

SUPREME COURT OF NORTH CAROLINA

PETITIONS

9 OCTOBER 2008

005P08	Hodgson Construction, Inc. v. Ronald Wallace Howard and wife, Shirley Ann Howard	<p>1. Defs' Motion for Temporary Stay (COA06-1414)</p> <p>2. Defs' Petition for Writ of Supersedeas</p> <p>3. Defs' PDR Under N.C.G.S. § 7A-31</p>	<p>1. Allowed 01/08/08 Dissolved the Stay 10/09/08</p> <p>2. Denied</p> <p>3. Denied</p>
023P08	Candy Strezinski, Employee v. City of Greensboro, Employer; and Key Risk Management Services, Carrier	Plt's PDR Under N.C.G.S. § 7A-31 (COA07-563)	Denied
027PA08	Thomas G. Pottle and wife, Mary E. Pottle, et al. v. Charles David Link and Gene Willetts	<p>1. Joint Motion for Leave to File Amici Curiae Brief Regarding Joint Motion to Dismiss Appeal</p> <p>2. Defs' Motion for Extension of Time to File Brief on Merits</p> <p>3. Joint Motion to Dismiss Appeal</p>	<p>1. Denied</p> <p>2. Dismissed as Moot</p> <p>3. Allowed</p> <p>Martin, J., Recused</p>

064P08	Saron R. Kelly, Employee v. Wake County Sheriff's Dept., Self-Insured Employer; Administered by: The Schaffer Co., Ltd., et al.	1. Def's (Sheriff's Dept.) Motion for Temporary Stay (COA06-1127) 2. Def's (Sheriff's Dept.) Petition for Writ of Supersedeas 3. Def's (Sheriff's Dept.) PDR Under N.C.G.S. § 7A-31	1. Allowed 02/21/08 2. 3.
088P08	State v. Antonio Holt	Def's PDR Under N.C.G.S. 7A-31 (COA07-435)	Denied
095P08	State v. Jose Jesus Garcia Lopez	1. State's PDR Under N.C.G.S. § 7A-31 (COA07-422) 2. Def's NOA Based Upon a Constitutional Question 3. Def's PDR Under N.C.G.S. § 7A-31 4. Def's Alternative Motion for a New Sentencing Hearing 5. State's Motion to Dismiss Appeal 6. Def's Motion to Amend NOA and PDR	1. Allowed 2. - - - 3. Allowed 4. 5. Allowed 6. Allowed

110P08	Elizabeth Ann Reece v. Glenn Smith, Administrator of the Estate of Robert Neil Smith	Plt-Appellant's PDR Under N.C.G.S. 7A- 31(c)(1) (COA07- 368)	Denied
121P08	Danny Ray Bridges v. Chad Murray, Kelly Aldridge, C. Phillip Byers, and John Doe(s)	1. Def's Motion for Notice of Appeal (COAP09-159) 2. Motion for Appointment of Counsel	1. Dismissed <i>Ex Mero Motu</i> 2. Dismissed as Moot
122P08	State v. Garry Lewis Staley	Def's PWC to Review Order of COA and/or Any Other Available Relief Pursuant to the All Writs Act (COAP08-142)	Dismissed
124P08	State v. Melvin Earl Hagans	Def's PDR Under N.C.G.S. § 7A-31 (COA07-743)	Denied
131P01-8	State v. Anthony Dove	Def's PWC to Review an Order of the COA (COAP08- 420)	Dismissed
164A00-2	State v. Elrico Darnell Fowler	Def-Appellant's PWC	Denied
176P08	State v. William Abdullah Mustafa	Def-Appellant's PWC	Dismissed
189P08	State v. Troy Lynn Ligon	Def-Appellant's PDR	Denied
197P08	Emomotimi Gabice (aka Emomotimi Harbor, Emomotimi Myriearbor) v. Aluwa Harbor	Plt's Petition for Judicial Review	Dismissed

200P08	State v. Karshia Bliamy Ly and Jeffrey Xiong	Defs' PDR Under N.C.G.S. 7A-31 (COA07-578)	Denied
203P08	State v. Mark Leonard Morgan	1. State's Motion for Temporary Stay (COA07-745) 2. State's Petition for Writ of Supersedeas 3. State's PDR Under N.C.G.S. § 7A-31 4. Def's Conditional PDR under N.C.G.S. § 7A-31	1. Allowed 04/30/08 2. 3. 4.
205P08	Robert Lee Dotson v. Robert S. Davis	Plt's PDR Under N.C.G.S. § 7A-31 (COA07-789)	Denied
217P08	State v. Joe Armstrong	Def's PWC to Review Order of COA (COAP08-321)	Denied
219P08	State v. Deray Yantell Jackson	1. Def's NOA Based Upon a Constitutional Question (COA07-695) 2. Def's PDR Under N.C.G.S. 7A-31 3. State's Motion to Dismiss Appeal	1. - - - 2. Denied 3. Allowed
228A08	State v. James Allen Turnage, Jr.	1. Def's Motion to Dismiss State's Appeal 2. Def's Alternative Motion to Strike State's Reply Brief	1. Denied 2. Denied

229P08	Faith Jones v. Thomas Dalton, M.D., Wilmington Anesthesiologists, L.L.P., and Wilmington Anesthesiologists, P.L.L.C.	Plt's PDR Under N.C.G.S. § 7A-31 (COA07-553)	Denied Martin, J., Recused
238P08	State v. Christopher Chiaromonte	1. Def's NOA Based Upon a Constitutional Question (COA07-534) 2. Def's PDR Under N.C.G.S. § 7A-31 3. State's Motion to Dismiss Appeal	1. - - - 2. Denied 3. Allowed
241P08	Al Patir Crawford, Judgment Recovery Services, LLC Assignee of the Judgment v. Daniel Watlington, (aka Daniel Wallington, dba B&W Enterprises)	Def's PDR Pursuant to N.C.G.S. § 7A-31	Denied
250P08	State v. Gregory Robinson, Jr.	Def's Motion for PDR Under N.C.G.S. § 7A-31, Rule 15 N.C. R. App. P. (COAP08-190)	Dismissed
270P08	State v. Antonio Bernard Baldwin and Shawn Ray Baldwin	1. Def's (Antonio Baldwin) PDR Under N.C.G.S. 7A-31 (COA07-1132) 2. Def's (Shawn Baldwin) PDR Under N.C.G.S. § 7A-31	1. Denied 2. Denied

272A08	Harleysville Mutual Insurance Company v. Buzz Off Insect Shield, LLC, et al.	<p>1. Plt's NOA (Dissent) (COA07-1002)</p> <p>2. Plt's PDR as to Additional Issues</p> <p>3. Michael A. Hamilton's Motion to be Admitted Pro Hac Vice</p> <p>4. Defs' (Erie Ins. Co. & Erie Ins. Exchange) NOA (Dissent)</p>	<p>1. - - -</p> <p>2. Allowed</p> <p>3. Allowed</p> <p>4. - - -</p>
277P08	State v. Keith Edward Harrington	<p>1. Def's NOA Based Upon a Constitutional Question (COA07-1442)</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>
279P04-2	State v. Paul Emmanuel Pelham	Def's PDR Under N.C.G.S. § 7A-31 (COA07-1024)	Denied
281P06-6	Joseph E. Teague, Jr., P.E., C.M. v. NC DOT, et al Lyndo Tippet and T.A. Krasner	<p>1. Plt-Appellant's Motion for Temporary Stay</p> <p>2. Plt-Appellant's PWC Based on Additional Issues</p>	<p>1. Denied 07/22/08</p> <p>2.</p> <p>Edmunds, J., Recused</p>
286P08	State v. Thomas Mitchell Brooks	Def's PDR Under N.C.G.S. § 7A-31 (COA07-940)	Denied

294P08	State v. Willie Alexander Bailey	Def's PDR Under N.C.G.S. § 7A-31 (COA07-1150)	Denied
299P08	State v. James P. Brill	1. Def's NOA Based Upon a Constitutional Question (COA07-1143) 2. Def's PDR Under N.C.G.S. § 7A-31 3. State's Motion to Dismiss Appeal	1. - - - 2. Denied 3. Allowed
303P08	Atlantic Integrated Technologies, Inc. And Atco International, Inc. v. Bank of America Corporation, a Delaware Corporation, d/b/a Bank of America, N.A., Bank of America, Ltd., Bank of America Singapore, and Bank of America Asia; and Bank of America, LTD; a Hong Kong Corporation	1. Plts' PWC to Review the Orders of the COA (COA07-754) 2. Def's Motion for Extension of Time to File Response to PWC	1. Denied 2. Allowed 09/22/08

308P08	State v. Joseph O. Jones	1. Def's PWC to Review Order of COA (COAP08-414) 2. Movant's (Marc Shapiro) Motion for Admission to Appear Pro Hac Vice 3. State's Motion to Strike Def's Pleading Captioned "Reply to the State's Response to Petition for Writ of Certiorari"	1. Dismissed 2. Dismissed as Moot 3. Allowed
314P08	State v. John Joseph Zinkand	Def's PDR Under N.C.G.S. § 7A-31 (COA07-980)	Denied
317P08	State v. Cedric Lamont Harris	Def's PDR Under N.C.G.S. § 7A-31 (COA07-1494)	Denied
321P08	State v. Paulette Bailey	Def's PDR Under N.C.G.S. § 7A-31 (COA07-989)	Denied
331P08	Donald E. Powers, Jr. v. Goodyear Tire & Rubber, Co. and Liberty Mutual Insurance Co.	Plt-Appellant's PDR (COA07-1218)	Denied
332P08	State v. Don McRae Smith	Def-Appellant's PDR (COA07-1243)	Allowed
335P08	State v. Jose Edward Nufio Salazar aka Noe Velasquez Ambrocio	Def's PDR Under N.C.G.S. § 7A-31 (COA07-893)	Denied

338P08	Majestic Cinema Holdings, LLC v. High Point Cinema, LLC, d/b/a Consolidated Theatres	Plt's PDR Under N.C.G.S. § 7A-31 (COA08-17)	Denied
339P08	State v. Tommie Parks	1. Def's PDR Under N.C.G.S. § 7A-31 (COA07-1178) 2. State's Motion to have Response to PDR Deemed Timely Filed	1. Denied 2. Denied
341A08	In the Matter of: E.X.J., A.J.J.	1. Appellee's (Guardian ad Litem) Motion for Leave to Appear 2. Appellee's (Guardian ad Litem) Motion for Extension to File Brief	1. Allowed 2. Allowed
345P08	State v. Lamont D. Carter	Def-Appellant's PDR (COAP07-1156)	Denied
348P08	State v. Fanta Falanda Jacobs	Def's PWC (COA06-1652)	Denied
355P08	Harry Whisnant, on behalf of himself and all others similarly situated v. Teachers' & State Retirement System of NC, et al.	Petitioners' PDR Under N.C.G.S. § 7A-31 (COA07-1433)	Denied
360P08	State v. Warren Eugene Penny	Def's PWC to Review the Decision of the COA (COA04-1401)	Dismissed

361P08	State v. Christopher Williams	Def's PDR Under N.C.G.S. § 7A-31 (COA07-1155)	Denied
362P08	NC Counties Liability and Property Joint Risk Management Agency v. Ernest M. Curry, Jr.	Plt's PDR Under N.C.G.S. § 7A-31 (COA06-1664)	Denied Martin, J., Recused
366P08	State v. Scotty Roach	Def's Motion to Appeal Order Denying Motion for Reconsideration Request to Correct the Record	Dismissed
367P03-2	State v. Allen Boyd, Jr.	Def's PWC to Review the Order of the COA (COAP08-657)	Dismissed
369P08	Carolina First Bank v. Stark, Inc. and Marcel Stark	1. Defs' Motion for Temporary Stay (COA07-833) 2. Defs' Petition for Writ of Supersedeas 3. Defs' PDR Under N.C.G.S. § 7A-31	1. Allowed 08/12/08 2. 3.
371P08	State v. James Edwin Buck	Def's PDR Under N.C.G.S. § 7A-31 (COA07-471)	Denied

380P08	Breta Gillis v. Montgomery County Sheriff's Department and Fidelity & Deposit Co. Of Maryland	1. Plt's NOA Based Upon a Constitutional Question (COA07-1503) 2. Plt's PDR Under N.C.G.S. § 7A-31 3. Def's Motion to Dismiss Appeal	1. - - - 2. Denied 3. Allowed
385P08	State v. John Christopher Green	Def's PDR Under N.C.G.S. § 7A-31 (COA07-1379)	Denied
388P08	State v. Mario Deandre Taylor	1. State's Motion for Temporary Stay (COA07-391) 2. State's Petition for Writ of Supersedeas 3. State's PDR Under N.C.G.S. § 7A-31	1. Allowed 08/25/08 2. 3.

389P07	William Lawson Brown, III v. Mark P. Ellis	<p>1. Plt-Appellant's NOA Pursuant to N.C.G.S. § 7A-30(1) (COA06-710)</p> <p>2. Plt-Appellant's Conditional PDR</p> <p>3. Plt-Appellant's PWC for Review of Order of COA</p> <p>4. Def's Conditional PDR Under N.C.G.S. § 7A-31</p> <p>5. Def's Motion to Dismiss Appeal</p> <p>6. Plt's Motion for Leave to Supplement PWC, NOA, and PDR</p>	<p>1.</p> <p>2.</p> <p>3.</p> <p>4.</p> <p>5.</p> <p>6. Allowed 04/10/08</p>
390P08	Dion Darrell Davis v. The State of NC, The County of Cumberland	Plt's Petition for Writ of Mandamus	Dismissed 08/28/08
397P08	State v. Bobby Devon Bare	Def's PDR Under N.C.G.S. § 7A-31 (COA07-1565)	Denied
400P08	State v. Christopher Melvin Hunt	<p>1. State's Motion for Temporary Stay (COA08-14)</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>1. Allowed 09/05/08</p> <p>2.</p> <p>3.</p>
401P08	State v. Istivan C. Douglas	Def's Petition for Writ of Mandamus	Denied 09/12/08

402A06	State v. Darrell Wayne Maness	State's Motion to Amend Record on Appeal	Allowed
425P08	Barbara Bradley v. Maxim Healthcare Services	1. Def's PDR Under N.C.G.S. § 7A-31 (COA07-1052) 2. Defs' (Maxim and Ins. Co.) Motion for Temporary Stay 3. Defs' (Maxim and Ins. Co.) Petition for Writ of Supersedeas	1. Denied 2. Allowed 09/30/08 Dissolved the Stay 10/09/08 3. Denied
430P08	State v. Donald A. Miller	Def's Motion for "Petition for Discretionary Review" (COAP07-800)	Dismissed
431P08	State v. Roosevelt Mackey, Jr.	Def's PWC to Review the Order of Pitt County Superior Court	Dismissed
432P08	Linda Carl and Charles R. Eilber, individually and on behalf of all others similarly situated v. The State of NC, et al.	1. Defs' Motion for Temporary Stay (COA07-1288) 2. Defs' Petition for Writ of Supersedeas 3. Defs' PDR Under N.C.G.S. § 7A-31	1. Allowed 09/17/08 2. 3.
435P08	State v. Dedric Paxton Crump	Def's PWC to Review Order of COA (COAP08-574)	Dismissed

436A08	State v. Lekkie Constantine Wilson	1. State's Motion for Temporary Stay (COA07-1077) 2. State's Petition for Writ of Supersedeas 3. State's NOA (Dissent)	1. Allowed 09/18/08 2. Allowed 3. - - -
436P07	In the Matter of: The Estate of John Van Lindley	Respondents' PDR Under N.C.G.S. § 7A-31 (COA06- 1281)	Denied
437P08	Randy L. Thomas v. Aida Correa	1. Plt's Motion for Temporary Stay & Motion for Emergency Relief - Temporary Custody (COAP08-570) 2. Plt's Petition for Discretionary Review Under N.C.G.S. § 7A-31 3. Plt's Motion to Proceed in Forma Pauperis	1. Denied 09/19/08 2. Denied 09/19/08 3. Allowed 09/19/08
440P08	Michael J. Deason, Employee v. Owens- Illinois, Inc., Employer and Insurance Co. State of Pennsylvania (AIG), Carrier	1. Defs' Motion for Temporary Stay (COA07-1159) 2. Def's Petition for Writ of Supersedeas 3. Def's PDR Under N.C.G.S. § 7A-31 4. Plt's Conditional PDR Under N.C.G.S. § 7A-31	1. Allowed 09/22/08 2. 3. 4.

443P08	State v. Sybounthanh Chanthaphone	Def's PWC to Review Order of COA (COAP08-639)	Dismissed
447A08	Andrea Gregory, Employee v. W.A. Brown & Sons, Employer, PMA Insurance Group, Carrier	1. Def-Appellants' NOA (Dissent) 2. Def-Appellants' Motion for Temporary Stay 3. Def-Appellants' Petition for Writ of Supersedeas 4. Def-Appellants' PDR	1. 2. Allowed 09/24/08 3. 4.
452P08	State v. Joseph M. Johnston	1. Def's Motion for NOA (COAP07-590) 2. Def's PDR Under N.C.G.S. § 7A-31	1. Dismissed <i>Ex Mero Motu</i> 2. Dismissed
455P06-2	Brian L. Blankenship, Thomas J. Dimmick and Frank D. Johnson v. Gary Bartlett, as Executive Director of the State Board of Elections, et al.	1. Plts' NOA Based Upon a Constitutional Question (COA06-1012) 2. Plts' PDR Under N.C.G.S. § 7A-31 3. Defs' Motion to Dismiss Appeal 4. Plts' Motion for Enlargement of Time to Serve NOA and Petition	1. - - - 2. Allowed 3. Allowed 4. Allowed
456P08	State v. Dorothy May Wright	Def's Motion for "Writ of Mandanna for Relief"	Dismissed

465A06	State v. Ryan Gabriel Garcell	1. Def's Motion to Amend Record On Appeal 2. Def's MAR 3. Def's Motion for Leave to File a Reply Brief	1. Allowed 01/24/08 2. 3.
484PA07	Jon-Paul Craig, by his mother and next friend, Kimberly Craig v. New Hanover Co, Bd. Of Education	Southern States Police Benevolent Association, Inc.'s Motion for Leave to File Amicus Curiae Brief	Denied 10/01/08
495P07	Alltel Communications, Inc. and H&T Properties, Inc. v. Davidson County	Petitioners' PDR Under N.C.G.S. 7A-31 (COA06-1137)	Denied
498P06-2	Mission Hospitals, Inc., Petitioner and NC Radiation Therapy Management Services, Inc., Petitioner-Intervenor v. NCDHHS, et al., Respondent and Asheville Hematology & Oncology Assoc., Respondent-Intervenor	1. Petitioner & Petitioner Intervenor's Motion for Temporary Stay (COAP08-527) 2. Petitioner & Petitioner Intervenor's Petition for Writ of Supersedeas 3. Petitioner & Petitioner Intervenor's PWC to Review Order of COA	1. Denied 09/03/08 2. Denied 09/03/08 3. Denied 09/03/08 Martin, J., Recused

523P06-5	Freeman Hankins v. Robert Cooper - Avery Mitchell Corr. Ctr., Spruce Pine, NC 28657	1. Plt's Petition for Writ of Habeas Corpus Pursuant to N.C.G.S. Sec. 17-b and N.C. Const. Art. 1.5.8-5.21 2. Plt's "Application for Habeas Corpus Pursuant to N.C.G.S. Sec. 17-b and N.C. Const. Art. 1.5.18-5.21 in Appropriate Circumstances"	1. Denied 2. Denied
579P07	Herbert Hayes v. Allstate Insurance Company and Angie Holshouser	Def's PDR	Denied
596P07	Progress Energy Carolinas, Inc. v. Donald Sullivan and Farnell Singleton	Def's PWC	Denied Martin, J., Recused Timmons-Goodson, J., Recused
604P07	Andres E. Sequera, Jr. v. State of NC	Def's PDR Under N.C.G.S. § 7A-31	Dismissed