

SUPREME COURT OF NORTH CAROLINA

PETITIONS

Decided by the Court in Conference: 9 May 2002

{Posted on the Internet Web Site: 10 May 2002 at 11:50 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

037P02	First Union as Executor of the Estate of Nannie Coe Burgess, deceased v. Loyd M. Burgess, and Katie Stanley Naples as Executrix, of the Estate of Frank Stanley, deceased	Def's PDR Pursuant to G.S. § 7A-31 (COA00-1404)	Denied 04/23/02
038A02	Cynthia Reynolds Flynn v. David P. Reynolds	1. Plt's NOA Based on a Dissent (COA-383) 2. Def's PDR	1. -- 2. Denied
066P02	Deadwood, Inc. v. N.C. Department of Revenue	1. Def's Motion to Amend and Substitute NOA and PDR 2. Def's NOA Based Upon a Constitutional Question (COA00-1489) 3. Def's PDR (COA00-1489)	1. Allowed 02/07/02 2. Dismissed <i>Ex mero motu</i> 3. Allowed

067P02	William F. Medearis, III and wife, Pauline Phister Medearis v. Trustees of Myers Park Baptist Church, The C.D. Spangler Foundation, Inc. and Queens College, Inc.	1. Plt's PDR Under G.S. § 7A-31 (COA01-114) 2. Res' Joint Notion to Expedite Review of PDR Pursuant to N.C. Rule of Appellate Procedure 29(b)	1. Denied 04/18/02 2. Allowed 04/18/02
072P02	Lisa E. Gaffney Stilwell, Plaintiff v. Amanda Danley Gust, Defendant and Third Party Plaintiff v. Timothy G. Stilwell, Third Party Defendant	Defendant/Third-Party Plaintiff's (Gust) PDR (COA00-1414)	Denied 04/23/02
072PA01	N.C. State Bar v. Reginald Frazier	1. Def's Pro Se Petition for Writ of Mandamus 2. Def's Pro Se Petition for any other Extraordinary Writs Pursuant to N.C. Rules of Appellate Procedure 3. Def's Pro Se Motion of N.C. Rule 11(a) Sanction of Forfeiture of Award of Attorneys Fees Pursuant to N.C. Rules of Appellate Procedure 4. Def's Pro Se Motion for Expedited Relief Pursuant to N.C. Rules of Appellate Procedure	1. Denied 2. Denied 3. Denied 4. Denied Edmunds, J. Recused
079P02	Leslie Davis, Administratrix of the Estate of Leana Patricia Troncony, Deceased Employee; Jose Troncony, Father of Leana Patricia Troncony, Deceased, Employee v. Trus Joist MacMillan, Employer, Self- Insured	Plt's (Jose Troncony) PDR Pursuant to G.S. § 7A-31 (COA01-81)	Denied
089A02	Jerry Goynias v. Spa Health Clubs, Inc.	Def's Motion to Dismiss Appeal Based Upon Late Filing of Plt-Appellant's New Brief	Denied
094P02*	Stephenson v. Bartlett, et al.	1. Defs' Motion to take Judicial Notice of Correspondence from the	1. Allowed 04/10/02

		<p>United States Department of Justice</p> <p>2. Plts' Motion to Supplement the Record</p> <p>3. Plts' Motion to Strike Affidavits of Gary Bartlett and Ferrel Guillory</p> <p>4. Plts' Renewed Motions for Rulings on Plts' Motion for Suspension of Rules, Petition for a Writ of Supersedeas, and Petition for Expedited Discretionary Review</p>	<p>2. Allowed 04/30/02</p> <p>3. Denied 04/30/02</p> <p>4. Dismissed as Moot 04/30/02</p>
095A01-2	Dale E. Taylor, et al. v. City of Lenoir, et al.	Plt-Appellants' PDR, and in the alternative, PWC (COA99-1228-3)	Denied
099P02-2	State v. Wayne Thomas Johnson	Def's Pro Se Motion for DNA Testing Deoxyribonucleic Acid (COA00-1336)	Dismissed
114A02	State v. Kentay Lamarr Lee	<p>1. Def's NOA Based Upon a Constitutional Question (COA00-1486)</p> <p>2. AG's Motion to Dismiss Appeal</p>	<p>1. --</p> <p>2. Allowed</p>
116P02	State v. Barbara Taylor	Def's Pro Se PWC to Review the Decision of the COA (COA99-1488)	Denied
118P01-3	State v. Cornelius Tucker, Jr.	<p>1. Def's Pro Se PWC</p> <p>2. Def's Pro Se Petition for Writ of Mandamus</p> <p>3. Def's Pro Se Motion to Proceed <i>In Forma Pauperis</i></p> <p>4. Def's Pro Se Motion to Appoint Counsel</p> <p>5. Def's Pro Se Petition for Writ of Supersedeas</p>	<p>1. Dismissed</p> <p>2. Dismissed</p> <p>3. Allowed</p> <p>4. Denied</p> <p>5. Denied</p>

126P02	State v. David Felton	1. Def's Pro Se Petition for Writ of Habeas Corpus 2. Def's Pro Se Motion to Proceed <i>In Forma Pauperis</i>	1. Denied 04/15/02 2. Allowed 04/15/02
128P02	State v. Ronald Allen Lee, Jr.	Def's PDR Under G.S. § 7A-31 (COA01-469)	Denied
129P02	State v. Akeem Young	1. Def's NOA Based upon a Constitutional Question (COA01-109) 2. Def's PDR 3. AG's Motion to Dismiss Appeal	1. -- 2. Denied 3. Allowed
140P02	Richard L. McCreery v. NC Department of Correction, Theodis Beck, Secretary	Plt's Pro Se Petition for Writ of Mandamus	Denied
143A95-2	State v. Charles Phillips Bond	1. Def's Pro Se Request for Judicial Notice 2. Def's Pro Se Petition for Writ of Mandamus	1. Dismissed 2. Denied
143A95-3*	Charles Phillips Bond v. Robey C. Lee, Warden and the Attorney General Roy Cooper et al.	Plt's Pro Se Petition for Writ of Habeas Corpus	Denied 04/15/02
144P02	R.J. Reynolds Tobacco Company, Petitioner v. N.C. Department of Environment and Natural Resources, Respondent	1. Respondent's Motion for Temporary Stay (COA01-74) 2. Respondent's Petition for Writ of Supersedeas (COA01-74) 3. Respondent's PDR Under G.S. § 7A-31 (COA01-74)	1. Denied 03/20/02 2. Denied 3. Denied
151P02	State v. Reshauid Amonda Brown	1. Def's NOA Based Upon a Constitutional Question (COA00-1527)	1. -- 2. Denied 3. Allowed

		2. Def's PDR Under G. S. § 7A-31 (COA00-1527) 3. AG's Motion to Dismiss Appeal	
152P02	Tracy Krauss and Aaron C. Krauss, Petitioners, v. Cash Wallace Pawley, Sr., Respondent, In Re Cash Wallace Pawley, Jr., a minor child	Pets' PDR under G.S. § 7A-31 (COA01-315)	Denied
153A02	State v. Patrick Lambert	1. Def's NOA Based on a Constitutional Question (COA01-164) 2. AG's Motion to Dismiss Appeal	1. -- 2. Allowed
157P02	Richard Giles and wife, Joann Giles v. First Virginia Credit Services, Inc. and Professional Auto Recovery, Inc.	1. Plts' NOA Based Upon a Constitutional Question (COA00-1252) 2. Plts' PDR Under G.S. § 7A-31 (COA00-1252)	1. Dismissed <i>Ex mero motu</i> 2. Denied
158P02	State v. Anthony E. Wall	Def's PDR Under G.S. § 7A-31 (COA00-1323)	Denied
160P02	State v. Demetri George Demos	Def's PWC to Review the Decision of the COA (COA00-1233)	Denied
162P02	State v. Gerard Paul Holadia and Demetrius Montel Cooper	1. AG's Motion for Temporary Stay 2. AG's Petition for Writ of Supersedeas 3. AG's PDR Under G.S. § 7A-31 (COA00-1162)	1. Denied 04/08/02 2. Denied 04/08/02 3. Denied 04/08/02
163P02	Department of Transportation v. Doe, Inc.	Plt's PDR Prior to Determination by the COA (COA02-400)	Denied
164P02	State v. Eddie Hatcher	Def's Pro Se PWC to Review the Decision of the COA (COA01-520)	Denied

165P02	State v. Warren Antwan Holmes	Def's Pro Se PWC to Review the Decision of the COA (COA01-850)	Denied
167P02	State v. Nicholas Carl Bryant	Def's PDR Under G.S. § 7A-31 (COA01-208)	Denied
168P01-3	State v. Robert E. Spencer	Def's Pro Se PWC To Review the Order of the COA (COAP98-12)	Dismissed
168P02	State v. Charles Randal Foster	1. Def's PDR (COA01-594) 2. Def's PWC to Review the Decision of the COA (COA01-594)	1. Denied 2. Denied
172P02	State v. Collins Stephanie Wilson	Def's PDR Under G.S. § 7A-31 (COA01-156)	Denied
177P02*	Allen Whitaker and Sally M. Whitaker v. Robert M. Gay, M.D. et al.	1. Def's (Burney, Hayes, Owen and Cardiovascular Thoracic Surgeons of Greensboro, P.A.) Motion for Temporary Stay 2. Def's (Burney, Hayes, Owen and Cardiovascular Thoracic Surgeon of Greensboro, P.A.) Verified Petition for Writ of Supersedeas	1. Allowed 04/11/02 2.
178A02	State v. David Ray Phillips	Def's Pro Se NOA Based Upon a Constitutional Question (COA01-648)	Dismissed <i>Ex mero motu</i>
182P02	Fred Baars and Carole Baars v. Campbell University, Inc., Norman A. Wiggins, Individually and as Executor of the Estate of Gladys Campbell, Deceased and William A. Johnson	Plt's PDR Under G.S. § 7A-31 (COA01-60)	Denied
184P02	State v. Kimla Ann Elders	Def's PDR	Denied
185P02	Robert Mason, et al. v. Town Fletcher, et al.	Plt's PDR Under G.S. § 7A-31 (COA01-290)	Denied
186P02	Istivan Douglas v. NC Dept. of Correction	1. Plt's Pro Se PDR (COA01-738) 2. Plt's Pro Se Motion to Proceed <i>In Forma Pauperis</i>	1. Denied 2. Allowed

187P02	Raymond Charles Creason The Church of Fulfillment v. State	Plt's Pro Se PWC to Review the Order of the COA (COAP02-147)	Dismissed
190A00-2*	State v. Rodney Dale Buchanan	AG's Motion to Reconsider	Denied 04/09/02
190P02	State v. Eric L. Kornegay	1. Def's NOA Based Upon a Constitutional Question (COA01-585) 2. Def's PDR Under G.S. § 7A-31 (COA01-585) 3. AG's Motion to Dismiss Appeal	1. -- 2. Denied 3. Allowed
193P02*	In the Matter of: B.A.	1. AG's Motion for Temporary Stay 2. AG's Petition for Writ of Supersedeas 3. AG's PDR Under G.S. § 7A-31 (COA01-313)	1. Allowed Pending Determination of the State's PDR 04/19/02 2. 3.
194P02	Evelyn Burney d/b/a Speedy Cleaning & Janitorial Company v. Forsyth County	Plt's Pro Se PWC to review the Order of the Superior Court (00CVS10929)	Denied
197P02	State v. Kelvin L. Howell	Def's PDR Under G.S. § 7A-31 (COA01-782)	Denied
199P02	Charles M. Waddell, Plaintiff v. J. Michael Williams, Defendant	1. Def's Motion for Temporary Stay (COA01-62) 2. Def's Petition for Writ of Supersedeas (COA91-62)	1. Denied 04/23/02 2.
200P02	State v. Michael Christopher Thompson	1. Def's NOA Based Upon a Constitutional Question (COA00-1509) 2. Def's PDR Under G.S. § 7A-31 (COA00-1509)	1. Dismissed <i>Ex mero motu</i> 2. Denied 3. Denied

		3. Def's PWC to Review the Decision of the COA (COA00-1509)	
206P02	State v. Carolyn Nance	1. AG's Motion for Temporary Stay 2. AG's Petition for Writ of Supersedeas 3. AG's NOA Based Upon a Constitutional Question (COA01-353) 4. AG's PDR Under G.S. § 7A-31 (COA01-353)	1. Denied 05/03/02 2. Denied 05/03/02 3. Dismissed <i>Ex mero motu</i> 05/03/02 4. Denied 05/03/02
212P02	Dr. Monroe Roosevelt Parker, Jr., Esquire v. Sheriff Jeff Frazier	1. Plt's Pro Se Petition for Writ of Habeas Corpus 2. Plt's Pro Se Petition for Writ of Prohibition 3. Plt's Pro Se Petition for Writ of Mandamus	1. Denied 04/30/02 2. Denied 04/30/02 3. Denied 04/30/02
213P02	Derrick T. Jones v. Jeff Frazier, Sheriff of Halifax County, et al.	Plt's Pro Se Petition for Writ of Habeas Corpus	Denied
214P02	State v. Vic Macon	Def's Pro Se PWC to Review the Order of the COA (COAP02-273)	Denied
216P02	State v. Marvin Wayne Johnson	Def's Pro Se Motion for Appropriate Relief	Denied
218A02	Leslie S. Augur v. Richard G. Augur	Plt's Motion to Appeal as a Pauper (COA01-220)	Allowed
222P02*	Douglas Anthony Yacek v. Carol Howard, Commissioner, NC Division of Motor Vehicles	1. Plt's PWC to Review the Order of the COA (COAP02-313) 2. Plt's Motion for Expedited Consideration and Determination 3. Plt's Motion for Shortened Response Time By Defendant	1. Denied 2. Allowed 3. Allowed 4. Allowed

		4. Motion for Admission to Practice Pro Hac Vice	
300P98-2	State v. Joseph McIntyre	1. Def's Pro Se PWC to Review Order of Superior Court 2. Def's Pro Se Motion to Appoint Counsel	1. Dismissed 2. Denied
367P01	Harold F. Prior and Paulette M. Prior, Co- Administrators of the Estate of Shawn Kelly Prior, Deceased, as ADM., and on their own behalf v. James Earl Pruett, et al.	1. Defs' PDR Under G.S. § 7A-31 (COA00-415) 2. Plts' Motion for Leave to File Response to PDR out of time 3. Fraternal Order of Police, North Carolina State Lodge Motion for Leave to File <i>Amicus Curiae</i> Brief	1. Denied 2. Allowed 3. Denied Martin, J. Recused
427P01	State v. Shaquana Feathersen	Def's Motion to Withdraw PDR (COA00-471)	Allowed
431P01	Ann McMillan v. NC Department of Correction	Pet's PDR Under G. S. § 7A-31 (COA00-1017)	Denied
445P01	Precision Walls, Inc. v. Jonathan W. Servie	Plt's PWC to Review Order of the COA (COAP01-556)	Denied
461P01*	Barbara Russos, Plaintiff v. Wheaton Industries, Employer and/or National Union Fire Ins. Co., Carrier American International Adjustment Co., Inc., Servicing Agent	1. Defs' Motion for Temporary Stay 2. Defs' Petition for Writ of Supersedeas 3. Def's Motion for Rehearing 4. Def's Petition for Rehearing	1. Denied 2. Denied 3. Denied 4. Dismissed
478P01	In the Matter of Appeal of Chapel Hill Day Care Center, Inc.	1. Pets' (Day Care Center) NOA (Constitutional question)	1. -- 2. Denied 3. Allowed

		<p>2. Pets' (Day Care Center) PDR Under G.S. § 7A-31 (COA00-998)</p> <p>3. Orange County's Motion to Dismiss Appeal for Lack of Substantial Question</p>	
489P01	Edward F. Arrington v. State	<p>1. Plt's NOA (Constitutional Question)</p> <p>2. Plt's PWC to Review the Decision of the COA (COAPP-237)</p>	<p>1. Dismissed <i>Ex mero motu</i></p> <p>2. Denied</p>
513P01	State v. Juan Antonio Moreno Arroyo	Def's PDR Under G.S. § 7A-31 (COA00-1205)	Denied
533P01	William Keith Bradley v. State	Plt-Appellant's PWC	Denied
537P01-2	State v. Serafin Castillo Hernandez	<p>1. Def's Pro Se PWC to Review the Decision of the COA (COA00-552)</p> <p>2. Def's Pro Motion to Present Arguments in Spanish</p>	<p>1. Denied</p> <p>2. Dismissed</p>
542P01	State v. Billy Joe Walters	Def's Application for Writ of Habeas Corpus	Denied 04/11/02
548A00	State v. Christina Shea Walters	AG's Motion to Amend Record on Appeal	Allowed
556A93-2	State v. William Robert Gray	<p>1. Def's PWC to Review the Order of the Superior Court</p> <p>2. Def's Motion to Stay Proceedings Pending the U.S. Supreme Court's Decision in <i>Mickens v. Taylor</i>, 00- 9285, 2001 WL 348936 (2001)</p> <p>3. Def's Pro Se Motion to Remove Counsel and Appoint New Counsel</p> <p>4. Def's Pro Se Motion to Delay Ruling</p>	<p>1. Denied</p> <p>2. Allowed 08/16/01</p> <p>3. Remanded for Hearing to Determine Whether to Remove Current Counsel and Appoint New Counsel</p> <p>4. Dismissed</p> <p>5. Dismissed</p>

		<p>5. Def's (Renewed) Pro Se Motion to Remove Counsel and Appoint New Counsel</p> <p>6. Def's (Renewed) Pro Se Motion to Delay Ruling on PWC</p> <p>7. AG's Motion to Lift Stay in Proceedings as a Result of the US Supreme Court's Decision in <i>Mickens v. Taylor</i>, 2002 U.S. Lexis 2146 (March 27, 2002)</p>	<p>6. Dismissed</p> <p>7. Allowed</p>
557P01	State v. Jonathan Maurice Linton	Def's PDR Under G.S. § 7A-31	Denied
658P01-3	David Felton v. N.C. Department of Correction	<p>1. Plt's Pro Se PWC to Review the Order of the COA (COA01-982)</p> <p>2. Plt's Pro Se Motion to Appoint Counsel</p>	<p>1. Denied</p> <p>2. Denied</p>
684PA01*	State v. William Anthony Hearst	N.C. Prisoner Legal Services, Inc.'s Motion to Participate in Oral Argument	Allowed 05/07/02 Amicus gets 10 minutes to argue.