

SUPREME COURT OF NORTH CAROLINA

PETITIONS

4 October 2012

024PA12	Dewey D. Mehaffey, Employee v. Burger King, Employer Liberty Mutual Group, Carrier	Def'-Appellees' Motion to Deem Brief Timely Filed	Allowed
033PA12	Mark W. White v. Robert J. Trew	Def's Motion for Leave to File Reply Brief	Allowed 09/27/12
052P01-3	State v. Matthew James Rogers	Def's <i>Pro Se</i> PWC to Review Order of COA (COAP12-702)	Dismissed
061PA12	State v. Traven Marquette Lee	Def's Motion for Leave to File Reply Brief	Allowed 09/25/12
104P11-2	State v. Titus Batts	Def's <i>Pro Se</i> Petition for <i>Writ of Habeas Corpus</i>	Denied 09/12/12
133P12	Town of Nags Head v. Cherry, Inc.	1. Plt's NOA Based Upon a Constitutional Question (COA11- 931) 2. Plt's PDR Under N.C.G.S. § 7A-31 3. Plt's Motion to Amend PDR	1. Dismissed <i>ex Mero Motu</i> 2. Denied 3. Allowed

141P10	State v. Kerry McKinley Hough	<p>1. Def's NOA Based Upon a Constitutional Question (COA09-790)</p> <p>2. Def's PDR Under N.C.G.S. § 7A-31</p> <p>3. State's Motion to Dismiss</p> <p>4. Def's Motion to Amend NOA & PDR</p>	<p>1. - - -</p> <p>2. Allowed</p> <p>3. Allowed</p> <p>4. Allowed</p> <p>Jackson, J., Recused</p>
143P12	Fairway Forest Townhouses Association, Inc., a North Carolina Nonprofit Corporation; Vince Zarzaca, Burton Bloom, Frank Walker, and Larry Morgan, Each Individually and as Members of the Board of Directors of Fairway Forest Townhouses v. Fairfield Sapphire Valley Master Association, Inc., a North Carolina Nonprofit Corporation	Plts' PDR Under N.C.G.S. § 7A-31 (COA11-942)	Denied

154P12	Della Mae Wright and Phillip Emanuel Wright, Jr. v. Gary Oakley and Nina Oakley	Plt's (Della Mae Wright) <i>Pro Se</i> PDR Under N.C.G.S. § 7A-31 (COA11-426)	Denied
164P12	Theodore H. Gasper, Jr. v. The Board of Trustees of Halifax Community College, Frank V. Avent, III, in his official and individual capacity, Rachel K. Hux, in her official and individual capacity, Roger W. Dalton, in his official and individual capacity, William A. Pierce, III, in his official and individual capacity, Cary Whitaker, in his official and individual capacity, William O. White, Jr., in his official and individual capacity, Barry Wilson, in his official and individual capacity, and Leslie W. Merritt, Jr., in his official and individual capacity	Plt's PDR Under N.C.G.S. § 7A-31 (COA11-675)	Denied

176P11-3	State v. Floyd Calvin Cody	<p>1. Def's <i>Pro Se</i> Motion for New Trial for Newly Discovered Evidence</p> <p>2. Def's <i>Pro Se</i> Motion and Motion Inquiry about Time Limitations for 28 USC § 2254</p> <p>3. Def's <i>Pro Se</i> Motion for Petition and Request for Discovery Materials</p>	<p>1. Dismissed</p> <p>2. Dismissed</p> <p>3. Dismissed</p>
192P12	Robert S. Clements v. Donna G. Clements, by and through Lawrence S. Craige and LaVaughn Nesmith, Director of the New Hanover County Department of Social Services	Def's PDR Under N.C.G.S. § 7A-31 (COA11-1323)	Denied

211P10	State v. Thomas Lee Brennan	<p>1. State's Motion for Temporary Stay (COA09-1362)</p> <p>2. State's Petition for <i>Writ of Supersedeas</i></p> <p>3. State's NOA Based Upon a Constitutional Question</p> <p>4. State's Alternative PDR Under N.C.G.S. § 7A-31</p> <p>5. Def's Motion to Deem Response in Opposition to the State's PDR Timely Filed</p>	<p>1. Allowed 05/21/10; Dissolved the Stay 10/04/12</p> <p>2. Denied</p> <p>3. Dismissed <i>Ex Mero Motu</i></p> <p>4. Denied</p> <p>5. Allowed</p>
234P12-2	State v. Titus Lamont Batts	Def's <i>Pro Se</i> Petition for <i>Writ of Habeas Corpus</i>	Denied 09/12/12
235P10	State v. John Edward Brewington	<p>1. State's Motion for Temporary Stay (COA09-956)</p> <p>2. State's Petition for <i>Writ of Supersedeas</i></p> <p>3. State's NOA Based Upon a Constitutional Question</p> <p>4. State's Alternative PDR</p> <p>5. Def's Motion to Dismiss Appeal</p>	<p>1. Allowed 06/04/10</p> <p>2. Allowed</p> <p>3. - - -</p> <p>4. Allowed</p> <p>5. Allowed</p>

235P12	Philip Samuel Beeson v. Frank Palombo, Sandra Catherine McKenzie, and The City of New Bern	Plt's PDR Under N.C.G.S. § 7A-31 (COA11-1324)	Denied
237P12	State v. Kenneth Wayne Vaughn	1. State's Motion for Temporary Stay (COA11-751) 2. State's Petition for <i>Writ of Supersedeas</i> 3. State's PDR Under N.C.G.S. § 7A-31	1. Allowed 06/04/12 ; Special Order 10/04/12 2. Special Order 3. Special Order
241P12	State v. Ransom Martin Jones	Def's PDR Under N.C.G.S. § 7A-31 (COA11-1330)	Denied
255P12	State v. Allard Bayles Brigman	1. Def's <i>Pro Se</i> PWC to Review Decision of COA (COA11-1174) 2. Def's <i>Pro Se</i> Motion to Withdraw PWC	1. - - - 2. Allowed
258P12	Catherine Marks v. R. Harrison Marks	Plt's PDR Under N.C.G.S. § 7A-31 (COA11-1183)	Denied

268A12	State of North Carolina <i>Ex. Rel.</i> Utilities Commission; Duke Energy Carolinas, LLC, Utilities Commission, Intervenor v. Attorney General Roy Cooper, Intervenor and the City of Durham, North Carolina, Intervenor	<ol style="list-style-type: none"> 1. Motion of Julie Nepreu to Appear <i>Pro Hac Vice</i> 2. AARP's Motion to Leave to File <i>Amicus</i> Brief 	<ol style="list-style-type: none"> 1. Allowed 08/23/12 2. Allowed 08/23/12
275P11	State v. Dewan Kenneth Brent	<ol style="list-style-type: none"> 1. State's Motion for Temporary Stay (COA10-989) 2. State's Petition for <i>Writ of Supersedeas</i> 3. State's NOA Based Upon a Constitutional Question 4. State's Petition in the Alternative for Discretionary Review 	<ol style="list-style-type: none"> 1. Allowed 07/06/11 2. Allowed 3. Dismissed <i>Ex Mero Motu</i> 4. Allowed
282P12	State v. Tavieolis Eugene Hunt	<ol style="list-style-type: none"> 1. Def NOA Based Upon a Constitutional Question (COA11-1223) 2. Def's PDR Under N.C.G.S. § 7A-31 3. State's Motion to Dismiss Appeal 	<ol style="list-style-type: none"> 1. - - - 2. Denied 3. Allowed

290P12	State v. Yajaira Libietana Joa	1. Def's <i>Pro Se</i> Motion for Temporary Stay (COA11-1573) 2. Def's <i>Pro Se</i> Petition for <i>Writ of Supersedeas</i>	1. Denied 07/09/12 2. Denied
298PA09-2	State v. Andrew Chandler, Jr. a/k/a Junior Chandler	1. Def's PWC to Review Order of Superior Court of Buncombe County 2. Def's Motion to Amend PWC 3. State's Motion to Deem State's Response to Petitioner's Motion to Amend his PWC Timely Filed	1. Denied 2. Allowed 3. Allowed
298P12	State v. Tavaris Kinte Woresly	Def's PDR Under N.C.G.S. § 7A-31 (COA11-1036)	Denied
301A12	State v. Mark Bradley Carver	Def's Motion to Deem Brief Timely Filed	Allowed 09/14/12
308P06-2	State v. Christopher Lamont Bullock	Def's <i>Pro Se</i> Motion for Petition for Plain Error Review	Dismissed

311P12	State v. Ruby Rodriguez Lopez	<p>1. Def-Appellant's NOA Under G.S. 7A-30 (COA11-722)</p> <p>2. Def-Appellant'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>
314P12	In the Matter of: Randy Alan Carpenter, License No. PE 021262 and PLS L-3814	<p>1. Petitioner's NOA Based Upon a Constitutional Question (COA11-1459)</p> <p>2. Petitioner's PDR Under N.C.G.S. § 7A-31</p> <p>3. Respondent's Motion to Dismiss Appeal</p>	<p>1. - - -</p> <p>2. Denied</p> <p>3. Allowed</p>

322P10	State v. Marcus Arnell Craven	<p>1. State's Motion for Temporary Stay (COA09-1138)</p> <p>2. State's Petition for <i>Writ of Supersedeas</i></p> <p>3. State's NOA Based Upon a Constitutional Question</p> <p>4. State's Alternative PDR Under N.C.G.S. § 7A-31</p> <p>5. Def's Motion to Dismiss Appeal</p> <p>6. Def's Conditional PDR Under N.C.G.S. § 7A-31</p> <p>7. Def's Motion to Amend Response to State's PDR</p>	<p>1. Allowed 08/05/10</p> <p>2. Allowed</p> <p>3. - - -</p> <p>4. Allowed</p> <p>5. Allowed</p> <p>6. Denied</p> <p>7. Allowed</p>
323A12	State v. Eddie Ray Loftin	<p>1. Def's NOA Based Upon a Constitutional Question (COA12-154)</p> <p>2. State's Motion to Dismiss Appeal</p>	<p>1. - - -</p> <p>2. Allowed</p>

325P12	State v. Lamont Kasheen Friend	<p>1. State's Motion for Temporary Stay (COA11-1442)</p> <p>2. State's Petition for <i>Writ of Supersedeas</i></p> <p>3. State's PDR Under N.C.G.S. § 7A-31</p>	<p>1. Allowed 08/06/11; Dissolved the Stay 10/04/12</p> <p>2. Denied</p> <p>3. Denied</p>
326P12	State v. Ryan Edward Casler	<p>1. Def's NOA Based Upon a Constitutional Question (COA11-1142)</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>
327P12	State v. Charles Brandon Howell	State's PWC to Review Order of COA (COAP12-596)	Denied
329P11	State v. Mario Eduardo Ortiz-Zape	<p>1. State's Motion for Temporary Stay (COA10-1307)</p> <p>2. State's Petition for <i>Writ of Supersedeas</i></p> <p>3. State's NOA Based Upon a Constitutional Question</p> <p>4. State's Petition in the Alternative for Discretionary Review Under N.C.G.S. § 7A-31</p>	<p>1. Allowed 08/03/11</p> <p>2. Allowed</p> <p>3. Dismissed <i>Ex Mero Motu</i></p> <p>4. Allowed</p>

332P12	State v. Martin Dominquez Berrum	1. Def's NOA Based Upon a Constitutional Question (COA11- 1440) 2. Def's PDR Under N.C.G.S. § 7A-31 3. State's Motion to Dismiss Appeal	1. - - - 2. Denied 3. Allowed
333PA11-2	State v. Robert Lee Earl Joe	1. State's Motion for Temporary Stay (COA10-1037-2) 2. State's Petition for <i>Writ of Supersedeas</i> 3. State's PDR Under N.C.G.S. § 7A-31	1. Allowed 08/24/12 2. 3.
333P12	State v. Mohamed Saleh Ahmed	1. Def's NOA Based Upon a Constitutional Question (COA12-27) 2. Def's PDR Under N.C.G.S. § 7A-31 3. State's Motion to Dismiss Appeal	1. - - - 2. Denied 3. Allowed
334P12	State v. Billy Ray Bridges	Def's <i>Pro Se</i> PDR Under N.C.G.S. § 7A- 31 (COA11-1196)	Denied
336P12	State v. Tony Antwain Burch	1. Def's <i>Pro Se</i> PWC to Review Decision of COA (COA10-1199) 2. Def's <i>Pro Se</i> Motion to Appoint Counsel	1. Denied 2. Dismissed as Moot

338P12	State v. Timothy James Webster	1. Def's <i>Pro Se</i> Motion for PDR (COAP12-565) 2. Def's <i>Pro Se</i> Motion to Appoint Counsel	1. Dismissed 2. Dismissed as Moot
339P12	State v. Alfred Manga Bell	Def's PDR Under N.C.G.S. § 7A-31 (COA11-864)	Denied
341P12	State v. Donald Durant Farrow	Def's <i>Pro Se</i> PDR (COAP12-529)	Denied
342P12	James Hutchens, Employee v. Alex Lee, Employer, Self-Insured (Broadspire, a Crawford Co., Servicing Agent)	1. Plt's PDR Under N.C.G.S. § 7A-31 (COA12-112) 2. Def's Conditional PDR Under N.C.G.S. § 7A-31	1. Denied 2. Dismissed as Moot
343P12	State v. Gary Lamont Pemberton	Def's PDR Under N.C.G.S. § 7A-31 (COA11-1555)	Denied
344P12	State v. Leon Lavern Conyers	1. Def's <i>Pro Se</i> Motion for Appropriate Relief 2. Def's <i>Pro Se</i> Motion to Proceed <i>In Forma Pauperis</i>	1. Dismissed without Prejudice 2. Allowed
345P12	State v. Marlon Rasheem Parker	Def's <i>Pro Se</i> PDR Under N.C.G.S. § 7A-31 (COA11-1413)	Denied

350P12	John L. Fontana, M.D. v. Southeast Anesthesiology Consultants, P.A., Dr. Richard L. Gilbert; Dr. Michael T. Gillette; Dr. Joshua S. Miller; and Dr. Richard Yevak; American Anesthesiology of the Southeast, PLLC; Mednax Services, Inc.; and Mednax, Inc.	Defs' PDR Under N.C.G.S. § 7A-31 (COA11-1494)	Denied
352P12	Donald Edwin Matthieu, Jr., and Carol Carter Matthieu v. Steven M. Miller, Jennifer A. Miller, and J&S Electric Co., Inc.	Plts' PDR Under N.C.G.S. § 7A-31 (COA11-1287)	Denied
356P12	State v. Jason D. Hollis	1. Def's <i>Pro Se</i> PWC to Review Order of COA (COAP12-598) 2. Def's <i>Pro Se</i> Motion to Proceed <i>In Forma Pauperis</i> 3. Def's <i>Pro Se</i> Motion to Appoint Counsel	1. Dismissed 2. Allowed 3. Dismissed as Moot
357P12	State v. Steven Wayne Golden	Def's <i>Pro Se</i> PWC to Review Order of COA (COAP12-554)	Dismissed

358A12	State v. Bryant Lamont Boyd	1. State's Motion for Temporary Stay (COA-1072-2) 2. State's Petition for <i>Writ of Supersedeas</i> 3. State's NOA Based Upon a Dissent 4. Def's PDR Under N.C.G.S. § 7A-31 5. Def's Petition in the Alternative for <i>Writ of Certiorari</i> to Review Decision of COA 6. State's Conditional PDR as to an Additional Issue	1. Allowed 08/24/12 2. Allowed 08/24/12 3. - - - 4. 5. 6.
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359A12	<p>Clyde Vernon Lovette v. The North Carolina Department of Correction; Alvin Keller, in his capacity as Secretary of Correction; and Rudy Foster, in his capacity as Administrator of Dan River Prison Work Farm</p> <hr/> <p>Charles Lynch v. The North Carolina Department of Correction; Alvin Keller, in his official capacity as Secretary of Correction; and Tim Kerlye, in his capacity as Administrator of Catawba Correctional Center</p>	<p>1. Respondents' Motion for Temporary Stay (COA11-1081)</p> <p>2. Respondents' Petition for <i>Writ of Supersedeas</i></p> <p>3. Respondents' NOA Based Upon a Dissent</p>	<p>1. Allowed 08/24/12</p> <p>2. Allowed 08/24/12</p> <p>3. - - -</p>
361P12	State v. William Wesley Sellar, Jr.	<p>1. Def's Motion for Temporary Stay (COA11-1315)</p> <p>2. Def's Petition for <i>Writ of Supersedeas</i></p>	<p>1. Allowed 08/24/12</p> <p>2.</p>
362P12	State v. Willie James Barnes	Def's <i>Pro Se</i> PWC to Review Order of COA (COAP12-446)	Dismissed

363P12	State v. Curtis Smith, Jr.	<p>1. State's Motion for Temporary Stay (COA11-1335)</p> <p>2. State's Petition for <i>Writ of Supersedeas</i></p> <p>3. State's PDR Under N.C.G.S. § 7A-31</p>	<p>1. Allowed 08/29/12</p> <p>2.</p> <p>3.</p>
364P12	In re: Kathleen E. Morris, Relator	Petitioner's <i>Pro Se</i> Petition for <i>Writ of Mandamus</i> (COAP12-589)	Denied 09/05/12
366P12	State v. James Stephens	<p>1. Def's <i>Pro Se</i> Petition for <i>Writ of Mandamus</i></p> <p>2. Def's <i>Pro Se</i> Motion to Appoint Counsel</p>	<p>1. Dismissed as Moot 09/07/12</p> <p>2. Dismissed as Moot 09/07/12</p>
367P12	State v. Steven Darrell Landreth	<p>1. Def's <i>Pro Se</i> PWC to Review the Order of the COA (COAP12-203)</p> <p>2. Def's <i>Pro Se</i> Motion to Appoint Counsel</p>	<p>1. Dismissed</p> <p>2. Dismissed as Moot</p>
368P12	Sherif A. Philips, M.D. v. Pitt County Memorial Hospital, Inc., Paul Bolin, M.D., and Ralph Whatley, M.D.	<p>1. Plt's Motion for Temporary Stay</p> <p>2. Plt's Petition for <i>Writ of Supersedeas</i></p>	<p>1. Allowed 09/07/12</p> <p>2.</p>
371P12	State v. Kenn Logan	Def's <i>Pro Se</i> PDR Under N.C.G.S. § 7A-31 (COA12-279)	Denied

372P12	State v. Javun Tykee Massey	Def's <i>Pro Se</i> Motion for PDR (COAP12-503)	Dismissed
378P12	Lynda Springs v. City of Charlotte, Transit Management of Charlotte, Inc., and Dennis Wayne Napier	1. Defs' (City of Charlotte and Transit Management of Charlotte, Inc.) PDR Under N.C.G.S. § 7A-31 (COA12-107) 2. Defs' (City of Charlotte and Transit Management of Charlotte, Inc.) Motion to Stay Execution of Bond Number 018 009 143	1. 2. Allowed 10/02/12
380P12	State v. Dewayne Avent	1. Def's Motion for Temporary Stay (COA11-1506) 2. Def's Petition for <i>Writ of Supersedeas</i> 3. Def's PDR Under N.C.G.S. § 7A-31	1. Denied 09/12/12 2. 3.
382P10-3	State v. John Lewis Wray, Jr.	Def's <i>Pro Se</i> Motion to Appeal (COAP12-566)	Dismissed 09/12/12
391P12	Lacy Lee Williams, Jr. v. North Carolina Department of Public Safety, et al.	Plt's <i>Pro Se</i> Motion for Appeal (COAP12-480)	Denied

392P12	State v. Quadius Nathaniel Gaines	<p>1. Def's <i>Pro Se</i> PWC to Review Decision of COA (COA12-31)</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. Denied</p> <p>2. Allowed</p> <p>3. Dismissed as Moot</p>
396P12	State v. Jason Alan Laws	Def's <i>Pro Se</i> Petition for <i>Writ of Mandamus</i>	Denied
399P10	State v. John Graylon Welch	<p>1. Def's <i>Pro Se</i> PDR Under N.C.G.S. § 7A-31 (COA09-1512)</p> <p>2. Def's NOA Based Upon A Constitutional Question</p> <p>3. Def's PDR Under N.C.G.S. § 7A-31</p> <p>4. State's Motion to Dismiss Appeal and Deny PDR</p>	<p>1. Dismissed 11/04/10</p> <p>2. - - -</p> <p>3. Denied</p> <p>4. Allowed</p>
402P08-2	State v. James David Sizemore	Def's PDR Under N.C.G.S. § 7A-31 (COA07-1489-2)	Denied
409A12	Catryn Denise Bridges v. Harvey S. Parrish and Barbara B. Parrish	Plt's Motion for Extension of Time to File PDR	Dismissed 09/26/12

416P12	Mary Ann Wilcox v. City of Asheville; William Hogan, individually and in his official capacity as the Chief of the City of Asheville Police Department; Stony Gonce, individually and in his official capacity as a Police Officer for the City of Asheville; Brian Hogan, individually and in his official capacity as a Police Officer for the City of Asheville; and Cheryl Intveld, individually and in her official capacity as a Police Officer for the City of Asheville	<p>1. Defs' (Stony Gonce, Brian Hogan, and Cheryl Intveld) Motion for Temporary Stay (COA12-12)</p> <p>2. Defs' (Stony Gonce, Brian Hogan, and Cheryl Intveld) Petition for <i>Writ of Supersedeas</i></p> <p>3. Defs' (Stony Gonce, Brian Hogan, and Cheryl Intveld) PDR Under N.C.G.S. § 7A-31</p>	<p>1. Allowed 10/04/12</p> <p>2.</p> <p>3.</p>
430P11	State v. Latara Deshea Hurst	<p>1. Def's PWC to Review Decision of COA (COA11-145)</p> <p>2. Def's PDR Under N.C.G.S. § 7A-31</p>	<p>1. Special Order</p> <p>2. Special Order</p>
458P06-2	State v. Eric Kendall Gant	Def's <i>Pro Se</i> Motion for PDR (COAP11-302)	<p>Denied</p> <p>Jackson, J., Recused</p>

489P11	Nelson Campos-Brizuela, Employee v. Rocha Masonry, L.L.C., Employer and Builders Mutual Insurance Company, Carrier	1. Defs' NOA Based Upon a Constitutional Question (COA10-1571) 2. Defs' PDR Under N.C.G.S. § 7A-31	1. Dismissed <i>Ex Mero Motu</i> 2. Denied Hudson, J., Recused
505P10	State v. David Franklin Hurt	1. State's Motion for Temporary Stay (COA09-442) 2. State's Petition for <i>Writ of Supersedeas</i> 3. State's NOA Based Upon a Constitutional Question 4. State's Petition in the Alternative for Discretionary Review 5. Def's Motion to Dismiss Appeal 6. Def's Motion to Amend Response to State's PDR	1. Allowed 11/30/10 2. Allowed 3. - - - 4. Allowed 5. Allowed 6. Allowed Timmons-Goodson, J., Recused
518P07-2	State v. Drellco Lamont Hunter	Def's Petition for Expedited Review (COAP12-150)	See Special Order 09/05/12 Jackson, J., Recused

524P04-3	State v. Christopher Deon Gattis	Def's <i>Pro Se</i> Motion for NOA	Dismissed Hudson, J., Recused
533P10	State v. Jarvis Leon Williams	1. State's Motion for Temporary Stay (COA10-58) 2. State's Petition for <i>Writ of Supersedeas</i> 3. State's NOA Based Upon a Constitutional Question 4. State's Petition in the Alternative for Discretionary Review Under N.C.G.S. § 7A-31	1. Allowed 12/20/10 2. Allowed 3. Dismissed <i>Ex Mero Motu</i> 4. Allowed
652P05-2	State v. Tommy Andrews	1. Def's <i>Pro Se</i> PWC to Review Order of COA (COAP11-586) 2. Def's <i>Pro Se</i> Motion to Appoint Counsel	1. Dismissed 2. Dismissed as Moot