

**SUPREME COURT OF NORTH CAROLINA**

**PETITIONS**

Decided by the Court in Conference: 7 June 2001

{Posted on the Internet Web Site: 8 Jun 2001 at 9:30 a.m.}  
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**COMMON ABBREVIATIONS**

<b>Abbreviation</b>	<b>Full Term</b>
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.	1. Def's Pro Se Motion for a Copy of the Court's Opinion and Orders (Received 04/11/01)  2. Def's Pro Se Motion to Dismiss for Denial of a Speedy Trial (Received 05/02/01)  3. Def's Pro Se Motion for Civil Relief of One Zillion Tons of Dollars Tax	1. Denied  2. Denied  3. Denied  4. Denied
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		Free (Received 05/02/01)  4. Def's Pro Se Motion for a New Trial for Violations of Rights to Counsel Pretrial, At Trial, Post Trial (Received 05/25/01)	
004A01*	State v. Timothy Lionell White	1. Defense Counsel's Motion to Withdraw  2. Motion for Appointment of David Freedman and Dudley Witt	1. Allowed <b>05/23/01</b>  2. Allowed <b>05/23/01</b>
015P01-2	State v. Willie H. Robertson	Def's Pro Se Motion for Entry of Default	Dismissed
058P01	William C. Erler d/b/a West End Office Building and Hunter Textbooks, Inc. v. AON Risk Services, Inc. of the Carolinas (formerly Rollins, Hudig Hall of the Carolinas, Inc.) and Susan Cothren	1. Defs' Motion for Temporary Stay  2. Defs' Petition for Writ of Supersedeas  3. Plts' Motion to Dissolve Stay of Execution  4. Plts' Motion to Increase Security on Appeal  5. Plts' Motion to Compel Defs' to Post a Secured Bond	1. Allowed <b>01/29/01</b>  2. Denied <b>05/11/01</b>  3. Allowed <b>05/11/01</b>  4. Dismissed as moot <b>05/11/01</b>  5. Dismissed as moot <b>05/11/01</b>

		<p>6. Plts' PDR Under G.S. § 7A-31 (COA99-1274)</p> <p>7. Defs' Motion to Dismiss Plts' PDR</p> <p>8. Defs' Conditional PDR as to Additional Issues</p> <p>9. Defs' Motion to Withdraw Defs' Motion to Dismiss Plt's PDR</p>	<p>6. Denied <b>05/11/01</b></p> <p>7. ---</p> <p>8. Dismissed as moot <b>05/11/01</b></p> <p>9. Allowed <b>05/11/01</b></p>
064A01	State v. Kendall Jermaine Barnette	<p>1. Def's NOA Based Upon a Dissent</p> <p>2. Def's NOA Based Upon a Constitutional Question</p> <p>3. Def's PDR Under G.S. § 7A-31 (COA99-1305)</p> <p>4. AG's Motion to Dismiss Appeal</p>	<p>1.</p> <p>2. ---</p> <p>3. Denied</p> <p>4. Allowed</p>
065A01	State v. Jakie Hammonds	<p>1. Def's NOA Based Upon a Dissent (COA00-89)</p> <p>2. Def's NOA Based Upon a Constitutional Question (COA00-89)</p>	<p>1.</p> <p>2. ---</p> <p>3. Denied</p> <p>4. Allowed</p> <p><b>Edmunds, J.</b></p>

		<p>3. Def's PDR Under G.S. § 7A-31 (COA00-89)</p> <p>4. AG's Motion to Dismiss Appeal</p>	<b>Recused</b>
087P01	Eddie G. Jones v. Weyerhaeuser Company	<p>1. Def's NOA Based Upon a Constitutional Question (COA99-742)</p> <p>2. Def's PDR Under G.S. § 7A-31 (COA99-742)</p> <p>3. Plt's Motion to Dismiss Appeal</p>	<p>1. ---</p> <p>2. Denied</p> <p>3. Allowed</p> <p><b>Edmunds, J. Recused</b></p>
122P01	State v. David F. Dameron, Sr.	Def's Pro Se Motion for Appointment of Counsel	Denied
130P01	State v. Linwood Earl McDonald	Def's Pro Se PWC to Review the Decision of the NC COA (COA99- 630)	Denied
135P01	Mitchell Tew v. E.B. Davis Electric Company, Employer v. Self/ Comptrust ACG, Brentwood Services, Administrator, and/or Bradford S. Hancox, Administrator, Estate of Junius L. Burney, Deceased, Employer, Non-Insured	<p>1. Plt's PDR Under G.S. § 7A-31 (COA00-438)</p> <p>2. Def's Conditional NOA Based Upon a Dissent (COA00-438)</p>	<p>1. Denied <b>05/16/01</b></p> <p>2. Dismissed as moot <b>05/16/01</b></p> <p>3. Dismissed as moot <b>05/16/01</b></p>

		3. Def's Conditional PDR as to Additional Issues (COA00-438)	
136P01*	Ed Ganey et al v. Juanita Baker, et al	Plt's Pro Se Petition for Writ of Habeas Corpus	Denied <b>05/10/01</b>
142P01	Leslie S. Augur v. Richard G. Augur	Def's PDR Prior to Determination by the NC COA (COA01-220)	Denied
144P01	State v. Marcus Jerome Bethel and Christopher Allen Walker	1. Def's (Bethel) NOA Based Upon a Constitutional Question (COA00-63) 2. Def's (Bethel) PDR Under G.S. § 7A-31 (COA00-63) 3. AG's Motion to Dismiss Appeal	1. --- 2. Denied 3. Allowed
156P01	The Presbyterian Hospital v. NC Department of Health and Human Services, Division of Facility Services, Certificate of Need Section and Mooresville Hospital Management Associates, Inc. d/b/a Lake Norman Regional Medical Center and Charlotte Mecklenburg Hospital Authority	1. Plt's PDR Under G.S. § 7A-31 (Prior to Determination) (COA01- 224) 2. Plt's Motion for Expedited Decision on Plt's PDR Prior to Determination by the NC COA	1. Denied 2. Denied

158P01	State v. Jonathan Russell Robinson	Def's PDR Under G.S. § 7A-31 (COA00-139)	Denied
165A95-3	State v. Issac Jackson Stroud	1. Def's PWC to Review the Order of the Superior Court 2. Def's Pro Se Motion to Void PWC	1. Denied 2. Dismissed <b>See Special Order</b>
168P01-2	State v. Robert E. Spencer	Def's Pro Se Motion to Appoint Counsel	Denied
171P01	State v. Ronald Douglas Tench	Def's Pro Se PWC to Review the Decision of the NC COA (COA96- 955)	Denied <b>Martin, J. Recused</b>
175A01*	James K. Martishius and Cindy K. Martishius v. Carolco Studios, Inc.	Joint Motion by Plts and Defs to Amend Record on Appeal	Allowed <b>06/05/01</b>
175P99-3	State v. Samuel Alando Walker	Def's Pro Se PWC to Review the Order of the Superior Court (COA98- 292)	Denied
181P01	Turnamics, Inc., et al v. Advanced Envirotech Systems, Inc., et al	Def's PDR Under G.S § 7A-31 (COA00-167)	Denied
181P99	John R. Goodwin, Jr. and Linda K. Goodwin, Husband and Wife v. Schnedier National, Inc. and Keith (NMN) Gault	Plt's Fourth Motion to Reconsider Denial of PDR	Denied <b>See Special Order</b>
187P01	State v. Hezzie Randell Locklear, Sr.	Def's Pro Se Petition for Writ of Mandamus	Denied

188P01	State v. Kerry Denard Smith	Def's PWC to Review the Decision of the NC COA (COA00-574)	Denied
191P01	Meinhart Lagies v. Bobby Myers	Plt's PDR Under G.S. § 7A-31 (COA99-1238)	Denied
195P01	State v. Destry Riccard	Def's PWC (COA99-1494)	Denied
196P01	Linda Burgess et al v. Merle Rudy Busley	1. Def's NOA Based Upon a Constitutional Question (COA99-1439) 2. Def's PDR Under G.S. § 7A-31 (COA99-1439)	1. Dismissed <i>ex mero motu</i> 2. Allowed
199P01	State v. Booker Wilson	Def's PDR Under G.S. § 7A-31 (COA00-107)	Denied
207A01	State v. Archie Eugene Cloyd	Def's NOA Based Upon a Constitutional Question (COA99-1178)	Dismissed <i>ex mero motu</i>
208P01	John Frank Bowen v. State of North Carolina and Chief Superior Court Judge, Wake County, et al	Plt's Pro Se Petition for Rehearing En Banc Under Rule 31A N.C. R. App. P.	Dismissed
209A91-4*	Robert Bacon, Elton McLaughlin and Richard Eugene Cagle, on behalf of themselves and all others similarly situated, Plaintiffs v. R.C. Lee, Warden, North Carolina Central Prison; Michael F. Easley, Governor	1. Def's PWC 2. Def's Petition for Writ of Prohibition	1. Allowed <b>See Separate Order 05/17/01</b>

	of North Carolina; and Roy Cooper, Attorney General of North Carolina, Defendants	<p>3. Def's Petition for Writ of Supersedeas</p> <p>4. Def's Motion to Vacate Superior Court's Order</p> <p>5. Def's Motion to Dismiss Bacon's Civil Complaint</p>	<p>2.</p> <p>3.</p> <p>4.</p> <p>5.</p>
209A91-4*	Robert Bacon, Elton McLaughlin, and Richard Eugene Cagle, on behalf of themselves and all others similarly situated v. R.C. Lee, Warden, North Carolina Central Prison, et al	<p>1. Eddie Carlson Robinson's Motion to Intervene</p> <p>2. Eddie Carlson Robinson's Alternative Motion to Be Excluded From the Class</p>	<p>1. Denied <b>05/25/01</b></p> <p>2. Denied <b>05/25/01</b></p>
211P01	State v. Roger Dale Brown	Def's Pro Se PWC to Review the Order of the NC COA (COAP01-100)	Denied
212P01	Maria Mendez Ferretiz v. Parkway Ford, Inc. and World Omni Financial Corporation	Plt's PDR Under G.S. § 7A-31 (COA00-218)	Denied
214P01	State v. Ivery Montreat Elliott	Def's PWC to Review the Decision of the NC COA (COA00-274)	Denied
215A96-10	Guy Tobias LeGrande v. State	1. Plt's Pro Se Civil Claim Against the State for Malicious and Deliberate Back-to-Back Erroneous	<p>1. Dismissed</p> <p>2. Dismissed</p> <p>3. Dismissed</p>



		<p>Convictions, Imprisonments and Sentence to Death</p> <p>2. Plt's Pro Se Superseding Civil Claim Against the State for Malicious and Deliberate Back-to-Back Erroneous Convictions, Imprisonments and Sentence of Death</p> <p>3. Plt's Pro Se Civil Complaint Lawsuit Against the State for Malicious and Deliberate Back-to-Back Erroneous Convictions, Imprisonments and Sentence of Death</p>	
215A96-11*	Guy Tobias LeGrande v. State	Plt's Pro Se Petition for Writ of Habeas Corpus	Denied
215P01	State v. Robert A. Sartori	<p>1. Def's Pro Se PDR Under G.S. § 7A-31 (COA00-749)</p> <p>2. Def's Pro Se Motion for Appointment of Counsel</p>	<p>1. Denied</p> <p>2. Denied</p>
216P01	Project Health, Education, and Advocacy Link (Heal) Advocates for Children's Services of Legal Services of North Carolina, Petitioner v. Wake	Pet's PWC to Review the Order of the NC COA (COAP01-127)	Denied

	County Human Services, Respondent		
222P01*	Crystal Anne Urick, a Minor, By Lewis Pitts, Attorney and Next Friend v. Wake County Human Services	<p>1. Petition for Writ of Habeas Corpus</p> <p>2. Motion for Temporary Stay</p> <p>3. Attorney Advocate's Motion to Seal Proceedings</p>	<p>1. Denied <b>See Separate Order 05/17/01</b></p> <p>2. Allowed <b>See Separate Order 04/27/01</b> Dissolved <b>See Separate Order 05/17/01</b></p> <p>3. Denied, Except as to Judge Salisbury's Order Previously Sealed <b>05/08/01</b></p>
225P01	Alberta Stewart- Courts v. N.C. A & T State University	<p>1. Plt's Pro Se PWC to Review the Order of the NC COA (COAP99-363)</p> <p>2. Plt's Pro Se Motion to Deny Def's Motion to Deny Appellant-Plt's Writ of Certiorari or Remand for New Trial</p>	<p>1. Denied</p> <p>2. Dismissed as moot</p> <p>3. Allowed</p>

		3. Plt's Pro Se Motion to Amend Response to Def's Motion to Deny Appellant's PWC	
226P01	North Carolina Agricultural and Technical State University v. Erthel Hines	Respondent's Pro Se PWC to Review the Order of the NC COA (COAP01-173)	Denied
227P01	Robert Spencer v. N.C. Department of Correction	1. Plt's Pro Se Motion to Proceed <i>in Forma Pauperis</i> 2. Plt's Pro Se Motion Under Rule 2 for Suspension of the Rules 3. Plt's Pro Se PWC to Review the Order of the N.C. Industrial Commission	1. Allowed 2. Denied 3. Denied
228P01	State v. Raymond Frederick Gilley	1. Def's Pro Se PWC to Review the Decision of the NC COA (COA98-1124) 2. Def's Pro Se Motion to Proceed <i>in Forma Pauperis</i>	1. Denied 2. Allowed
229P01	State v. Willie V. McNair	Def's Pro Se PWC to Review the Order of the NC COA (COAP01-26)	Dismissed

230P01	State v. Mitchell Hunter	Def's PDR Under G.S. § 7A-31 (COA00-249)	Denied
231P01	In Re: James E. Price, Sr. v. Chief Judge Sidney S. Eageles, Jr. and Associate Judges of the North Carolina Court of Appeals (COA01-88)	1. Plt's Pro Se Petition for Writ of Mandamus 2. Plt's Pro Se Motion to Proceed <i>in Forma Pauperis</i>	1. Denied 2. Allowed
232P01	State v. Michael Eugene Reed, II	1. AG's Motion for Temporary Stay 2. AG's Petition for Writ of Supersedeas 3. AG's PDR Under G.S. § 7A-31 (COA99-1574) 4. Def's Conditional PDR as to Additional Issues	1. Allowed <b>05/04/01</b> 2. Allowed 3. Allowed 4. Denied <b>06/08/01</b>
233P01*	State v. Anthony Joseph Johnson	1. AG's Motion for Temporary Stay 2. AG's Petition for Writ of Supersedeas 3. AG's PDR Under G.S. § 7A-31 (COA00-103)	1. Allowed <b>05/07/01</b> 2. 3.
234P01	Ricky Allen Phillips v. District Court of Forsyth County, (Honorable Roland B. Hayes, Judge)	1. Plt's Pro Se Petition for Writ of Prohibition	1. Denied 2. Denied

		2. Plt's Pro Se Petition for Writ of Mandamus	
239P01	State v. James Edward Washington	1. Def's NOA Based Upon a Constitutional Question (COA00-198) 2. Def's PDR Under G.S. § 7A-31 (COA00-198) 3. AG's Motion to Dismiss	1. --- 2. Denied 3. Allowed
242P01	Thomas E. Thompson, Administrator of the Estate of Christopher Thompson, Deceased v. Susan Elizabeth Bradley and Willie Thomas Bradley, Jr.	Def's PDR Under G.S. § 7A-31 (COA00-80)	Denied
243P01	Robin Davidson v. University of North Carolina at Chapel Hill	1. Def's Motion for Temporary Stay 2. Def's Petition for Writ of Supersedeas 3. Def's PDR Under G.S. § 7A-31 (COA00-16) 4. Def's (Alternative) PWC to Review Decision of NC COA (COA00-16)	1. Allowed <b>05/10/01</b> 2. 3. 4.

245P01	State v. Atell Delane Coleman	1. Def's NOA Based Upon a Constitutional Question (COA00-243) 2. Def's PDR Under G.S. § 7A-31 (COA00-243) 3. AG's Motion to Dismiss Appeal	1. --- 2. Denied 3. Allowed
246P01*	In Re: Foreclosure of Real Property Under Deed of Trust from Haywood M. Clayton and Sylvia Clayton	1. Pet's Motion for Temporary Stay 2. Pet's Petition for Writ of Supersedeas	1. Denied <b>05/09/01</b> 2. Denied <b>05/09/01</b>
251P01	State v. Curtis Dwight Elston	Def's PWC to Review the Order of the COA (Filed as a PDR)	Denied
252P01	State v. Thomas Duncan	Def's PWC to Review the Decision of the NC COA (COA00-670)	Denied
253P01*	Space Bank Leasing v. June C. Lail and Stephanie Atchley	1. Def's (Stephanie Atchley) Motion for Temporary Stay 2. Def's (Stephanie Atchley) Petition for Writ of Supersedeas 3. Def's PDR Under G.S. § 7A-31 (COA01-279)	1. Denied <b>05/11/01</b> 2. 3. 4. Denied <b>06/06/01</b> 5.

		<p>4. Def's (Stephanie Atchley) Motion for Temporary Stay</p> <p>5. Def's (Stephanie Atchley) PWC to Review the Order of the NC COA (COA01-279)</p>	
254P01	Dominique Muhammed Salaam- X A/K/A Alfred Dominique Clifton v. Jim Pendergraph, Mecklenburg County Sheriff	Plt's Pro Se Petition for Writ of Habeas Corpus	Denied <b>05/16/01</b>
256P01	State v. James Lee King	<p>1. Def's Pro Se PWC to Review the Order of the Superior Court</p> <p>2. Def's Pro Se Motion to Proceed <i>in Forma Pauperis</i></p>	<p>1. Dismissed</p> <p>2. Allowed</p>
257P01	State v. Robert Lee Thacker	<p>1. Def's Pro Se PWC To Review Order of the Superior Court</p> <p>2. Def's Pro Se Motion to Amend PWC</p>	<p>1. Denied</p> <p>2. Allowed</p>
259P01	State v. Terrence Bernard Perry	<p>1. Def's Pro Se PWC to Review the Order of the NC COA (COAP01-47)</p> <p>2. Def's Pro Se PWC to Review the Order of the Superior</p>	<p>1. Denied</p> <p>2. Denied</p>

		Court.	
260P01	Northeast Concerned Citizens, Inc. v. City of Hickory and Tricor Development Corporation	Plt's PDR Under G.S. § 7A-31 (COA00-35)	Denied
261A01	State v. Donald Dean Beeler	Def's Petition for Writ of Mandamus	Denied
261A92-5	State v. Eddie Carson Robinson	Def's Motion to Establish Date for Timely Filing of PWC	Allowed <b>06/04/01</b>
262P01	State v. James Kenneth Sackett	Def's PWC to Review the Decision of the NC COA (COA00-294)	Denied
265P01	Lisa Joyner Cannon v. Haywood A. Cannon	1. Def's Pro Se PWC to Review the Order of the District Court 2. Plt's Motion for Sanctions	1. Dismissed 2. Denied <b>Martin, J. Recused</b> <b>Wainwright, J. Recused</b>
266A01	In the Matter of Micah Storm Dula, a Minor Child	1. Respondent's (Davida Elaine Dula) Motion for Temporary Stay 2. Respondent's Petition for Writ of Supersedeas	1. Denied 2. Denied 3.



		3. Respondent's NOA Based on a Dissent	
267P01	State v. William David Scott	1. Def's Pro Se PWC to Review the Decision of the NC COA (COA99-1383) 2. Def's Pro Se Motion to Amend PWC to Review the Decision of the NC COA (COA99-1383)	1. Denied 2. Allowed
269P01	State v. Alexander D. Ritchey	Def's Pro Se Petition for Writ of Mandamus	Denied
283P01	State v. Anthony Fitzgerald Barnett	Def's PWC to Review the Decision of the COA (COA00-208)	Denied
283P98-2	State v. Jeremy Lujan Aiken	1. AG's Motion for Temporary Stay 2. AG's Petition for Writ of Supersedeas 3. AG's PDR Under G.S. § 7A-31 (COA00-295)	1. Denied <b>05/03/01</b> 2. Denied 3. Denied
284P01*	Hyde County Social Services, ex rel Ms. Gloria Spencer et al, Respondents v. Mr. Glenn I. Hockney, North Carolina, and a Hyde County	1. Pet's Pro Se Motion for Temporary Stay	1. Denied <b>06/01/01</b> 2.

	Resident, Petitioner	2. Pet's Pro Se PWC to Review the Order of the Hyde Co. Social Services Hearing Officer	
300P01	Randolph Comer v. State	1. Plt's Petition for Writ of Habeas Corpus 2. Plt's Motion to Proceed <i>in Forma Pauperis</i>	1. Denied 2. Allowed
373A00	State v. Lionel Lewis Rogers	1. Def's Pro Se Motion for Appointment of Counsel 2. Def's Pro Se Motion for Complaint for Investigation, Declaration; Point & Authorities	1. Denied 2. Denied
378P00-2	Timothy Clarence Allison v. Attorney Scott Shelton, & The Honorable Zoro Guice, Jr.	1. Plt's Pro Se Petition for Writ of Mandamus 2. Plt's Pro Se Motion to Appoint Counsel	1. Denied 2. Denied
388P00*	Robinson, Bradshaw & Hinson, P.A. v. Bonita Harris Smith & Ollen Brutun Smith	1. Plt's Motion to Withdraw PDR	1. Allowed <b>06/05/01</b>

		<p>2. Def's (Bonita Harris Smith) Motion to Withdraw PDR</p> <p>3. Plt's PDR Under G.S. § 7A-31 (COA99-750)</p> <p>4. Def's (Bonita Smith) PDR Under G.S. § 7A-31 (COA99-750)</p>	<p>2. Allowed <b>06/05/01</b></p> <p>3. ---</p> <p>4. ---</p>
418P00-2	State v. Jimmy Faircloth	<p>1. Def's Pro Se NOA Based Upon a Constitutional Question (COAP01-269)</p> <p>2. Def's Pro Se PWC to Review the Order of the COA (COAP01-269)</p> <p>3. Def's Pro Se PWC to Review the Order of the COA (COAP01-269)</p>	<p>1. Dismissed <i>ex mero motu</i></p> <p>2. Dismissed</p> <p>3. Dismissed</p>
480A99-2*	State v. Donald John Scanlon	<p>1. Def's Motion for Temporary Stay</p> <p>2. Def's Petition for Writ of Supersedeas</p> <p>3. Def's Motion in the Cause</p>	<p>1. Allowed <b>05/04/01</b> Dissolved <b>05/10/01</b></p> <p>2. Denied <b>05/10/01</b></p> <p>3. Denied <b>05/10/01</b></p>

		4. Def's (Alternative) PWC to Review the Order of the Superior Court	4. Denied <b>05/10/01</b>
510A99	State v. Daniel Cummings, Jr.	Def's Petition for Rehearing	Dismissed
540P00-2	State v. Ernest Junior Thames	Def's Pro Se PWC to Review Order of the NC COA (COA99-674)	Denied
584P99-2	State v. Henry James Fowler	Def's Petition for Writ of Mandamus	Denied

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