</b> |
| <b>450PA04</b>  | <b>Pompano Masonry Corporation v. HDR Architecture, Inc.</b>   | <b>Def - Appellant's (with consent of Plt) Consent Motion to Withdraw Appeal</b>   | <b>Allowed<br/>03/09/05</b>                |

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| 457P04 | State of N.C. v. Gary Lee Lawrence, Jr.   | <p>1. AG's Motion for Temporary Stay</p> <p>2. AG's Petition for Writ of Supersedeas</p> <p>3. AG's PDR Under N.C.G.S. § 7A- 31 (COA03-614)</p> <p>4. Def's Conditional PDR Under N.C.G.S. § 7A-31</p> | <p>1. Allowed pending determination of the State's PDR 09/01/04</p> <p>2. Allowed</p> <p>3. Allowed</p> <p>4. Denied</p> |
| 459P04 | State of N.C. v. Andre F. Howard  | <p>1. Def's NOA Based Upon a Constitutional Question (COA02-1728)</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>   |
| 461P04 | Gloria Barham, Administratrix of the Estate of Billy Melvin Barham v. Rodney J. Hawk, M.D. and Hendersonville Ear Nose & Throat, P.A. | Def's PDR Under N.C.G.S. § 7A-31 (COA02-1393)  | Allowed  |
| 464A04 | James Leslie Javurek v. Tax Review Board  | <p>1. Petitioner's <i>Pro Se</i> NOA Based Upon a Constitutional Question (COA03-1016)</p> <p>2. Respondent's Motion to Dismiss Appeal</p>   | <p>1. ---</p> <p>2. Allowed</p>  |
| 467A04 | Eastway Wrecker Service, Inc. v. City of Charlotte  | 1. Plt's NOA Based Upon a Dissent  | <p>1. ---</p> <p>2. Denied</p>   |



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|                 |   | <b>2. Plt's PDR As to Additional Issues</b>   |  |
| <b>470P04</b>   | <b>State of N.C. v. Joseph Aloysious Dyson, II</b>  | <b>Def-Appellant's PDR (COA03-1046)</b>   | <b>Denied</b>  |
| <b>480P04</b>   | <b>In the Matter of:<br/>I.S., DOB 10/01/85, S.S., DOB 03/20/89, T.S., DOB 08/24/90, R.S., DOB 04/14/92, S.S., DOB 03/01/94, M.S., DOB 08/24/95, M.S., DOB 09/06/96, S.S., DOB 10/28/97, L.S., DOB 07/02/99, Minor Children</b> | <b>1. Petitioners' ( J. &amp; K. S.) PWC to Review the Order of the COA (COAP02-888)<br/><br/>2. Respondent's (Mecklenburg Co. DSS) Motion to Deny PWC<br/><br/>3. Petitioner's (J.S.) Motion to Amend PWC<br/><br/>4. Petitioner's (J.S.) Motion To Dismiss Response<br/><br/>5. Respondent's (Mecklenburg County DSS) Second Motion to Deny PWC</b> | <b>1. See Special Order 03/04/05<br/><br/>2. See Special Order 03/04/05<br/><br/>3. See Special Order 03/04/05<br/><br/>4. See Special Order 03/04/05<br/><br/>5. See Special Order 03/04/05</b> |
| <b>511P04</b>   | <b>Anthony Dove v. Debra H. Speller (Formerly "Dove")</b>   | <b>Plt's Motion for "Petition for Rehearing"</b>  | <b>Dismissed as moot</b>   |
| <b>526P04</b>   | <b>State of N.C. v. Lamont Alexander Wagner</b>   | <b>Def's PDR Under N.C.G.S. § 7A-31 (COA03-943)</b>   | <b>Denied</b>  |
| <b>539P03-2</b> | <b>State of N.C. v. Harris Emanuel Ford</b>   | <b>Def's <i>Pro Se</i> PWC to Review Decision of COA (COA03-140)</b>  | <b>Denied</b>  |
| <b>551P04</b>   | <b>Rudolph Leonard Baxley, Jr. v. Timothy O. Jackson, et al.</b>  | <b>Def's PDR Under N.C.G.S. § 7A-31 (COA03-1155)</b>  | <b>Denied</b>  |

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| 590PA04  | Bradley A. Elliott, and wife Diane T. Elliott, and Arthur E. Elliott, and wife Margaret E. Elliott v. The County of Halifax                                | Def's Motion for Consolidation   | Allowed                                      |
| 592P04   | Charlotte Eastland Mall, LLC, f/k/a Eastland Mall Limited Partnership v. Sole Survivor, Inc., d/b/a Heel Sew Quik, Michael R. Johnson and Sarah A. Johnson | Def's PDR Under N.C.G.S. § 7A-31 (COA03-1422)  | Denied                                       |
| 594P04   | State of N.C. v. Darryl Dewayne Tillman  | Def's PDR Under N.C.G.S. § 7A-31 (COA03-1427)  | Denied                                       |
| 600P04   | Anthony Dove v. N.C. Supreme Court Library   | Plt's <i>Pro Se</i> Motion for Relief  | Denied                                       |
| 601P03-2 | State of N.C. V. Corey Tyrone Sneed  | 1. Def's NOA Based Upon a Constitutional Question<br>2. Def's PDR Under N.C.G.S. § 7A- 31 (COA02-1746-2)<br>3. AG's Motion to Dismiss Appeal                   | 1. ---<br>2. Denied<br>3. Allowed            |
| 629P04-2 | State of N.C. v. Joseph Marion Head, Jr.   | Def's <i>Pro Se</i> Motion for Appropriate Criminal, Civil, Tort, Domestic, Relief and Release   | Dismissed                                    |
| 642A04   | Charlie L. Richardson v. N.C. Department of Public Instruction and State Board of Education  | 1. Plt's <i>Pro Se</i> Motion Requesting Deferred Motion 56 (F)<br>2. Plt's <i>Pro Se</i> Motion for Requesting Rationale and Motion Requesting Ruling Justice | 1. Dismissed<br>2. Dismissed<br>3. Dismissed |

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|  |  | <b>3. Plt's Pro Se Motion<br/>of Rule 59A (2) (4)<br/>and 60 (b) Rescinding<br/>Appellate Motion to<br/>Dismiss Plt's Appeal</b> |  |
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