

**SUPREME COURT OF NORTH CAROLINA  
PETITIONS**

**Decided by the Court in Conference: 8 October 2009**

**{Posted on the Internet Web Site: 9 October 2009 at 11:30 a.m.}**

010P09	Citibank, South Dakota, N.A. v. W.S. Bowen	Def's PDR Under N.C.G.S. § 7A-31 (COA08-392)	Denied
011P09	State v. Eddie Dean Payne	1. Def's NOA Based Upon a Constitutional Question (COA08-563) 2. Def's PDR Under N.C.G.S. § 7A-31 3. State's Motion to Deem Response Timely Filed	1. Dismissed <i>Ex Mero Motu</i> 2. Denied 3. Allowed
029P09	State v. Jose Martinez Brito	Def's PDR Under N.C.G.S. § 7A-31 (COA08-330)	Denied
039P09	State v. Scottie Terrill Bailey	Def's PWC to Review Decision of COA (COA08-307)	Denied
041P09	State v. Michael Wayne Goldston, Jr.	Def's PDR Under N.C.G.S. § 7A-31 (COA08-340)	Denied

047P02-11	State v. George W. Baldwin	1. Def's PWC to Review Order of COA (COAP09-40)  2. Def's Motion to Proceed <i>In Forma Pauperis</i>  3. Def's Motion to Appoint Counsel	1. Dismissed  2. Allowed  3. Dismissed as Moot
050A93-4	State v. William Barfield Bowie	Def's PWC to Review Order of Catawba County Superior Court	Denied
055P02-5	State v. Henry Ford Adkins	1. Def's PWC to Review Order of Rockingham County Superior Court  2. Def's Motion for Appointment of Counsel	1. Dismissed  2. Dismissed as Moot
073P09	State v. Harry Lee Bowman	Def's PWC to Review Order of COA (COA07-1518)	Denied
084P09	State v. Marlon Damon Charles	1. Def's PWC to Review Decision of COA (COA08-601)  2. Def's PWC to Review Order of Wake County Superior Court	1. Denied  2. Dismissed
085P09	In the Matter of: L.M.S.L., A Minor Child	Respondent's PDR as to Additional Issues Under N.C.G.S. 7A-31 (COA08-1056)	Denied

090P09	In the Matter of: V.S.W.	Petitioner's (Father) PWC to Review Decision of COA (COA08-126)	Denied
091P09	Felisa R. Baccus, Employee v. North Carolina Dept. of Crime Control & Public Safety, Employer Self- Insured (Key Risk Management Services, Servicing Agent)	Plt's PDR Under N.C.G.S. § 7A-31 (COA08-204)	Denied
092P09	State v. Njonjo Mathu-Selassi Woods	Def's PWC to Review Order of COA (COAP08-927)	Denied
106PA08-2	Beaufort County Board of Education v. Beaufort County Board of Commissioners	1. Motion by Brian C. Shaw and Richard Schwartz to Withdraw as Counsel for Plaintiff  2. Motion by Ann L. Majestic and Robert M. Kennedy, Jr. to Withdraw as Counsel for Amicus Curiae NC School Boards Association  3. Plt's Petition for Rehearing  4. Motion by NC School Boards Association for Leave to File Amicus Curiae Brief	1. Allowed  2. Allowed  3. Denied  4. Denied

113P09	State v. Mark Stephen Thomas	<p>1. State's Motion for Temporary Stay (COA08-599)</p> <p>2. State's Petition for Writ of Supersedeas</p> <p>3. State's PDR Under N.C.G.S. § 7A-31</p> <p>4. Def's Motion to Deem Response Timely Filed</p>	<p>1. Allowed <b>03/19/09</b> Dissolved the Stay <b>10/08/09</b></p> <p>2. Denied</p> <p>3. Denied</p> <p>4. Allowed</p>
117P09	Mulamba Lumamba, Employee v. Technocom Business Systems, Employer and Hartford Ins. Co., Carrier-Defendant	<p>1. Plt's PWC to Review Decision of COA (COA08-61)</p> <p>2. Def's Motion for Extension of Time to Respond to PWC</p> <p>3. Plt's Motion to Deny Response</p>	<p>1. Denied</p> <p>2. Allowed <b>04/06/09</b></p> <p>3. Dismissed</p>
119P00-25	State v. Wayne Thomas Johnson	Def's PWC to Review Order of Alamance County Superior Court	Dismissed
120P09	Gerald T. Lane, Employee v. American National Can Company, Self-Insured; Gallagher Bassett Services, Inc., Servicing Agent	Plt's PDR Under N.C.G.S. § 7A-31 (COA08-835)	Denied

121P09	The Moses H. Cone Memorial Hospital Operating Corporation v. Audrey Hawley and spouse, Samuel B. Hawley	1. Def's (Audrey Hawley) NOA Based Upon a Constitutional Question (COA08-712)  2. Def's (Audrey Hawley) PDR Under N.C.G.S. § 7A-31	1. Dismissed <i>Ex Mero Motu</i>  2. Denied
127P09	James E. Fulford, Jr., Executor for the Estate of Mary Fulford v. Antonio Javon Jenkins; County of Duplin; Duplin County DSS, et al.	Defs' (Duplin County, et al.) PDR Under N.C.G.S. § 7A-31 (COA08-675)	Denied
129P04-3	State v. Carl Edward Lyons	1. Def's Motion for NOA (Constitutional Question) (COAP08-163)  2. Def's Motion for PWC Under N.C.G.S. § 7A-31  3. Def's Motion for No-Answer Default Judgment to NOA and PWC	1. Dismissed <i>Ex Mero Motu</i>  2. Dismissed  3. Dismissed
158A05-2	Patricia Johnson, Doris Laryea, Lovie H. Jones, and Geraldine Collier v. Lynwood Lucas and Joe Peacock, t/a Triangle Timber Services	Def's (Virginia Lucas as Administratrix of the Estate of Lynwood Lucas) PDR Under N.C.G.S. § 7A-31 (COA07-1084)	Denied  <b>Hudson, J., Recused</b>

163P09	Department of Transportation v. Haywood Oil Co.	<p>1. Def's NOA Based Upon a Constitutional Question (COA08-420)</p> <p>2. Def's PDR Under N.C.G.S. § 7A-31</p> <p>3. Plt's Motion to Dismiss Appeal</p>	<p>1. - - -</p> <p>2. Denied</p> <p>3. Allowed</p>
164P09	State v. Jimmy Waylon Ward	<p>1. Def's NOA Based Upon a Constitutional Question (COA08-524)</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>
174P09	State v. Anthony Burroughs	<p>1. Def's PDR Under N.C.G.S. § 7A-31 (COA08-891)</p> <p>2. Def's NOA Based Upon a Constitutional Question</p>	<p>1. Denied</p> <p>2. Dismissed <i>Ex Mero Motu</i></p>
186P09	Brown Brothers Harriman Trust Co. v. Anne P. Benson, John H. Benson, Anne H. Benson, Linley C. Benson, Ruth Pringle Pipkin Franklin, & Unborn & Unascertained Issue and Heirs of Anne P. Benson	Joint (All parties EXCEPT Anne P. Benson) PDR Under N.C.G.S. § 7A-31(b)	Denied

201P09	State v. Donald E. Davis	Def's PWC to Review Order of Randolph County Superior Court	Dismissed
212P09	State v. John David Beavers	Def's PDR Under N.C.G.S. § 7A-31 (COA08-550)	Denied
215P02-6	State v. Stephan David Brooks	Def's Motion for PDR or in the Alternative a Remedial Writ	Denied
217P09	State v. William V. Ellegor-El	Def's Motion for PDR Under N.C.G.S. § 7A-31 (COAP09-321)	Dismissed
223P09	Carolyn Mathis Parker v. Brent Hyatt, Individually	Plt's PDR Under N.C.G.S. § 7A-31 (COA08-907)	Denied
224P09	Jerry Alan Reese v. The City of Charlotte & Mecklenburg County	Plt's PDR Under N.C.G.S. § 7A-31 (COA08-398)	Denied
225P09	Jerry Alan Reese v. The Charlotte-Mecklenburg Board of Education and County of Mecklenburg, North Carolina	Plt's PDR Under N.C.G.S. § 7A-31 (COA08-397)	Denied
233P09	State v. Johnny Lee Bell	Def's PDR Under N.C.G.S. § 7A-31 (COA08-959)	Denied
239P09	In re: J.D., D.D., J.D., T.D.	Respondent's (Mother) PDR Under N.C.G.S. § 7A-31 (COA08-1401)	Denied

251P09	Derrick Barringer, as Administrator of the Estate of Drake Barringer v. Wake Forest University Baptist Medical Center, et al.	<p>1. Def's Motion for Temporary Stay (COA08-269)</p> <p>2. Def's Petition for Writ of Supersedeas</p> <p>3. Defs' PDR Under N.C.G.S. § 7A-31</p>	<p>1. Allowed <b>06/23/09</b> Dissolved the Stay <b>10/08/09</b></p> <p>2. Denied</p> <p>3. Denied</p>
252P09	State v. De Angelo Newsome	Def's PDR Under N.C.G.S. § 7A-31 (COA08-1430)	Denied
256P09	Sue Allison Broadwell Roberts v. Ronald Wayne Roberts	<p>1. Def's PDR Under N.C.G.S. § 7A-31 (COA08-404)</p> <p>2. Plt's Conditional PDR Under N.C.G.S. § 7A-31</p> <p>3. Def's Motion for Temporary Stay</p> <p>4. Def's Petition for Writ of Supersedeas</p>	<p>1.</p> <p>2.</p> <p>3. Allowed <b>07/09/09</b></p> <p>4.</p>
257P08-3	William E. Maddox v. Stephen P. Wallace	<p>1. Def's Petition for Writ of Mandamus / Prohibition and to Assume Original Jurisdiction</p> <p>2. Def's Motion to Proceed <i>In Forma Pauperis</i></p>	<p>1. Dismissed</p> <p>2. Allowed</p>
258P09	In the Matter of: L.S.C.-W.	Respondent's PDR Under N.C.G.S. § 7A-31 (COA09-54)	Denied



265P09	State v. Ronnie Wallace Long	1. State's Motion for Temporary Stay  2. State's Petition for Writ of Supersedeas  3. State's PWC to Review Order of the Cabarrus County Superior Court	1. Allowed <b>06/29/09</b>  2.  3.
269PA09	Travis T. Bumpers, et al. v. Community Bank of Northern Virginia, et al.	Joint Motion for Entry of Briefing Schedule	Allowed by Special Order <b>09/10/09</b>
271P09	Douglas Paul, Employee v. Mechworks Mechanical Contractors, Inc., Employer and Key Risk Insurance Company, Carrier	1. Def's Motion for Temporary Stay (COA08-1245)  2. Def's Petition for Writ of Supersedeas  3. Def's PDR Under N.C.G.S. § 7A-31	1. Allowed <b>07/08/09</b>  2.  3.
276P09	State v. Adam Troy Kittrell	Def's PDR Under N.C.G.S. § 7A-31 (COA08-988)	Denied
279P09	Insulation Systems, Inc. v. James Fisher	Def's PDR Under N.C.G.S. § 7A-31 (COA08-915)	Denied
280P09-2	State v. Bobby Joe Reid, Jr.	Def's Motion for Petitioner Object and Appeal Appellate Court Dismissal of His Writ of Certiorari (COAP09-430)	Dismissed
294P09	State v. Henrico D. Catoe	Def's PDR Under N.C.G.S. § 7A-31 (COA08-1541)	Denied

296P09	State v. Darrell Karee Poole, aka Darrell Karrea Poole	Def-Appellant's PDR	Denied
298P09	State v. Andrew Chandler, Jr. a/k/a Junior Chandler	1. State's Motion for Temporary Stay 2. State's Petition for Writ of Supersedeas 3. State's PWC	1. Allowed <b>07/20/09</b> 2. 3.
300P09	State v. Ronnie Bernard Graves	Def's "Petition for Discretionary Review"	Denied
306P09	In the Matter of: F.A.C.	Respondent's (Mother) PDR Under N.C.G.S. § 7A-31 (COA09-258)	Denied
307P09	State v. Michael Ray	1. State's Motion for Temporary Stay (COA08-1329) 2. State's Petition for Writ of Supersedeas 3. State's PDR Under N.C.G.S. § 7A-31	1. Allowed <b>07/27/09</b> 2. 3.
315P09	State v. Eric Dennis Wells	Def's PWC to Review Order of COA (COAP09-84)	Dismissed
317P09	State v. Wilbur William Folston	1. State's Motion for Temporary Stay 2. State's Petition for Writ of Supersedeas 3. State's PWC to Review Order of Cleveland County Superior Court	1. Allowed <b>08/07/09</b> 2. 3.

320P09	State v. James Michael Davis	1. Def's NOA Based Upon a Constitutional Question (COA08-1318) 2. Def's PDR Under N.C.G.S. § 7A-31 3. State's Motion to Dismiss Appeal	1. - - - 2. Allowed as to Issue #3 Only 3. Allowed
322P08	State v. Shelton Lamar Sapp	1. Def's NOA Based Upon a Constitutional Question (COA07-1135) 2. Def's PDR Under N.C.G.S. § 7A-31 3. State's Motion to Dismiss Appeal	1. - - - 2. Denied 3. Allowed
327P08	State v. Steven Maurice Williams	1. Def-Appellant's NOA Under N.C.G.S. § 7A-30 2. Def-Appellant's PDR Under N.C.G.S. § 7A-31	1. Dismissed <i>Ex Mero Motu</i> 2. Denied
328P08	Guilford County, By and Through Its Child Support Enforcement Unit, Ex Rel. Angela Hill v. Brian D. Holbrook	Plt's PDR Under N.C.G.S. § 7A-31 (COA07-1165)	Denied

328P09	Fairway Outdoor Advertising, a Division of Morris Communications Corp. v. Jerry T. Edwards, and wife, Martha E. Edwards	Defs' PDR Under N.C.G.S. § 7A-31 (COA08-1172)	Denied
329A09	State v. Martinez O. Black	1. Def's NOA Based Upon a Constitutional Question (COA08-1180)  2. State's Motion to Dismiss Appeal	1. - - -  2. Allowed
332P09	State v. Donald Ashley Ryals	Def's PWC to Review the Order of the COA (COAP09-549)	Dismissed
339P09	Jesse Jennings, III & Linda G. King as Personal Representatives of the Estate of Jesse Marquil King, Deceased v. The City of Fayetteville, North Carolina, a Body Politic and Municipal Corporation	Def's PDR Under N.C.G.S. § 7A-31 (COA09-92)	Denied
340P09	State v. Kerry James Wade	Def's PDR Under N.C.G.S. § 7A-31 (COA08-1414)	Denied

344P09	State v. James Junior Collins	<p>1. Def's Motion for Temporary Stay (COA09-87)</p> <p>2. Def's Petition for Writ of Supersedeas</p> <p>3. Def's PDR Under N.C.G.S. § 7A-31</p>	<p>1. Allowed <b>08/24/09</b> Dissolved the Stay <b>10/08/09</b></p> <p>2. Denied</p> <p>3. Denied</p>
345P09	State v. Billy J. Trombley	<p>1. State's Motion for Temporary Stay (COA08-947)</p> <p>2. State's Petition of Writ of Supersedeas</p> <p>3. State's PDR Under N.C.G.S. § 7A-31</p>	<p>1. Allowed <b>08/24/09</b></p> <p>2.</p> <p>3.</p>
348P04-4	State v. Edward Lee Medley	Def's Motion for Petition for Reconsideration of Def's Mandamus Motion Under Sec. 7A-32 Pursuant North Carolina General Statutes	Dismissed
348P09	Beacon Pointe, LLC v. Kizzy Walker	Def's Motion for NOA (COAP09-597)	Dismissed <i>Ex Mero Motu</i>
350P09	In the Matter of: D.L.H.	<p>1. Appellant's (State of NC) Motion for Temporary Stay (COA08-1019)</p> <p>2. Appellant's (State of NC) Petition for Writ of Supersedeas</p> <p>3. Appellant's (State of NC) PDR Under N.C.G.S. § 7A-31</p>	<p>1. Allowed <b>08/25/09</b></p> <p>2.</p> <p>3.</p>

355P09	State v. Gary L. Miller-El	Def's Petition for Writ of Mandamus	Denied <b>08/28/09</b>
355P09-2	State v. Gary L. Miller-El	1. Def's Petition for Writ of Mandamus 2. Def's Motion for NOA	1. Denied <b>09/28/09</b> 2.
357P08	Wanda Fipps, Employee v. Babson and Smith Trucking, Employer and Key Risk Management Services, Carrier	Defs' PDR Under N.C.G.S. § 7A-31 (COA07-1361)	Denied
362P09	Paul C. Yonga v. City of Raleigh Chief of Police Joshua Lee Lellmer	1. Plt's Motion for NOA (COA09-805) 2. Plt's Motion for Petition for Review of COA's Order 3. Plt's Motion for Temporary Stay 4. Plt's Petition for Writ of Supersedeas	1. 2. 3. Denied <b>09/29/09</b> 4.
363A09	State v. Christopher Lee Giddens	1. State's NOA (Dissent) (COA08-1385) 2. State's Motion for Temporary Stay 3. State's Petition for Writ of Supersedeas	1. - - - 2. Allowed <b>09/03/09</b> 3. Allowed <b>09/03/09</b>

364P09	Theodore Morris Foust v. G.J. Haynes, Correctional Admin.	1. Plt's Petition for Writ of Habeas Corpus  2. Plt's Motion to Dismiss for Lack of Subject Matter Jurisdiction	1. Denied <b>09/04/09</b>  2. Dismissed <b>09/04/09</b>
365P09	State v. Jimmy Waylon Ward	1. State's Motion for Temporary Stay (COA08-978)  2. State's Petition for Writ of Supersedeas  3. State's PDR Under N.C.G.S. § 7A-31	1. Allowed <b>09/04/09</b>  2. Allowed  3. Allowed
367P09	In the Matter of: Michael Charles Hayes, Respondent	1. State's Motion for Temporary Stay (COA08-894)  2. State's Petition for Writ of Supersedeas	1. Allowed <b>09/04/09</b>  2.
368P09	State v. Ronnie Simpson	1. Def's Petition for Writ of Mandamus  2. Def's NOA Based Upon a Constitutional Question (COA08- 1059)	1. Denied <b>09/15/09</b>  2. Dismissed <i>Ex Mero Motu</i>

369A09	Milton K. Fussell and Teresa Fussell v. North Carolina Farm Bureau, Mutual Insurance Co., Inc., Pacesetters Realty, Inc. Of Wake County, The Town of Apex, and Thomas Cooper	1. Def's (Town of Apex) NOA (Dissent) (COA08-597) 2. Def's (Town of Apex) PDR as to Additional Issues 3. Plts' Motion for Extension of Time to File Appellees' Brief 4. Plts' Motion to Deny PDR	1. - - - 2. Denied 3. Denied 4. Dismissed as Moot
374PA07-3	Ronald Crocker and Paulette Crocker v. H. Peter Roethling, M.D., et al.	1. Plt's Petition for Writ of Mandamus 2. Plt's Petition for Writ of Prohibition 3. Plt's Motion for Issuance of Supplemental Mandate	1. Dismissed <b>10/06/09</b> 2. Dismissed <b>10/06/09</b> 3. Dismissed <b>10/06/09</b>
375P09	State v. Avenger Ridgeway	1. Def's Motion for PDR (COAP09-24) 2. Def's Motion to Amend	1. Dismissed 2. Dismissed as Moot



377P08	State v. Terry Taylor Mann	1. Def's PWC to Review Decision of COA (COA06-1693)  2. Def's Motion for Appropriate Relief (N.C.G.S. § 15A-1411)	1. Denied  2. Dismissed
378P09	State v. James Dewarrick Cole and Kawamie Shonta Cole	1. State's Motion for Temporary Stay (COA08-1304)  2. State's Petition for Writ of Supersedeas  3. State's PDR Under N.C.G.S. § 7A-31	1. Allowed <b>09/14/09</b>  2.  3.
380P09	The State of North Carolina Department of Health & Human Services, Division of Medical Assistance v. Anna Marie Thompkins, Executrix of the Estate of Sallie Dye Anthony	Def's PDR Under N.C.G.S. § 7A-31 (Prior to Determination) (COA09-1137)	Denied
382P09	State v. Jihad Rashid Melvin	1. State's Motion for Temporary Stay (COA09-62)  2. State's Petition for Writ of Supersedeas  3. State's PDR Under N.C.G.S. § 7A-31	1. Allowed <b>09/18/09</b>  2.  3.

387P08	Keystone Builders Resource Group, Inc., and LR-Development-Charlotte, LLC, f/k/a Lockridge Development Company, LLC v. The Town of Indian Trail, The Town Council for the Town of Indian Trail, and the Planning Board for the Town of Indian Trail	Def's PDR Under N.C.G.S. § 7A-31 (COA07-1416)	Denied
399P08	Mary Strong v. Gateway Homes, LLC and D&D Homes, LLC	Defs' PWC to Review Orders of COA (COA08-854)	Denied
423P08	Eagle Engineering, Inc. v. Continental Casualty Company	Plt's PDR Under N.C.G.S. § 7A-31 (COA07-1537)	Denied
433P08	Nancy F. Harrell v. Sagebrush of North Carolina, LLC d/b/a Sagebrush Steakhouse & Saloon	Plt's PDR Under N.C.G.S. § 7A-31 (COA07-1264)	Denied
474P08	State v. Samuel Travis Tanner	1. State's Motion for Temporary Stay (COA08-251)  2. State's Petition for Writ of Supersedeas  3. State's PDR Under N.C.G.S. § 7A-31	1. Allowed <b>10/20/08</b>  2.  3.

476P08	State of North Carolina, ex rel., William G. Ross, Jr., Secretary, NCDENR, Division of Land Resources v. Ronald G. Overcash	Def's PDR Under N.C.G.S. § 7A-31 (COA08-127)	Denied
508P08	Kenneth E. Ross v. Linda O. Ross (Osborne)	1. Def's PDR Under N.C.G.S. § 7A-31 (COA07-981) 2. Plt's Conditional PDR Under N.C.G.S. § 7A-31	1. Denied 2. Dismissed as Moot
514PA08	State v. Bobby E. Bowden	1. Def's Motion to Take Judicial Notice 2. Def- Appellee's Motion to Take Judicial Notice of Revised Chart	1. Dismissed as Moot 2. Dismissed as Moot
534P02-3	State v. Frankie Ray Smith	Def's Petition for Writ of Habeas Corpus	Denied <b>09/01/09</b> <b>Timmons-Goodson, J. Recused</b>
552P08	Karen Holmes, Administrator of the Estate of Robert L. Burt, Jr. v. CSX Transportation, Inc., Norfolk Southern Corporation, and Norfolk Southern Railway Company	Plt's PDR Under N.C.G.S. § 7A-31 (COA07-1571)	Denied
578A05	State v. Dane Locklear, Jr.	State's Motion for Clarification of Court's Opinion	Denied <b>09/09/09</b>

606A05	State v. Eric Glenn Lane	Def's Motion for Supplemental Briefing	Allowed, Without Further Oral Argument
615A03-2	State v. Jimmy McNeill	State's PWC to Review the Order of Scotland County Superior Court	Denied
662P02-2	Willis Andrea Jones v. N.C. Department of Correction	<p>1. Plt's Motion for Discretionary Review Pursuant to N.C.G.S. § 7A-31 (COAP08-703)</p> <p>2. Plt's Petition for Writ of Mandamus</p> <p>3. Plt's Petition for Writ of Prohibition</p> <p>4. Plt's Motion for "PDR Under N.C.G.S. § 7A-31 /7A-22 and N.C. R. App. P. Rule 22"</p>	<p>1. Dismissed as Moot</p> <p>2. Dismissed as Moot</p> <p>3. Dismissed as Moot</p> <p>4. Dismissed as Moot</p>