

SUPREME COURT OF NORTH CAROLINA

PETITIONS

Decided by the Court in Conference: 8 November 2001

{Posted on the Internet Web Site: 9 November 2001 at 11:00 a.m.}
 {Amended Copy on Internet Web Site: 14 November 2001 at 10:45 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
Pit	Plaintiff
PDR	Petition for Discretionary Review
Cert	Certiorari
AG	Attorney General

065A01	State v. Jakie Hammonds	1. Def's Motion to Expedite Appointment of Post Conviction Counsel 2. Def's Motion to Hold Appeal In Abeyance 3. AG's Motion to Strike Portions of Def's New Brief 4. Def's Motion for Appointment of Counsel	1. Denied 2. Denied 3. Denied 4. Denied
118P00-3	State v. Robert Orlando Mitchell	Def's Motion for Appropriate Relief (01CR49411, 49522)	Denied
119A89-4	State v. George Franklin Heatwole, III	Motion for Appropriate Relief	Denied

152P01	Ross L. Lipe v. Starr Davis Company, Inc. v. Aetna Casualty and Surety Co.	<p>1. Def's (Starr Davis Co.) PDR Under G.S. § 7A-31 (COA99-1624)</p> <p>2. Plt's Motion to Dismiss Petition</p>	<p>1. Denied</p> <p>2. Dismissed as Moot</p> <p>Edmunds, J. Recused</p>
233P01	State v. Anthony Joseph Johnson	<p>1. AG's Motion for Temporary Stay</p> <p>2. AG's Petition for Writ of Supersedeas</p> <p>3. AG's PDR Under G.S. § 7A-31 (COA00-103)</p> <p>4. Def's Conditional PDR as to Additional Issues (COA00-103)</p>	<p>1. Allowed 05/07/01 Dissolved</p> <p>2. Denied</p> <p>3. Denied</p> <p>4. Dismissed as Moot</p>
253P01	Space Bank Leasing v. June C. Lail and Stephanie Atchley	<p>1. Def's (Stephanie Atchley) Motion for Reconsideration</p> <p>2. Def's (Stephanie Atchley) Motion for Temporary Stay</p>	<p>1. Dismissed</p> <p>2. Denied</p>
263A01	Thomas M. Rouse, Sandy Rouse and Federal Insurance Company v. Williams Realty & Building Company	Plt's (Federal Insurance Company) Motion to Strike (COA00-209)	Allowed
284P01	Hyde County Social Services, ex rel Ms. Gloria Spencer <i>et al</i> , Respondents v. Mr. Glenn I. Hockney, North Carolina, and a Hyde County Resident, Petitioner	<p>1. Pet's Pro Se Motion for Temporary Stay</p> <p>2. Pet's Pro Se PWC to Review the</p>	<p>1. Denied 06/01/01</p> <p>2. Denied</p>

		<p>Order of the Hyde Co. Social Services Hearing Officer</p> <p>3. Pet's Motion to Proceed <i>In Forma Pauperis</i></p> <p>4. Pet's Pro Se Motion to Amend PWC</p>	<p>3. Allowed</p> <p>4. Denied</p>
321A01	In the Matter of: Joanie Stumbo, Steven Stumbo, Scott Stumbo, Unknown Stumbo	<p>1. Respondents' (James and Mary Ann Stumbo) NOA Based Upon a Dissent (COA00-408)</p> <p>2. Respondents' (James and Mary Ann Stumbo) NOA Based Upon a Constitutional Question (COA00-408)</p>	<p>1. --</p> <p>2. Retained for NOA</p>
343P01	Robert Willis v. The Town of Beaufort, a N.C. Municipal Corporation, <i>et al</i>	Def's PDR Under G.S. § 7A-31 (COA00-371)	Denied 10/10/01
347P01	Sigma Construction Co., Inc. v. Guilford County Board of Education	<p>1. Plt's PDR Under G.S. § 7A-31 (COA00-877)</p> <p>2. Plt's Amended PDR Under G.S. § 7A-31</p> <p>3. Plt's Motion to Amend PDR</p>	<p>1. Dismissed as Moot</p> <p>2. Denied</p> <p>3. Allowed</p>
366P01	State v. Eric Lavon Williams	Def's PDR Under G.S. § 7A-31 (COA00-516)	Denied

379P01	State v. Donnie Deion Chapman	Def's Pro Se PWC to Review the Decision of the COA (COA00-467)	Denied
386P01	State v. Robert William Davis	<p>1. Def's Pro Se PWC to Review the Order of the Superior Court (99CRS3941-42, 00CRS1080)</p> <p>2. Def's Pro Se Motion to Proceed <i>In Forma Pauperis</i></p> <p>3. Def's Pro Se Motion for Appointment of Counsel</p> <p>4. Def's Pro Se Motion to Grant an Evidentiary Hearing Upon All Factual Issues</p>	<p>1. Denied</p> <p>2. Allowed</p> <p>3. Denied</p> <p>4. Denied</p>
391P01	State v. Michael Nolen	<p>1. Def's NOA Based Upon Constitutional Question</p> <p>2. Def's PDR Under G.S. § 7A-31 (COA00-855)</p> <p>3. AG's Motion to Dismiss Appeal for Lack of Substantial Constitutional Question</p>	<p>1. --</p> <p>2. Denied</p> <p>3. Allowed</p>
392P01	Rose Mary Merrick, a Minor v. Glenn R. Peterson, Bernice Croom, <i>et al</i> v. Carneal Hooper, Floyd Henry Hooper, <i>et al</i>	<p>1. Plt's PDR Under G.S. § 7A-31 (COA00-247)</p> <p>2. Defendant-Appellees' Motion for Extension of Time to file</p>	<p>1. Denied</p> <p>2. Allowed</p>

		Response to PDR	
398P01	State v. Lisa Strum Allen	<p>1. Def's NOA Based Upon a Constitutional Question</p> <p>2. Def's PDR Under G.S. § 7A-31 (COA00-720)</p> <p>3. AG's Motion to Dismiss Appeal</p>	<p>1. --</p> <p>2. Denied</p> <p>3. Allowed</p>
399P01	Vivian S. Knight, Employee v. Abbott Laboratories, Employer; Gab Business Services, Carrier	<p>1. Plt's PDR Under G.S. § 7A-31 (COA00-730)</p> <p>2. Plt's PWC to Review the Decision of the COA (COA00-730)</p> <p>3. Def's Conditional PDR as to Additional Issues</p>	<p>1. Denied</p> <p>2. Denied</p> <p>3. Dismissed as Moot</p>
400P01	Interstate Glass, Inc. v. Creative Architecture, P.A.	Plt's PDR Under G.S. § 7A-31 (COA00-55)	Denied
406P01	In the Matter of the Appeal of: Charles D. Owens and John F. Padgett d/b/a Forest City Associates, From the Decision of the Rutherford County Board of Equalization and Review Concerning Property Taxation in 1994.	<p>1. Petitioners' NOA Based Upon a Constitutional Question (COA00-686)</p> <p>2. Petitioners' PDR Under G.S. § 7A-31 (COA00-686)</p>	<p>1. Dismissed <i>ex mero motu</i></p> <p>2. Denied</p>
408P01	State Auto Property and Casualty Insurance Company v. Tracey L. Southard, Beverly Russell, The Estate of David Morse, and Lucille S. Sharar	Def's (Southard) PDR Under G.S. § 7A-31 (COA00-604)	Denied
409P01	Robert Castillo Trujillo and William Lewis King, Administrator of the Estate of Pedro Beltran Borbonio v. Donald Ray Vick, Halifax Electric	Def's (Donald Ray Vick) PDR Under	Denied 10/22/01

	Membership Corp., Melvin O. Harrell, Russell H. Harrell, and Robert T. Harrell, Individually and d/b/a Harrell Farms	G.S. § 7A-31 (COA00-646)	
412P01	Don Webb and Susan Webb v. Danny Carroll McKeel	Plt's PDR Under G.S. § 7A-31 (COA00-810)	Denied
415P01	In the Matter of: Patricia Eckard, a Minor Child	Guardian Ad Litem's PDR (COA00-655)	See Special Order
422A01	State v. Jeffrey Neal Duke	1. Def's Motion for New Trial 2. AG's Motion to Vacate Order Determining Def's Motion to Suppress	1. Allowed 2. Allowed
428P01	Ruth K. Muscatell v. Rande J. Muscatell and Darryl J. Ysteboe	Def's (Rande J. Muscatell) PDR Under G.S. § 7A-31 (COA00-997)	Denied
428P99-2	Gary Lee Torain v. State	Plt's PWC to Review the Order of the COA (COAP01-623)	Dismissed
429P01	State v. Darrin James Rudd	Def's PDR Under G.S. § 7A-31 (COA00-978)	Denied
431P00-2	Carolina Water Service, <i>et al</i> v. Town of Pine Knoll Shores, <i>et al</i>	Plt's and Intervenor's PDR Under G.S. § 7A-32 (COA00-1001)	Denied
432P01	State v. Shawn Boston	1. Def's Pro Se PWC to Review the Order of the COA (COAP01-536) 2. Def's Pro Se Motion to Proceed <i>In Forma Pauperis</i>	1. Denied 2. Allowed

439A01	Bridgestone/ Firestone, Inc. v. Ogden Plant Maintenance Company of NC and the Budd Group, Inc.	1. Defs' NOA Based Upon a Dissent 2. Defs' PDR Under G.S. § 7A-31 (COA00-400)	1. -- 2. Denied
440P01	State v. Mark David Stamper	Def's PDR Under G.S. § 7A-31 (COA00-936)	Denied
443P01	State v. Kenneth Earl Ridgill	Def's PWC to Review the Decision of the COA (COA99-1149)	Denied
452P01	State v. Travis Deon Alston	Def's PDR Under G.S. § 7A-31 (COA00-665)	Denied
459P01	Annie Mitchell Reid and James Reid v. Town of Madison and Richard Keith Tucker	Plts' PDR Pursuant to G.S. § 7A- 31(b)(3) (COA00-960)	Allowed
462A01-5	State v. Guy Tobias Legrande	Def's PWC to Review the Order of the Superior Court	Denied
463P01	Susan Sessler v. Loretta McDermott Marsh	1. Def's PDR Under G.S. § 7A-31 (COA00-801) 2. Def's Motion for Temporary Stay (COA00-801) 3. Def's Petition for Writ of Supersedeas (COA00-801)	1. Denied 2. Allowed 10/04/01 Dissolved 3. Denied
470P01	Sheila D. Royal v. Jack Amos Hartle and Wife, Anja Hartle	Defs' PDR under G.S. § 7A-31 (COA00-897)	Denied 10/23/01

486P01	Durham Video and News, Inc. d/b/a Movie Town v. Durham Board of Adjustment and the City of Durham	1. Plt's PDR Under G.S. § 7A-31 (COA00-609) 2. Plt's NOA Based on a Constitutional Question	1. Denied 2. Dismissed <i>ex mero motu</i>
492A99	State v. Ted Anthony Prevatte	Def's Motion to Hold Appeal in Abeyance	Denied
497P01	Robert L. Vincent v. CSX Transportation, Inc.	Plt's PDR Under G.S. § 7A-31 (COA00-965)	Denied
503A01	State v. John Frank Bowen	1. Def's Pro Se Petition for Rehearing and En Banc by Full Supreme Court Justices 2. Def's Pro Se Motion to Appoint Counsel	1. Dismissed 2. Denied
516P01	State v. Carlos Hooker	Def's PDR (COA00-650)	Denied
517P01	State v. Maurice Davis	Def's PDR Under G.S. § 7A-31 (COA00-706)	Denied
521A01	State v. James Russell Smith, Jr.	1. AG's NOA (Dissent) (COA00-616) 2. AG's Motion for Temporary Stay (COA00-616) 3. AG's Petition for Writ of Supersedeas (COA00-616) 4. Def's PDR as to Additional Issues (COA00-616)	1. -- 2. Allowed 09/18/01 3. Allowed 4. Denied
523P01	Marty Joe McJunkins v. State	Plt's PWC to Review the Order of	Denied

		the COA (COAP01-226)	
524P01	Pattie Christopher v. Cherry Hospital	Def's PDR Under G.S. § 7A-31 (COA00-700)	Denied
527P01	Occaneechi Band of the Saponi Nation v. N.C. Commission on Indian Affairs	1. Def's Motion for TS (COA00-561) 2. Def's Petition for Writ of Supersedeas (COA00-561) 3. Def's PDR Under G.S. § 7A-31 (COA00-561)	1. Allowed 09/19/01 Dissolved 2. Denied 3. Denied
531P01	State v. Mathew Edward Gibson	Def's PWC to Review the Decision of the COA (COA00-994)	Denied
537P01	State v. Serafin Castillo Hernandez	Def's Pro Se Petition for Writ of Mandamus	Denied
541A01	State v. Marion Edward Pearson, Jr.	1. Def's NOA Based Upon a Dissent (COA00-647) 2. Def's NOA Based Upon a Constitutional Question (COA00-647) 3. AG's Motion to Dismiss Appeal (Constitutional Question) (COA00-647)	1. -- 2. -- 3. Allowed
544A01	State v. Wayne Russell Robinson and Carlyle Poindexter, Surety	Def's (Poindexter, Surety) Motion to Withdraw Appeal	Allowed

549A01	James Dewey Milon and Rosa P. Milon v. Duke University; Duke University Health System, Inc.; Private Diagnostic Clinic, LLP; Private Diagnostic Clinic, PLLC; David F. Paulson, M.D.; Peter S.A. Glass, M.D.; and Mary Crodelle, CRNA	1. Plts' NOA (Dissent) (COA00-1246) 2. Plts' PDR as to Additional Issues (COA00-1246) 3. Defs' Conditional PDR as to Additional Issues (COA00-1246)	1. -- 2. Denied 3. Dismissed as Moot
551P01	Harold Reid Fisher v. Sara Lowry Fisher	Plt's PDR Under G.S. § 7A-31 (COA00-1066)	Denied
552P01	Joseph Cliff Lassiter, and wife, Eva C. Lassiter v. Ronald Jeffrey Cecil, Individually, and Castle Construction Company, Inc.	Plts' PDR Under G.S. § 7A-31 (COA00-607)	Denied
556P01	In the Matter of: Jaspyn Franklin Walter Miller (Appealed by James Edward Miller- the Father	Respondent's (Father) PDR Under G.S. § 7A-31 (COA00-935)	Denied
558P01	Morris Communications Corporation, d/b/a Fairway Outdoor Advertising; Outdoor Communications, Inc.; and Maple Cove, Inc. v. City of Asheville	Plts' PDR under G.S. § 7A-31 (COA00-219)	Allowed
559P01	State v. Christopher Allen Walker	Def's Motion for Appropriate Relief (97-CRS-30016) (COA00-63)	Dismissed Without Prejudice to Refile in Superior Court
562P01	State v. Gary Eugene Baker	1. Def's NOA (COA00-302) 2. Def's PDR Review Under G.S. § 7A-31 (COA00-302) 3. AG's Motion to Dismiss for Lack of Substantial Constitutional Question	1. -- 2. Denied 3. Allowed

564P01	Reginald Lewis Butler v. State of North Carolina, and Senior Resident Superior Court Judge, J. Marlene Hyatt	Plt's Petition for Writ of Mandamus	Dismissed
566P01	Douglas Lee Husketh, Jr. v. State of North Carolina (NC Dept. of Corrections)	1. Plt's Pro Se PWC to Review Order of the COA (COAP01-699) 2. Plt's Petition for Writ of Habeas Corpus 3. Plt's Pro Se Motion for Rehearing	1. Denied 10/10/01 2. Denied 10/10/01 3. Dismissed
567P01	Jerry Alton Smith v. State	Plt's PWC to Review the Order of the COA (COAP01-561)	Dismissed
568P01	Michael Bridges v. State	Plt's PWC to Review the Order of the COA (COAP01-309)	Dismissed
571P01	State v. James Ronnie Lineberger	Def's PWC to Review the Order of the COA (COAP01-653)	Dismissed
574P01	Kathleen G. Sumner v. Law Offices of Kathleen G. Sumner and Shelby Insurance Co.	1. Plt's PDR Under G.S. § 7A-31 (COA00-217) 2. Def's PDR Under G.S. § 7A-31 (COA00-217)	1. Denied 2. Dismissed as Moot
577P01	John H. Councill v. Town of Boone Board of Adjustment, et al	Petitioner's PDR Under G.S. § 7A-31 (COA00-1023)	Denied
580P01	State v. Terry J. Harvey	1. Def's Pro Se PWC to Review the Order of the Superior Court 2. Def's Pro Se Motion for Appointment of	1. Denied 2. Denied

		Counsel	
582P01	State v. Johnny Calvin Ollis	Def's Pro Se PWC to Review the Decision of the COA (COA00-871)	Denied
584P01	J. Nelson Dollar v. Town of Cary, a Municipal Corporation, and Rockett, Buckhead & Winslow, Inc.	1. Plt's PWC to Review the Order of the COA (COAP01-740) 2. Plt's Motion for Expedited Consideration and Determination 3. Plt's Motion for Shortened Response Time by Respondent Pursuant to Rule 21(d)	1. See Special Order 10/22/01 2. Allowed 10/18/01 3. Allowed 10/18/01
585P01	The People of NC, <i>ex rel</i> in the Matter of Randy Lee., Hammitt v. Betty Blackwell Jenkins D/B/A Graham Co. Clerk of Superior Court	Petitioner's Pro Se (Randy Lee., Hammitt) Petition for Writ of Mandamus	Denied
590P01	Ramzi Shamma v. Aous S. Alkhaldi and Marah Alkurdi	Plt's Pro Se PDR Under G.S. § 7A- 31 (COA00-1178)	Denied
591P01	David Martin McLester v. State	1. Plt's PWC to Review the Order of the COA (COA01-591) 2. Plt's Motion to be Allowed to Proceed <i>In Forma Pauperis</i>	1. Dismissed 2. Allowed
595P01	John Malloy, d/b/a The Dogwood Gun Club v. Roy Cooper, Attorney General of the State of North Carolina, <i>et al</i>	Plt's PWC to Review the Decision of the COA (COA00-898)	Allowed

596A01	Beatrice Woody v. Thomasville Upholstery Company, Inc., Employer, Self- Insured (Helmsman Management Services, Inc., Administrator)	1. Def's NOA Based Upon a Dissent (COA00-830) 2. Def's PDR as to Additional Issues (COA00-830)	1. -- 2. Denied
612P01	State v. Cortha M. McNair	1. Def's Pro Se PWC to Review Order of the COA (P01-89) 2. Def's Pro Se Motion to Proceed in Forma Pauperis 3. Def's Pro Se Motion for Appointment of Counsel	1. Denied 2. Allowed 3. Denied
613P01	State v. Richard Mack Clowers	1. Def's Pro Se PWC to Review the Order of the Superior Court 2. Def's Pro Se Motion to Proceed <i>In Forma Pauperis</i> 3. Def's Pro Se Motion to Appoint Counsel	1. Dismissed 2. Allowed 3. Denied
614P01	State v. Gary Lewis Beckham	Def's Pro Se Motion for Funds to Hire an Expert	Denied