

**SUPREME COURT OF NORTH CAROLINA**

**PETITIONS**

Decided by the Court in Conference: 27 June 2002

{Posted on the Internet Web Site: 28 June 2002 at 11:30 a.m.}

**COMMON ABBREVIATIONS**

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

<b>001P02</b>	<b>Sharron Shackelford- Moten v. Lenoir County Dept. of Social Services</b>	<b>Plt's PDR Under G.S. § 7A-31 (COA00-1513)</b>	<b>Allowed for the Limited Purpose of Vacating the Order of the COA Dismissing Appeals and Remanding for Reconsideration on the Merits</b>
<b>007P02</b>	<b>State v. Frank Junior Evans</b>	<b>Def's PDR Under G.S. § 7A-31 (COA00-1314)</b>	<b>Denied</b>
<b>017P02</b>	<b>John Frank Bowen v. Governor James B. Hunt and State of North Carolina</b>	<b>1. Plt's Pro Se PWC to Review the Order of the COA (COA01-1395) (Filed as NOA Based Upon a Constitutional Question)</b>  <b>2. Plt's Pro Se PWC to Review the Order of the COA (COA01-1395)</b>  <b>3. Plt's Pro Se Motion to Proceed <i>In Forma Pauperis</i></b>	<b>1. Denied</b> <b>2. Denied</b> <b>3. Allowed</b> <b>4. Denied</b>

		4. Plt's Pro Se Motion for Appointment of Counsel	
025P02	American Manufactures' Mutual Insurance Co. and Lumbermens' Mutual Casualty Co. v. Elizabeth W. Glidewell, f/k/a Elizabeth W. Morgan	Def's PWC to Review the Decision of the COA (COA00-1359) (filed as a PDR)	Denied
037A87-5*	State v. Leroy McNeil	Counsel's Motion to Withdraw and Appoint the Office of Indigent Defense Services to Appoint Substitute Counsel	Allowed 06/10/02
058A02*	State v. Travis Levance Walters	Def's Motion to Extend Time to Conduct a Hearing into the Mental Retardation of Def	Allowed
063P02	Sharon Creech and Travis Creech, Guardians Ad Litem of Justin Creech, Minor v. Evelyn H. Melnik, M.D.	Def's Motion to Reconsider Denial of PDR	Denied
068A02	Amanda Dixon Tucker and Jimmy L. Hodges and Becky J. Hodges v. The Mecklenburg County Zoning Board of Adjustment, and Marshall Gus Thomas, Jr. and Rhonda Golden- Thomas	1. Defs' NOA Based Upon a Dissent (COA00-1426) 2. Defs' PDR as to Additional Issues (COA00-1426)	1. -- 2. Allowed
094P02-2*	Stephenson, et al. v. Bartlett, et al.	1. Defs' Petition for Writ of Supersedeas 2. Defs' Motion for Temporary Stay 3. Defs' Motion to Suspend Rules 4. Defs' Petition for Immediate Review on Defs' Petition for Writ of Supersedeas and Motion for Temporary Stay Prior to Determination by the COA and for Direct Review on the Trial Court's 31 May 2002 Order Prior to Determination by the COA	1. Denied 06/04/02 2. Denied 06/04/02 3. Allowed 06/04/02 4. Allowed 06/04/02

102P02	In the Matter of: Loren Boone	Res' PWC to Review the Decision of the COA (COA01-857)	Denied
125P02	State v. Carlton Dale Wall	1. Def's Pro Se PWC to Review the Decision of the COA (COA99-1208) 2. Def's Pro Se PWC to Review the Order of the COA (COAP01-941)	1. Denied 2. Denied
131P01-4	State v. Anthony Dove	1. Def's Pro Se PWC to Review the Order of the COA (COA01-1085) 2. Def's Pro Se Petition for Writ of Mandamus 3. Def's Pro Se Petition for Emergency (Urgent) Ruling of Petition for a Writ of Mandamus	1. Denied 2. Denied 3. Dismissed as Moot
140P02	Richard L. McCreery v. North Carolina Department of Corrections; Theodus Beck, Secretary	1. Plt's Pro Se Motion for Rehearing 2. Plt's Pro Se Petition for Writ of Quorum Nobis	1. Dismissed 2. Denied
147P02	Sharn M. Jeffries v. Tatjana Thomas Moore and Carl Jonathan Moore, Jr.	Defs' PWC to Review the Decision of the COA (COA00-1292)	Allowed
168P01-3	State v. Robert E. Spencer	Def's Pro Se Motion to Reconsider Under N.C. Appellate Rule 2	Dismissed
173P02	State v. Jermaine Sherod Chadwick	Def's PDR Under G.S. § 7A-31 (COA01-004)	Denied
176P02	Maurice Alan Craig v. Theodis Beck, Secretary of N.C. Correction in his Official Capacity	1. Def's Pro Se PWC to Review the Order of the COA (COAP02-228) 2. Def's Pro Se Motion to Proceed <i>In Forma Pauperis</i>	1. Denied 2. Allowed
180P02	State v. Armand Bruce Lank	Def's Pro Se PWC to Review Order of the COA (COAP02-199)	Dismissed
189A95-2	State v. Thomas Michael Larry	Def's PWC to Review the Order of the Superior Court	Denied

194P02	Evelyn Burney d/b/a Speedy Cleaning & Janitorial Company v. Forsyth County	Plt's Pro Se Motion for Reconsideration	Dismissed
196P02	Lawrence B. Wilson and Elizabeth B. Wilson v. Michael Taylor	Def's PDR Under G.S. § 7A-31 (COA01-524)	Denied
198P02	State v. Bernard William Jones	Def's PWC to Review the Decision of the COA (COA00-1146)	Denied
199P02	Charles M. Waddell, Plaintiff v. J. Michael Williams	1. Def's Motion for Temporary Stay (COA01-62) 2. Def's Petition for Writ of Supersedeas (COA01-62) 3. Def's PDR Under G.S. § 7A-31 (COA01-62)	1. Denied 04/23/02 2. Denied 3. Denied
202A02	State v. Rita Faye Quick	1. Def's NOA Based Upon a Constitutional Question (COA01-192) 2. AG's Motion to Dismiss Appeal	1. -- 2. Allowed
203P02	Karen McKinney, Individually and as Administratrix of the Estate of Michael Edward McKinney v. James Everett Richitelli	Plt's PDR Under G.S. § 7A-31 (COA01-727)	Allowed
205P02	Belinda M. Storch and Julius Clemons Storch, III v. Winn Dixie Charlotte, Inc.	Def's PDR Under G.S. § 7A-31 (COA01-375)	Denied
206P02	Matthew J. Bridwell v. Golden Corral Steak House, Employer, Cigna Insurance Company, Carrier (Gab Robbins, Servicing Agent)	Def's PDR Under G.S. § 7A-31 (COA01-428)	Denied
207P02	Man Van Le v. John Edward Harris	Plt's PDR Under G.S. § 7A-31 (COA01-99)	Denied
208P02	Virgil Duncan v. Frances Duncan	Plt's PDR Under G.S. § 7A-31 (COA01-565)	Denied
209P02	State v. David Wayne Holt	Def's PDR Under G.S. § 7A-31 (COA01-595)	Denied

209P98-2	State v. Victor A. Patterson	Def's Pro Se Motion for Production of Documents	Allowed See Special Order
215P02	State v. Stephen David Brooks	Def's Pro Se Petition for Writ of Mandamus	Dismissed as Moot 05/31/02
220A02*	David N. Flores, Alfredo Contreras, and Juan Rivera v. Soltero Baltierres Arco a/k/a Soltero Baltierres Arcos	Motion to Withdraw as Plaintiffs' Counsel	Denied
221P02	Bertie Pinkey-Furr Holloman and David R. Holloman v. Jessie H. Harrelson, Executor of the Estate of Ruth B. Sykes, Jessie H. Harrelson, Individually, and wife, Dorothy J. Harrelson, Dorothy Burnside, Magnolia O. Hilton, Michael A. Stevens and wife, Margaret Mastin Stevens, Branch Banking and Trust	1. Plt's PDR Under G.S. § 7A-31 2. Def's Conditional PDR as to Additional Issues (COA01-481)	1. Denied 2. Dismissed as Moot
224P02	State v. Derrick Gibbs	Def's Pro Se Motion to Appoint Counsel (COA01-37)	Denied
225P02	Bostic Packaging, Inc. and Shelby Insurance Co. v. City of Monroe (a Municipal Corporation)	Def's PDR Under G.S. § 7A-31 (COA01-39)	Denied
227P02	State v. Titus Alphonso Gaddy	1. Def's Pro Se PWC to Review the Order of the COA (COAP02-233) 2. Def's Pro Se PWC to Review the Order of the Superior Court 3. Def's Pro Se Motion to Proceed <i>In Forma Pauperis</i> 4. Def's Pro Se Motion to Appoint Counsel	1. Dismissed <i>Ex mero motu</i> 2. Dismissed <i>Ex mero motu</i> 3. Allowed 4. Denied
228A02	Shawn Patrick Knight v. Wal-Mart Stores, Inc. and Insurance Company of the State of Pennsylvania	1. Def's NOA Based Upon a Dissent (COA01-108) 2. Def's PDR Review as to Additional Issues (COA01-108)	1. -- 2. Denied
231P02	Sonopress, Inc. v. Town of Weaverville	Pet's PDR Under G.S. § 7A-31 (COA01-105)	Denied

232A91-4	Calvin C. Cunningham v. Rick Jackson, Superintendent Brown Creek Correctional Institution	Pet's Pro Se PWC to Review the Order of the Superior Court (80CRS57712)	Denied
232P02	State v. David Albert Effingham	Def's PDR Under G.S. § 7A-31 (COA01-886)	Denied
234P02	State v. Michael Ray Trull	Def's PDR Based Upon G.S. § 7A-31 (COA01-241)	Denied
237P02	State v. Timothy Herron & Taha Jaabon	Defs' PDR Under G.S. § 7A-31 (COA01-744)	Denied
241P02*	Korane Q. Moore v. Theodis Beck	1. Pet's Pro Se Petition for Writ of Habeas Corpus 2. Pet's Pro Se Motion to Proceed <i>In Forma Pauperis</i>	1. Denied 06/11/02 2. Allowed 06/11/02
242P02	State v. Tron Orlando White	1. Def's Pro Se Motion for Appropriate Relief 2. Def's Pro Se Motion to Proceed <i>In Forma Pauperis</i> 3. Def's Pro Se Motion to Appoint Counsel	1. Denied 2. Allowed 3. Denied
243P02	State v. Larry E. Stanback	1. Def's Pro Se Motion for Appropriate Relief 2. Def's Pro Se Motion for Proceed <i>In Forma Pauperis</i> 3. Def's Pro Se Motion to Appoint Counsel	1. Dismissed 2. Allowed 3. Denied
245P02	Kings Mountain Board of Education, et al., Petitioners v. N.C. State Board of Education, Respondent and Cleveland County Board of Commissioners, Respondent/ Intervenor	Res' (N.C. State Board of Education) PDR Prior to Determination by the COA (COA02-529)	Denied
246P02	In the Matter of: Joshua Edward Morris, Christina Dawn Peeler, Jennifer Lynn Peeler, and Amelia Leann Velasco	Res' (Bonnie Velasco and Lewis Ray Peeler) PDR Under G.S. § 7A-31 (COA01-484)	Denied
247P02	State v. Wesley Oliver King	1. Def's Pro Se PDR Under G.S. § 7A-31 (COA01-759)	1. Denied

		<p>2. Def's Pro Se NOA Based Upon a Constitutional Question (COA01-759)</p> <p>3. Def's Pro Se PWC to Review the Decision of the COA (COA01-759)</p>	<p>2. Dismissed <i>Ex mero motu</i></p> <p>3. Denied</p>
253P02	State v. Victor Wayne Williams	Def's PDR Under G.S. § 7A-31 (COA01-632)	Denied
256A02	G. William Dobo and wife, Barbara B. Dobo, Petitioners v. Zoning Board of Adjustment of The City of Wilmington, and The City of Wilmington, Respondents	<p>1. Pets' NOA Based Upon a Dissent (COA01-249)</p> <p>2. Pets' NOA Based Upon a Constitutional Question (COA01-249)</p> <p>3. Pets' PDR as to Additional Issues (COA01-249)</p>	<p>1. --</p> <p>2. Dismissed <i>Ex mero motu</i></p> <p>3. Allowed</p>
258P02	State v. Lewis Eugene Hannah	Def's PDR Under G.S. § 7A-31 (COA00-1377)	Denied
259P02	State v. Hiram A. Lynch	<p>1. Def's NOA Based Upon a Constitutional Question (COA00-1521)</p> <p>2. Def's PWC to Review the Decision of the COA (COA00-1521)</p> <p>3. AG's Motion to Dismiss</p>	<p>1. --</p> <p>2. Denied</p> <p>3. Allowed</p>
260P02	State v. Timothy Stephen Belcher	<p>1. Def's Pro Se PWC to Review the Decision of the COA (COA00-1539)</p> <p>2. Def's Pro Se Motion to Proceed <i>In Forma Pauperis</i></p>	<p>1. Denied</p> <p>2. Allowed</p>
262A02*	State v. Roger Dale Dixon	<p>1. AG's Motion for Temporary Stay</p> <p>2. AG's Petition for Writ of Supersedeas</p>	<p>1. Allowed 05/29/02</p> <p>2. Allowed 05/29/02</p> <p>3.</p>

		3. AG's NOA Based Upon a Dissent (COA01-503)	
264P02	State v. Emmanuel Pierre-Lewis	Def's Pro Se PWC to Review the Order of the COA (COAP02-341)	Denied
265P02	State v. James Reid Herms	Def's Pro Se Petition for Writ of Mandamus	Denied
267P02	State of N.C. ex rel. Utilities Commission; Public Staff- N.C. Utilities Commission; and Roy Cooper, Attorney General - N.C. Department of Justice v. Carolina Water Service, Inc. of N.C., and CWQ Systems, Inc.	Pet (Public Staff) and Intervenor's (Roy Cooper) PDR Under G.S. § 7A-31 (COA01-402)	Allowed
269P02	State v. James Lewis Hamilton	1. Def's Pro Se PWC to Review the Order of the COA 2. Def's Pro Se Motion for Leave to Proceed <i>In Forma Pauperis</i>	1. Denied 2. Allowed
270P02	State v. Paul Hassan Clayton	Def's PWC to Review the Decision of the COA (COA01-657)	Denied
271P02	State v. Reginald Moore	Def's Pro Se PWC to Review the Decision of the COA (COA01-335)	Denied
273P02	State v. Raymond Frederick Gilley	1. Def's Pro Se PDR Under G.S. § 7A-31 (COA01-235) 2. Def's Pro Se Motion to Proceed <i>In Forma Pauperis</i>	1. Denied 2. Allowed
275A02*	State v. Richard Allen Stokes	1. AG's Motion for Temporary Stay 2. AG's Petition for Writ of Supersedeas	1. Allowed 06/07/02 2.
277A02*	Yolandra Best and Roy Hudson, Petitioner v. Department of Health and Human Services, John Unstead Hospital, Respondent	1. Res' Motion for Temporary Stay 2. Res' Petition for Writ of Supersedeas	1. Allowed 06/11/02 2. 3.



		3. Res' NOA Based Upon a Dissent (COA01-118)	
279P02	Mark Stephen Lamond v. Eileen Patricia Mahoney	Def's Petition for Writ of Supersedeas	Denied
282P02	State v. John Bradley Rees	1. Def-Appellant's PDR Under G.S. § 7A-31 (COA01-404) 2. Def-Appellant's PWC to Review the Decision of the COA (COA01-404)	1. Denied 2. Denied
286P02*	Priscilla Owenby v. Fred Johnson Young	1. Def's Motion for Temporary Stay 2. Def's Petition for Writ of Supersedeas 3. Def's NOA Based Upon a Constitutional Question (COA01-711) 4. Def's PDR Under G.S. § 7A-31 (COA01-711)	1. Allowed Pending Determination of Def's PDR 06/12/02 2. 3. 4.
302P02	State v. George H. Hill	Def's Pro Se PWC to Review the Order of the COA (COAP01-96)	Dismissed
303P02	In re: The Investigation of the Death of Eric DeWayne Miller and of any Information in the Possession of Attorney Richard T. Gammon Regarding that Death	Joint PDR Prior to Determination by the COA (COA02-686)	Allowed
305P02	State v. Larry Darnell Caldwell	Def-Appellant's Pro Se PWC to Review the Order of the Superior Court	Denied
310A97-2	State v. Todd C. Boggess	Def's Petition for Writ of Mandamus	Denied 05/21/02
310P01-2	Frank V. Summers, et al. v. City of Charlotte, et al.	1. Plts' NOA Based Upon a Constitutional Question (COA01-748)	1. -- 2. Denied 3. Allowed

		<p>2. Plts' PDR Under G.S. § 7A-31 (COA01-748)</p> <p>3. Defs' Motion to Dismiss Appeal</p> <p>4. Res' Motion Pursuant to N.C. Rule of Appellate Procedure 29(b) to Expedite Review of Res' Joint Motion to Dismiss Appeal and Appellants' PDR</p>	4. Allowed
312P02*	Piedmont Triad Regional Water Authority v. John Leon Lamb et al.	<p>1. Plt's Motion for Temporary Stay</p> <p>2. Plt's Petition for Writ of Supersedeas</p>	<p>1. Allowed Pending Determination of Plt's PDR 06/24/02</p> <p>2.</p>
316P02	Bruce Mayo v. State	Pet's Petition for Writ of Habeas Corpus	Denied
322A02*	Daniel Fabricio Rosero v. Lisa Blake	<p>1. Plt's Motion for Temporary Stay</p> <p>2. Plt's Petition for Writ of Supersedeas</p> <p>3. Plt's NOA Based Upon a Dissent</p> <p>4. Plt's PDR As to Additional Issues (COA01-350) (COA01-483)</p>	<p>1. Allowed</p> <p>2.</p> <p>3.</p> <p>4.</p>
389A92-3	State v. John Lee Conaway	<p>1. Def's PWC to Review the Order of the Superior Court</p> <p>2. Def's Motion to Hold Consideration of PWC in Abeyance</p>	<p>1. Denied</p> <p>2. Dismissed as Moot</p>
462A01-9	State v. Guy Tobias LeGrande	Def's Pro Se Petition for Writ of Mandamus	Denied
472P01	Joyce H. Weldin v. Ira M. Hardy, II, M.D.	1. Plt's PDR	1. Denied

		2. Plt's Motion for Stay 3. Counsel's Motion to Withdraw	2. Denied 3. Allowed
492A99	State v. Ted Anthony Prevatte	Def's Motion to File Supplemental Brief	Denied
501A94-2	State v. Kenneth Junior French	1. Def's Pro Se PWC to Review the Order of the Superior Court 2. Def's Pro Se Petition for Writ of Mandamus	1. Denied 2. Denied
510P01	Gary Allen Kemp v. Tometta Stephens Kemp	Plt's PDR Under G.S. § 7A-31 (COA99-84-3)	Denied
519P97-2*	State v. Joseph Sledge, Jr.	1. Def's Pro Se Petition for Writ of Mandamus 2. Def's Pro Se Motion to Proceed <i>In Forma Pauperis</i>	1. Denied 06/07/02 2. Allowed 06/07/02
521A01-2	State v. James Russell Smith, Jr.	1. Def's PDR Under G.S. § 7A-31 (COA00-616-2) 2. Def's PWC to Review the Decision of the COA (COA00-616-2)	1. Denied 2. Denied
556A93-2	State v. William Robert Gray	1. Def's PWC to Review the Order of the Superior Court 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) 3. Def's Pro Se Motion to Remove Counsel and Appoint New Counsel 4. Def's Pro Se Motion to Delay Ruling	1. Denied 05/09/02 2. Allowed 08/16/01 3. Remanded for Hearing to Determine Whether to Remove Current Counsel and Appoint New Counsel 12/18/01 4. Dismissed 12/18/01

		<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>8. Def's Pro Se Motion to Hold in Abeyance Ruling to Appoint Counsel</p> <p>9. Def's Pro Se Motion to Reconsider PWC, Motion to Appoint New Counsel and Motion to Delay Ruling</p>	<p>5. Dismissed 05/09/02</p> <p>6. Dismissed 05/09/02</p> <p>7. Allowed 05/09/02</p> <p>8. Dismissed 05/09/02</p> <p>9. Dismissed</p>
586A01-2	Robert Calvin Craig, Jr. v. Mecklenburg County, et al.	<p>1. Plt's Pro Se NOA Based Upon a Constitutional Question (COA02-325)</p> <p>2. Plt's Pro Se Motion to Consolidate Cases</p>	<p>1. Dismissed <i>Ex mero motu</i></p> <p>2. Denied</p>
586P01	Robert Calvin Craig v. Peter Gilchrist, III, et al.	<p>1. Plt's Pro Se Petition to Invoke Ruling on the Merits</p> <p>2. Plt's pro Se Motion to Invoke Stay Filed October 11, 2001</p> <p>3. Plt's Pro Se Motion to Dismiss Stay Without Prejudice</p> <p>4. Plt's Petition to Stay Appellate process Due to Injury and Illness</p>	<p>1. Denied</p> <p>2. Denied</p> <p>3. Denied</p> <p>4. Denied</p>

639P01	State v. Van Lou Crockett, IV	Def's PDR Under G.S. § 7A-31 (COA00-1173)	Denied
663A01*	State v. Antoine Lamont Morris	1. AG's Motion for Temporary Stay 2. AG's Petition for Writ of Supersedeas	1. Allowed 12/10/01 Dissolved 2. Dismissed as Moot
679A01	Ralph Lindsey, Jr. v. Boddie-Noell Enterprises, Inc., d/b/a Hardee's Skat- Thru	Plt's Petition for Rehearing	Denied