

SUPREME COURT OF NORTH CAROLINA

PETITIONS

Decided by the Court in Conference: 6 November 2003

{Posted on the Internet Web Site: 7 November 2003 at 11:30 a.m.}

COMMON ABBREVIATIONS

Abbreviation	Full Term
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

PETITIONS

6 November 2003

047PA03	Diane Wilson Bowen, Executrix of the Estate of Bruce Pickett Wilson v. Pamela Y. Mabry, Executrix of the Estate of Josephine Dower Wilson	Motion of Counsel for Plaintiff- Appellee to Withdraw	Denied 10/21/03
103P03-2	State of N.C., Respondent v. Derrick Harrell, Petitioner	1. Petitioner's <i>Pro Se</i> Petition for Writ of Habeas Corpus	1. Denied 10/30/03

		<p>2. Petitioner's <i>Pro Se</i> Motion to Appoint Counsel</p> <p>3. Petitioner's <i>Pro Se</i> Motion to Arrest Judgment</p> <p>4. Petitioner's <i>Pro Se</i> Motion to Proceed <i>In Forma Pauperis</i></p>	<p>2. Denied 10/30/03</p> <p>3. Denied 10/30/03</p> <p>4. Allowed 10/30/03</p>
134A93-12	State v. Joseph Timothy Keel	AG's Motion to Bypass the COA on Defendant's Application for Writ of Habeas Corpus as to Involuntary Manslaughter Conviction	Dismissed as moot 10/31/03
134A93-13	State v. Joseph Timothy Keel	Def's Motion to Stay Execution	Denied
180P03	Carey James Dye v. Rebecca B. Dye	<p>1. Def's <i>Pro Se</i> Motion to Reconsider Notice of Writ of Habeas Corpus and to Dismiss Fraudulent Child Support Charges and Case in its Entirety Due to Extortion and Blackmail</p> <p>2. Def's <i>Pro Se</i> Motion to Reconsider Notice for PWC for Discretionary Review</p> <p>3. Def's <i>Pro Se</i> Motion to Remove Judges William L. Daisy and Joseph E. Turner, Jr.</p> <p>4. Def's <i>Pro Se</i> Motion for Judges Daisy and Turner to Pay Restitution</p>	<p>1. Dismissed</p> <p>2. Dismissed</p> <p>3. Dismissed</p> <p>4. Dismissed</p>

216PA03	Annette Evans, as Guardian ad Litem for Tyrone Horton v. Housing Authority of the City of Raleigh, North Carolina	Motion by Eastern Carolina Regional Housing Authority, Mid-East Regional Housing Authority, and Washington Housing Authority for Leave to File Amici Curiae Brief	Allowed 10/10/03
241P03-2	State v. DeJuan Marcus Wall	Def's <i>Pro Se</i> Motion for Appointment of Counsel	Denied
244P03-10	Billy Watkins, Petitioner v. State of North Carolina, et al.	<p>1. Petitioner's <i>Pro Se</i> PWC to Review Illegal Confinement of the Plaintiff, Billy Watkins</p> <p>2. Petitioner's <i>Pro Se</i> PWC to Review Habeas Corpus on the Grounds Plaintiff is in Unlawful Custody, Restrained of his Liberty</p> <p>3. Petitioner's <i>Pro Se</i> PWC to the Pending Certiorari to Review all Habeas Corpus and Motions</p>	<p>1. Denied</p> <p>2. Denied</p> <p>3. Denied</p>
245P02-2	Kings Mountain Bd. of Education, et al. v. N.C. State Bd. of Education and Cleveland Co. Bd. of Commissioners	<p>1. Petitioners' Petition for Writ of Supersedeas Under Rule 23</p> <p>2. Petitioners' Motion for Temporary Stay and Injunction Under Rules 2, 23 and 37</p> <p>3. Petitioners' PDR Under N.C.G.S. § 7A-31 (COA02-529)</p>	<p>1. Denied 10/10/03</p> <p>2. Allowed 09/02/03 Stay Dissolved</p> <p>3. Denied 10/10/03</p>
301A03	Paul E. Watkins, D.D.S., Petitioner v. N.C. State Board of Dental Examiners, Respondent	Respondent's Motion to Strike Portion of Petitioner-Appellee's New Brief	Allowed 10/28/03

308P02-2	State v. Daniel Lauren Geddings	Def's <i>Pro Se</i> Motion for Extension of Time to File Petition for Writ of Habeas Corpus in the United States District Court	Denied 11/03/03
341A96-3	State v. Eric Lawrence Call	Def's PWC to Review the Order of the Superior Court	Denied
378A03	Adams, Kleemeier, Hagan, Hannah & Fouts, PLLC v. Robert Jacobs , Elliott Jacobs, David Queller and Ira Born	Defs' (David Queller and Ira Born) Motion for Appropriate Sanctions Pursuant to Rules 14(c) and 25(b) of the North Carolina Rules of Appellate Procedure	Denied 10/23/03
395P03	Ruth E. Downs, Frank C. Reynolds, Jr., and Marguerite C. Reynolds v. State of North Carolina, The North Carolina Department of Revenue, et al.	Plts' PDR Under N.C.G.S. § 7A-31 (COA02-969)	Allowed
396P03	Bobby Martin, Employee v. Martin Brothers Grading, Employer, and N.C. Farm Bureau Mutual Insurance Company, Administrator	1. Defs' PWC to Review the Decision of the COA (COA02-381) 2. Plt's Motion for Attorney Fees	1. Denied 2. Dismissed
410P03	Jean Calloway, in her official capacity as Animal Cruelty Investigator for Buncombe County, North Carolina, et al. v. Barbara Onderdonk	1. Def's NOA (Constitutional Question) 2. Def's PDR Under N.C.G.S. § 7A-31 (COA02-1076)	1. Dismissed 2. Denied
414P03	State v. Paul Rasmussen	Def's PDR Under N.C.G.S. § 7A-31 (COA02-849)	Denied
418P03	State v. Carlos Darnell Nevills	1. Def's NOA Based Upon a Constitutional Question	1. --- 2. Denied

		<p>2. Def's PDR Under N.C.G.S. § 7A-31 (COA02-774)</p> <p>3. AG's Motion to Dismiss</p>	<p>3. Allowed</p>
424P00-2	State v. William Earl Clark	<p>1. Def's <i>Pro Se</i> PWC to Review the Order of the Superior Court</p> <p>2. Def's <i>Pro Se</i> Motion to Appoint Counsel</p> <p>3. Def's <i>Pro Se</i> Motion to Proceed <i>In Forma Pauperis</i></p>	<p>1. Dismissed</p> <p>2. Denied</p> <p>3. Allowed</p>
426P03	State v. Kenneth Scott Nivens, Glen Lance Maners, and Terri Lynn Stork	<p>1. Defs' PWC to Review the Order of the Superior Court</p> <p>2. Defs' Motion to Hold PWC in Abeyance</p> <p>3. Defs' Motion to Withdraw Motion to Hold Petition in Abeyance</p>	<p>1. Denied</p> <p>2. Dismissed as moot</p> <p>3. Allowed</p>
428A02	William J. Wise and wife, Lynn P. Wise v. Harrington Grove Community Assoc., Inc., et al.	<p>Defs' Petition for Rehearing</p>	<p>Denied 10/31/03</p>
429P03	State v. Jason D. Swain	<p>1. Def's <i>Pro Se</i> PWC to Review the Decision of the COA</p> <p>2. Def's <i>Pro Se</i> Motion to Proceed <i>In Forma Pauperis</i></p>	<p>1. Denied</p> <p>2. Allowed</p> <p>3. Denied</p> <p>4. Denied</p> <p>5. Denied</p>

		<p>3. Def's <i>Pro Se</i> Motion to Appoint Counsel</p> <p>4. Def's <i>Pro Se</i> Motion to Obtain Transcript at State's Expense</p> <p>5. Def's <i>Pro Se</i> Motion to Remand to Superior Court</p>	
430A03	Dorothy Hunt, Employee v. North Carolina State University, Employer, Self-Insured, Carrier Key Rick Management Services, Administrative Agent	Plt's and Defs' Motion to Dismiss Appeal	Allowed
436P03	State v. Laurence Freeman McKisson	<p>1. Def's NOA Based Upon a Constitutional Question (COA02-955)</p> <p>2. Def's (Alternative) PDR Under N.C.G.S. § 7A-31</p> <p>3. Def's PDR Under N.C.G.S. § 7A-31</p> <p>4. AG's Motion to Dismiss Appeal</p>	<p>1. ---</p> <p>2. Denied</p> <p>3. Denied</p> <p>4. Allowed</p>
442P03	State v. Michael A. Williams	<p>1. Def's <i>Pro Se</i> Motion for Evidentiary Hearing</p> <p>2. Def's <i>Pro Se</i> Motion to Appoint Counsel</p> <p>3. Def's <i>Pro Se</i> Motion to Proceed <i>In Forma Pauperis</i></p>	<p>1. Denied</p> <p>2. Denied</p> <p>3. Allowed</p> <p>4. Denied</p> <p>5. Dismissed</p> <p>6. Denied</p>

		<p>4. Def's <i>Pro Se</i> Motion for Preparation of Stenographic Transcript</p> <p>5. Def's <i>Pro Se</i> Motion for Appropriate Relief</p> <p>6. Def's <i>Pro Se</i> Motion for Appointment of Counsel</p>	
445P03	Farm Bureau Insurance Company of N.C., Inc. v. Margaret A. Blong, Ancillary Administrator of the Estate of Megan Ann Blong, et al.	Def's PDR Under N.C.G.S. § 7A-31 (COA02-651)	Denied
448P02-2	State v. Ronald Kenneth Williams	Petitioner's (Williams) Petition for Writ of Habeas Corpus	Denied 10/31/03
451P03	The North Carolina State Bar v. J. Richardson Rudisill, Jr., Attorney	Plt's PDR Under N.C.G.S. § 7A-31 (COA02-1159)	Denied
452P03	State v. Jimmy Lee Bellamy	<p>1. Def's <i>Pro Se</i> PWC to Review the Decision of the COA (COA02-1313)</p> <p>2. Def's <i>Pro Se</i> Motion to Proceed <i>In Forma Pauperis</i></p>	<p>1. Denied</p> <p>2. Allowed</p>
458P03	Ferdinand L. Carter v. Charles Cook and North Carolina Farm Bureau Mutual Insurance Company	Plt's Petition for Rehearing on PDR	Dismissed
459P03	Jennifer Erin Blum, Plaintiff v. Christopher Lee Rhodes, Defendant and Shelley Blum and Deborah Blum, Interveners	Interveners' (Shelley Blum and Deborah Blum) PWC to Review the Decision of the COA (COA02-1091)	Denied
462P03	Douglas K. Warnock v. CSX Transportation, Inc.	Plt's PDR Under N.C.G.S. § 7A-31 (COA02-568)	Denied

466P03	State v. David Paul Shelman	Def's PDR Under N.C.G.S. § 7A-31 (COA02-1216)	Denied
468P03	In re: Cheyanne Elisabeth Smith, Minor Child	Respondent's (M. Elisabeth Smith) PWC to Review the Order of the COA (COAP03-321)	See Special Order 10/23/03
469P03	Robert D. Widener v. Delena Carter Widener	1. Def's PDR Under N.C.G.S. § 7A-31 (COA02-1242) 2. Def's PWC to Review the Decision of the COA	1. Denied 2. Denied
470P03	National Alliance for the Mentally Ill, Cumberland County, Inc. v. County of Cumberland, North Carolina	Def's PDR Under N.C.G.S. § 7A-31 (COA02-1182)	Allowed 10/20/03
471P03	State v. Lloyd T. Leonard, II	Def's <i>Pro Se</i> PWC to Review the Order of the COA (COAP03-693)	Denied
474P03	Thomas E. Hodgin, III, Employee- Plaintiff-Appellee v. Thomas E. Hodgin, III, d/b/a Hodgin Carpet, Employer and North Carolina Farm Bureau Mutual Ins. Co., Carrier-Defendant-Appellants	Plt's PDR Under N.C.G.S. § 7A-31 (COA02-1007)	Denied
475P03	State v. Elizabeth Rose Richardson	Def's PDR Under N.C.G.S. § 7A-31 (COA02-1082)	Denied
476P03	State v. Sharoid Te- Juan Wright	Def's PDR Under N.C.G.S. § 7A-31 (COA02-744)	Denied
479P03	State v. Willard James Holbrooks, Sr.	Def's PDR Under N.C.G.S. § 7A-31 (COA02-1661)	Denied
487P03	Larry Evans and Carolyn Evans, Co- Administrators of the Estate of Rebecca Lynn Evans v. Joseph Robert Anderson and Asheville Family Medicine, PLLC	Plts' PDR Under N.C.G.S. § 7A-31 (COA02-1107)	Denied

488P03	State v. Robert Miles	<p>1. Def's NOA Based Upon a Constitutional Question</p> <p>2. Def's PDR Under N.C.G.S. § 7A-31 (COA02-893)</p> <p>3. AG's Motion to Dismiss Appeal</p>	<p>1. ---</p> <p>2. Denied</p> <p>3. Allowed</p>
491P03	<p>Conseco Finance Servicing Corp. v. Home City, Ltd., Von Allen, Michael L. Allen, and Marva H. Allen</p>	<p>Defendant-Appellants' PDR Under N.C.G.S. § 7A-31 (COA02-913)</p>	<p>Denied 10/06/03</p>
492P03	<p>Douglas A. Petho, as Administrator of the Estate of Jaycob L. Williams v. Shawnee Wakeman, Shirley Hood and Charlotte-Mecklenburg Board of Education</p>	<p>1. Def's (Shawnee Wakeman) PDR Under N.C.G.S. § 7A-31 (COA02-1338)</p> <p>2. Conditional Motion of N.C. School Board Association to File Amicus Curiae Brief on Behalf of Appellants</p>	<p>1. Denied</p> <p>2. Dismissed as moot</p>
494P03	<p>State v. Michael Anthony Dammons</p>	<p>Def's PDR Under N.C.G.S. § 7A-31 (COA02-625)</p>	<p>Denied Orr, J., recused</p>
495P03	<p>State v. Shawn Wayne Scercy</p>	<p>1. Def's NOA Based Upon a Constitutional Question</p> <p>2. Def's PDR Under N.C.G.S. § 7A-31 (COA02-772)</p> <p>3. AG's Motion to Dismiss Appeal</p>	<p>1. ---</p> <p>2. Denied</p> <p>3. Allowed</p>

497A93-5	State v. Levon Junior Jones	<p>1. Def's PWC to Review the Superior Court Order</p> <p>2. Def's <i>Pro Se</i> Motion for a Hearing Concerning Appropriate Relief</p> <p>3. Def's <i>Pro Se</i> Motion for \$1.12 Billion Settlement for Injustice</p>	<p>1. Denied</p> <p>2. Denied</p> <p>3. Denied</p>
498P02-2	State of N.C., Respondent v. Ronald Ray Starner, Petitioner	Petitioner's <i>Pro Se</i> Petition for Writ of Habeas Corpus	Denied 11/04/03
500A03	Jeffrey R. Kennedy, D.D.S., P.A. v. K. Carroll Kennedy and Jerre Kennedy	<p>1. Defs' Motion for Temporary Stay</p> <p>2. Defs' Petition for Writ of Supersedeas</p> <p>3. Defs' NOA Based Upon a Dissent (COA02-1198)</p> <p>4. Defs' PDR as to Additional Issues</p> <p>5. Defs' Motion to Amend Petition for Writ of Supersedeas</p> <p>6. Plt's Motion for Temporary Stay of Appellate Proceedings</p>	<p>1. Denied 09/11/03</p> <p>2.</p> <p>3.</p> <p>4.</p> <p>5.</p> <p>6. See Special Order 10/24/03</p>
501A94-3	State v. Kenneth Junior French	Petitioner's <i>Pro Se</i> Petition for Writ of Mandamus	Denied
501P03	Willie Mae Dukes v. Lee Ray Bergman, Southern Repair Service, Inc., et al.	Defs' PDR Under N.C.G.S. § 7A-31 (COA02-1179)	Denied
502P03	State v. Thomas Eugene Clark	Def's PDR Under N.C.G.S. § 7A-31 (COA02-1699)	Denied

505P03	Arthur Lee Davis, Petitioner v. Edgecombe County Superior Court, Respondent	Petitioner's <i>Pro Se</i> Petition for Writ of Error <i>Coram Nobis</i>	Denied
511P03	State v. Jason Aaron Barton	Def's PDR Under N.C.G.S. § 7A-31 (COA02-1675)	Denied Orr, J., recused
513P03	Dewey Haizlip v. MFI of South Carolina, Inc., F. Dale Miller II, and Stephen K. Miller	Def's PDR Under N.C.G.S. § 7A-31 (COA02-1027)	Denied
517P03	State v. Jamara Washington	1. Def's <i>Pro Se</i> PWC to Review the Order of the COA (COAP03-347) 2. Def's <i>Pro Se</i> Motion to Proceed <i>In Forma Pauperis</i> 3. Def's <i>Pro Se</i> Motion to Proceed <i>In Forma Pauperis</i>	1. Denied 2. Allowed 3. Allowed
521P03	State Auto Property and Casualty Insurance Company v. James Lee Rankin, et al.	Plt's PWC to Review the Decision of the COA (COA02-1202)	Denied
523P03	State v. Joshua Dwayne Fowler	Def's PDR Under N.C.G.S. § 7A- 31(c)(2) and (3) (COA02-730)	Denied
524P03	State v. James Kelvin Medlin	Def's PWC to Review the Decision of the COA (COA02-1522)	Denied
529A03	Kent J. Ashton v. City of Concord, North Carolina	1. Plt's <i>Pro Se</i> NOA Based Upon a Constitutional Question (COA02-1257) 2. Def's Motion to Dismiss NOA	1. --- 2. Allowed
530P03	State v. Bonifacio Gonzalez Torres	Def's PDR Under N.C.G.S. § 7A-31 (COA02-1589)	Denied

537P03	State v. Paul William Howell	<p>1. Def's <i>Pro Se</i> PWC to Review the Order of the COA (COAP03-654)</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. Dismissed</p> <p>2. Allowed</p> <p>3. Denied</p>
538P03	State v. Derrick Tyrone Shelton	Def's <i>Pro Se</i> PWC to Review the Order of the Superior Court	Dismissed
539P03	State v. Harris Emanuel Ford	Def's <i>Pro Se</i> PWC to Review the Order of the COA (COA03-140)	Denied
541P03	Harvey P. Short, Petitioner v. Judge Paul Gessner, Respondent	Petitioner's <i>Pro Se</i> Petition for Writ of Mandamus	Denied
546P03	State v. Phillip Vincent Donevan	Def's PDR Under N.C.G.S. § 7A-31 (COA02-899)	Denied
547P03	State v. William Thomas Glasco	Def's PDR Under N.C.G.S. § 7A-31 (COA02-602)	Denied
552P03	In the Matter of: Nickalas Farahi	Petitioner's (Wake County Human Services) PWC to Review the Order of the COA (COAP02-421)	Denied
554P03	State v. Frank E. Milano	Def's Petition for Writ of Mandamus	Denied 10/15/03
555P03	State v. Clarence Vernon Moles	<p>1. Def's <i>Pro Se</i> PWC to Review the Order of the COA (COAP03-71)</p> <p>2. Def's <i>Pro Se</i> Motion to Appoint Counsel</p>	<p>1. Dismissed</p> <p>2. Denied</p>
560P03	Willie Thomas Kelly, Jr., Petitioner v. Clerk of Superior Court, Moore County, Respondent	Petitioner's <i>Pro Se</i> Petition for Writ of Mandamus	Denied 10/20/03

561P03	State v. Gordon N. Cullins	<p>1. Def's <i>Pro Se</i> PWC to Review the Order of the Superior Court</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. Dismissed</p> <p>2. Allowed</p> <p>3. Denied</p>
563P03	State v. Willie James Walters	<p>1. Def's <i>Pro Se</i> PWC to Review the Order of the Superior Court</p> <p>2. Def's <i>Pro Se</i> Motion to Appoint Counsel</p>	<p>1. Dismissed</p> <p>2. Denied</p>
564P03	Henry Clifford Byrd, Sr., Petitioner v. David L. Churchill, Clerk of Superior Court of Guilford County, Respondent	Petitioner's <i>Pro Se</i> Petition for Writ of Mandamus	Denied
566P03	State v. Gerald Haskins	<p>1. Def's NOA Based on a Constitutional Question (COA02-1225)</p> <p>2. Def's PDR Under N.C.G.S. § 7A-31</p> <p>3. AG's Motion to Dismiss Appeal</p>	<p>1. ---</p> <p>2. Denied</p> <p>3. Allowed</p>
567P03	State v. Charles Walker	Petitioner's <i>Pro Se</i> Petition for Writ of Habeas Corpus	Denied 10/24/03
568P03	State v. Larry C. Stubbs	Petitioner's <i>Pro Se</i> Petition for Writ of Mandamus	Denied
572P03	Melvin Douglas Berrow v. Forsyth County Superior Court	1. Petitioner's <i>Pro Se</i> Petition for Writ of Error <i>Coram Nobis</i> (COA01-1314)	<p>1. Dismissed</p> <p>2. Denied</p>

		2. Petitioner's <i>Pro Se</i> Motion for an Evidentiary Hearing	
573P03	Freddie Lee Irick, Petitioner v. State of N.C., Respondent	Petitioner's <i>Pro Se</i> Petition for Writ of Error <i>Coram Nobis</i> Pursuant to the All Writ Act of 1789 Title 28 USC Section 1651(a)	Denied
574P03	State v. Michael Keith Holden	1. AG's Motion for Temporary Stay 2. AG's Petition for Writ of Supersedeas 3. AG's PDR Under N.C.G.S. § 7A-31 (COA02-1478)	1. Allowed pending determination of the State's PDR 10/24/03 2. 3.
598P02	Boyce & Isley, PLLC, Eugene Boyce, R. Daniel Boyce, Phillip R. Isley, and Laura B. Isley v. Roy A. Cooper, III, The Cooper Committee, Julia White, Stephen Bryant, and Kristi Hyman	Supplemental Order	See Special Supplemental Order 10/28/03
603A02	Leon Kea, Petitioner v. Department of Health and Human Services, O'Berry Center, Respondent	Joint Motion to Submit Case for Decision Based on Written Briefs	Allowed
635P01-2	State v. James C. George	Def's <i>Pro Se</i> PWC to Review the Order of the COA (COAP01-793)	Dismissed
651PA02	Mary Tate Lee, Employee v. Brian Center, Employer and Self-Insured/Key Risk Management Services, Servicing Agent	Motion by the N.C. Academy of Trial Lawyers to File an Amicus Curiae Brief	Denied 10/08/03