

SUPREME COURT OF NORTH CAROLINA

PETITIONS

8 NOVEMBER 2007

032P98-4	State v. David Felton	1. Def's PWC (COAP07-127) 2. Def's Motion to Proceed <i>In Forma Pauperis</i> 3. Def's Motion for Appointment of Counsel 4. Def's PWC to review Order of COA	1. Denied 2. Allowed 3. Denied 4. Denied
077P07	Chad Everette Caldwell and wife, Crystal Cope Caldwell v. Randy Dewitt Branch and Kristy N. Crawford	Def's (Branch) PDR Under N.C.G.S. 7A-31 (COA06-94)	Denied
079P07	Norma G. Hollin, Employee v. Johnston County Council On Aging, Employer; Liberty Mutual Insurance Co., Carrier	1. Defs' Motion for Temporary Stay (COA06-310) 2. Defs' Petition for Writ of Supersedeas 3. Defs' PDR Under N.C.G.S. § 7A-31	1. Allowed 02/08/07 2. 3. Hudson, J., Recused
096P07-2	Nicole M. Brewer/Albertson Andrew A. Lassiter v. Paul-Christopher Flinn	1. Def's Motion for Injunctive Relief 2. Def's Motion for "Notice of Appeal"	1. Dismissed 2. Dismissed

111P07-2	State v. Samuel Talley	Def's Motion for Review	Denied
119P00-18	State v. Wayne Thomas Johnson	Def's Petition for Writ of Habeas Corpus	Denied 11/01/07
145P07	D.A.N. Joint Venture, III, L.P. v. Janice P. Fenner	Def's PDR Under N.C.G.S. 7A-31 (COA06-628)	Denied
158P07	State v. Bryant Lamont Gwynn	1. AG's Motion for Temporary Stay (COA06-403) 2. AG's Petition for Writ of Supersedeas 3. AG's PDR Under N.C.G.S. § 7A-31	1. Allowed 04/04/07 2. Allowed 3. Allowed
172A07	Barbara Hassell v. Onslow County Board of Education, et al.	Plt's Motion to File Amended Table of Cases & Authorities to Appellant's Brief	Allowed 10/17/07
177A07	State v. Joan Myrtle Shannon	AG's Motion to Withdraw NOA and PDR	Allowed 11/05/07

184P07	State v. Andre R. Williams	<p>1. Def's Motion for Appointment of Counsel</p> <p>2. Def's Motion for Probable Cause Hearings</p> <p>3. Def's Motion to get Files, Data, Documents, Labs, Photos, Transcripts, Affidavit of Affirmation, etc.</p> <p>4. Def's Motion to Appeal (COAP07-254)</p> <p>5. Def's Motion for Writ of Errors</p>	<p>1. Denied</p> <p>2. Dismissed</p> <p>3. Dismissed</p> <p>4. Dismissed</p> <p>5. Dismissed</p>
187PA06	Theresa D. Hall, et al. v. Toreros II, Inc.	Plt's Motion for Leave to File Reply Brief	Denied 10/17/07
189A95-4	State v. Thomas Michael Larry	Def's PWC to Review the Order of Forsyth County Superior Court	Denied
214P02-2	State v. Vic Deon Macon	Def's PWC to Review Order of Forsyth County Superior Court	Dismissed
214P07	In the Matter of: A.L.P., Minor Child	Respondent's (Father) PDR Under N.C.G.S. 7A-31 (COA06-1382)	Denied

241P07-2	Homecomings Financial Network J.P. Morgan Chase Bank v. William Kevin Innes, Julia Anne Gaunt	Def's PWC to Review Order of COA (COAP07-169)	Denied
260P07-2	In the Matter of John Morris Ministries v. NC Supreme Court, et als. US Supreme Court, et als.	1. Plt's Motion for "Reconsideration or Recapitulate 30 Pages of Brief and Exhibits" 2. Plt's Motion for "Consideration of Actions on Appeal Pursuant to Rule 40" 3. Plt's Motion for "Old and New Motion in This Matter" 4. Plt's Motion for "An Order for All the Records Filed in the Appellate Procedure Be Turned Over to the F.B.I. for a Special Investigation"	1. Denied 2. Denied 3. Denied 4. Denied
291P07-2	Carey James Dye v. Rebecca B. Dye	Def's Motion for Transcription	Denied
307A07	Teresa C. Hartley v. Dwight Blan Hartley, II	Def's Motion to Deem Brief Timely Filed	Denied; Appeal Dismissed <i>Ex Mero Motu</i>

316P07	State v. Martin Lewis Black	<p>1. Def's NOA Based Upon a Constitutional Question (COA06-620)</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>
318P07	State v. Devon Marquis Carter	<p>1. Def's NOA Based Upon a Constitutional Question (COA06-857)</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>
321P07	Jason M. Crandell v. American Home Assurance Co.	<p>1. Def's PDR Under N.C.G.S. 7A-31 (COA06-533)</p> <p>2. Plt's Conditional PDR Under N.C.G.S. 7A-31</p>	<p>1. Denied</p> <p>2. Dismissed as Moot</p>
326P07	State v. Dwight McLean	Def's PDR Under N.C.G.S. 7A-31 (COA06-952)	Denied

330P07	James Myles, Employee v. Lucas and McCowan Masonry, Employer; The Travelers, Carrier.	1. Plt's NOA Based Upon a Constitutional Question (COA06- 1266) 2. Plt's PDR Under N.C.G.S. 7A-31 3. Plt's PWC to Review Decision of COA	1. Dismissed <i>Ex Mero Motu</i> 2. Denied 3. Denied Hudson, J., Recused
333P07	Cannon & Company, LLP v. Estate of Terry R. Alexander, Jr., Deceased, and Jean S. Alexander, Executrix of the Estate of Terry R. Alexander, Jr.	Def's PDR Under N.C.G.S. 7A-31 (COA06-1019)	Denied
354P07	State v. Steven Craig Young	1. Def's PWC to Review Order of COA (COAP07-392) 2. Def's PWC to Review Order of COA (COAP07-559)	1. Dismissed 2. Dismissed

364P07	<p>WAKE CARES, INC., Patrice Lee, individually and as Guardian ad Litem of her minor children Ian Lee, Delaney Lee, Margaret Lee and Bailey Lee; Kathleen Brennan, individually and as Guardian ad Litem of her minor child Elizabeth Brennan; Scott P. Haviland and Gihan I. El-Habbal, individually and as Guardians ad Litem of their child Ahmed Haviland; Michael John Stanton and Angela Marie Stanton, individually and as Guardians ad Litem of their children Jacob Stanton, Alexis Stanton, Danielle Stanton, Dallas Stanton and Jordan Stanton; and Kimberly Sinnott and John Nadasky, individually and as Guardians ad Litem of their children Reid Nadasky, Sean Nadasky, and</p>	<p>Plts/Appellees' Petition to Certify the Cause for Discretionary Review by the Supreme Court (COA07-810)</p>	<p>Denied</p>
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364P07	James Nadasky, on behalf of themselves and others similarly situated, v. Wake County School Board and Lori Millberg, Horace J. Tart, Carol Parker, Rosa Gill, Susan Parry, Patti Head, Eleanor Goettee, Ron Margiotta, and Beverley Clark, in their official capacity as members of the Wake County School Board		Martin, J., Recused
374P07	Ronald Crocker and Paulette Crocker as Co-Administrators of the Estate of Reagan Elizabeth Crocker v. H. Peter Roethling, M.D. and Wayne Women's Clinic, P.A.	Plt's PDR Under N.C.G.S. § 7A-31 (COA06-802-2)	Allowed
377P07	State v. Kenneth Leonard Dunbar	Def's Motion for "Petition for Leave to Proceed" (COAP07-443)	Dismissed
383P05-2	Alan Capps v. NW Sign Industries of NC, Inc., et al.	Plt's Motion to Seal Response to Defs' PDR	Denied

390P07	Willie Spaulding v. Honeywell International, Inc., formerly known as AlliedSignal, Inc., Holtrachem Manufacturing Company, LLC, Holtrachem GP, Inc., Bruce Davis, and Herb Roskind	Plt-Appellant's PDR (COA06-1221)	Denied
394P07	State v. Jerry David Love	Def's PDR Under N.C.G.S. 7A-31 (COA06-916)	Denied
395P07	State v. David F. Lightner	1. Def's PWC to Review Order of Mecklenburg County Superior Court 2. Def's Motion to Appoint Counsel	1. Dismissed 2. Denied
398P07	In the Matter of: C.M.S., Minor Child	Respondent's (Mother) PDR Under N.C.G.S. 7A-31 (COA07-108)	Denied
399P06-2	State v. James Albert Coley, Jr.	Def's Motion for Relief	Dismissed
411P07	State v. Roger Smith	Def's Motion for Appropriate Relief	Dismissed
417P07	Town of Green Level, a NC Municipal Corporation v. Alamance County, a Body Politic and Corporate	Def's PDR Under N.C.G.S. 7A-31 (COA06-1304)	Denied

421P07	State v. German Garcia	<p>1. Def's PWC to Review Order of Johnston County Superior Court</p> <p>2. Def's Motion to Proceed as Forma Pauperis</p> <p>3. Def's Motion for Appointment of Counsel</p>	<p>1. Dismissed</p> <p>2. Allowed</p> <p>3. Denied</p>
425P07	<p>Hospice & Palliative Care Charlotte Region d/b/a Hospice, Petitioners at Charlotte v. NCDHHS, Respondent and Community Home Care of Johnston Co., Inc. d/b/a Community Home Care & Hospice, Respondent-Intervenor</p>	<p>1. Respondent-Intervenor's Motion for Temporary Stay (COA06-1484)</p> <p>2. Respondent-Intervenor's Petition for Writ of Supersedeas</p> <p>3. Respondent-Intervenor's PDR Under N.C.G.S. § 7A-31</p> <p>4. Petitioner's Conditional PDR Under N.C.G.S. 7A-31</p>	<p>1. Allowed 08/28/07 Dissolved the Stay 11/08/07</p> <p>2. Denied</p> <p>3. Denied</p> <p>4. Denied</p>
429P06	<p>Eleanor Wooten, Widow of Walter Wooten, Deceased, Employee v. Newcon Transportation, Inc., Employer, and Fireman's Fund Insurance Co./The Goff Group, Carrier</p>	<p>Def's PDR Under N.C.G.S. 7A-31 (COA05-1107)</p>	<p>Denied</p> <p>Hudson, J., Recused</p>

430P06	State v. Tina Lynn Locklear	1. AG's Motion for Temporary Stay (COA05-509) 2. AG's Petition for Writ of Supersedeas 3. AG's PDR Under N.C.G.S. § 7A-31	1. Allowed 08/17/06 Dissolved the Stay 11/08/07 2. Denied 3. See Special Order 11/08/07
432P07	State v. Adrian Lemont McFadden	1. Def's PWC to Review Order of Forsyth County Superior Court 2. Def's Motion to Appoint Counsel	1. Dismissed 2. Denied
435P07	State v. James Rodney Cole, Jr.	Def's PWC to Review the Order of the COA (COAP07-593)	Dismissed
437P07	State v. Shannon Keith Moffitt	Def's PDR Under N.C.G.S. 7A-31 (COA06-1239)	Denied
440PA06	State v. Jane Brock Whaley	AG's Motion to Amend Brief	Allowed 10/12/07
441P07	State v. James Franklin Michaux	Def's PDR Under N.C.G.S. 7A-31 (COA06-1040)	Denied
441P92-3	Johnnie L. Harrington v. Joseph B. Hall	Petitioner's Petition for Writ of Habeas Corpus	Denied 10/16/07
443P07	State v. David Lee Wood	Def's PDR Under N.C.G.S. 7A-31 (COA06-1391)	Denied
448P07	State v. Jacobie Quonzel Brockett	Def's PDR Under N.C.G.S. 7A-31 (COA06-1005)	Denied

449P05-2	State v. Charles Eugene Watts	1. Def's PDR Under N.C.G.S. 7A-31 (COA04-874-2) 2. Def's Alternative PWC to Review Decision of COA	1. Denied 2. Dismissed as Moot Hudson, J., Recused
455P07	In re: L.H., L.H.	Respondent's (Mother) PDR Under N.C.G.S. 7A-31 (COA07-496)	Denied
458P07	State v. Elmer Connell Taylor	Def' PWC to Review Decision of COA (COA05-1535)	Denied
460P07	State v. Latimer Pettiford	Def's PWC to Review Order of COA (COAP07-640)	Denied
462P07	State v. Patrice Parker and Ramelle Holloway	1. Defs' Motion for Stay of Execution of the Judgment of Imprisonment 2. Defs' Petition for Writ of Supersedeas	1. Allowed 09/21/07 2.
464P07	In re: Inquiry Concerning A Judge No. 05-207 W. Russell Duke, Jr.	1. Petitioner's (W. Russell Duke, Jr.) Petition for Writ of Prohibition 2. Respondent's Motion to Dismiss Petition for Writ of Prohibition	1. Dismissed 2. Denied Parker, C.J., Recused
467P07	State v. Eddie Lee Harrison	Def's PDR Under N.C.G.S. 7A-31 (COA06-1492)	Denied

473P07	Polly Pate Wilson, Individually and as Administratrix of the Estate of Waddell H. Pate, Lydia P. Dugan, Janet Pate Holmes and Darien Pate v. Aaron L. Green and Mildred Green Pate	Def's PDR Under N.C.G.S. § 7A-31 (COA06-186)	Denied
479P07	State v. Darrell W. Miller	Def's Motion for Discretionary Review by the Supreme Court	Dismissed
481P07	State v. Raymond Richard	1. Def's Motion for Notice of Appeal (COAP07-675) 2. Def's PWC to Review Order of COA	1. Dismissed <i>Ex Mero Motu</i> 2. Dismissed
483P07	State v. Keith Kennard Carter	Def's PDR Under N.C.G.S. 7A-31 (COA07-324)	Denied
487P07	State v. John David Campbell	1. AG's Motion for Temporary Stay (COA06-1043) 2. AG's Petition for Writ of Supersedeas 3. AG's PDR Under N.C.G.S. § 7A-31	1. Allowed 10/04/07 2. 3.

489P07	State v. William Roger McLamb	1. AG's Motion for Temporary Stay (COA06-1319) 2. AG's Petition for Writ of Supersedeas 3. AG;s PDR Under N.C.G.S. § 7A-31	1. Allowed 10/08/07 2. 3.
490P07	State v. Russell Antoine Cooper	1. AG's Motion for Temporary Stay (COA06-1356) 2. Attorney General's Petition for Writ of Supersedeas 3. AG's PDR Under N.C.G.S. § 7A-31	1. Allowed 10/08/07 2. 3.
493P07	C.A.I. Group, VII, Richard B. Williams, Louis P. Gonzalez, and Christopher R. Howlett v. Town of Chapel Hill	1. Plts' PDR (Prior to Determination) Under N.C.G.S. § 7A-31 2. Plts' Motion for Expedited Briefing and Hearing Schedule	1. Denied 2. Dismissed as Moot
499A07	State v. Billy Ray Byrd	1. Def's NOA (Dissent) (COA06-1368) 2, Def's PDR as to Additional Issues	1. - - - 2. Allowed
500P07	State v. Gregory Angram	Def's PDR Under N.C.G.S. 7A-31 (COA07-143)	Denied

505P07	In the Matter of the Application of Larry Eugene Smith v. Frederick Hubbard, Superintendent of Scotland Corr. Institution	1. Petitioner's Petition for Writ of Habeas Corpus 2. Petitioner's Motion for Appointment of Counsel	1. Denied 10/16/07 2. Denied 10/24/07
507A06	Lennie and Bonnie Hamby v. Profile Products	1. Plts' Motion to Admit Carter G. Bishop Pro Hac Vice 2. Plts' Motion to Amend ROA and Request that Court Take Judicial Notice of Public Records	1. Allowed 03/22/07 2. Denied Hudson, J., Recused
509P07	In the Matter of: B.M.	1. Petitioner's Motion for Temporary Stay (COA07-525) 2. Petitioner's Petition for Writ of Supersedeas 3. Petitioner's PDR Under N.C.G.S. 7A-31	1. Allowed 10/16/07 2. 3.

512P07	State v. Kendrick Donta Colson	<p>1. AG's Motion for Temporary Stay (COA07-107)</p> <p>2. AG's Petition for Writ of Supersedeas</p> <p>3. AG's NOA Based Upon a Constitutional Question</p> <p>4. AG's PDR Under N.C.G.S. 7A-31</p>	<p>1. Allowed 10/19/07</p> <p>2.</p> <p>3.</p> <p>4.</p>
513P07	State v. Shannon Denise Haislip	<p>1. AG's Motion for Temporary Stay (COA06-1488)</p> <p>2. AG's Petition for Writ of Supersedeas</p> <p>3. AG's PDR Under N.C.G.S. 7A-31</p>	<p>1. Allowed 10/19/07</p> <p>2.</p> <p>3.</p>
522P06-2	Hospice at Greensboro, Inc., et al. Petitioners, v. NCDHHS, et al., Respondents and Liberty Home Care, LLC, Respondent-Intervenor	<p>1. Respondent-Intervenor's Motion for Temporary Stay (COA06-1204)</p> <p>2. Respondent-Intervenor's Petition for Writ of Supersedeas</p> <p>3. Respondent-Intervenor's PDR Under N.C.G.S. 7A-31</p> <p>4. Petitioners' Conditional PDR Under N.C.G.S. § 7A-31</p>	<p>1. Allowed 08/28/07 Dissolved the Stay 11/08/07</p> <p>2. Denied</p> <p>3. Denied</p> <p>4. Dismissed as Moot</p>

523P06-3	State v. Freeman Hankins	Def's Motion to Amend	Dismissed
530P07	In re: T.M.H.	1. Respondent (Father's) Motion for Temporary Stay (COA07-609) 2. Respondent (Father's) Petition for Writ of Supersedeas 3. Respondent (Father's) PDR Under N.C.G.S. § 7A-31	1. Allowed 11/01/07 2. 3.
541P04-2	State v. Damon Demond Stafford	Def's PWC to Review Order of Gaston County Superior Court	Dismissed Timmons-Goodson, J., Recused
552P06-2	State v. Ernesto Gonzales Silva	Def's PDR (COAP06-766)	Dismissed
582P06	Sybil Lindsey Daniels v. Metro Magazine Holding Co., LLC and Bernie Reeves	1. Plt's NOA Based Upon a Constitutional Question (COA05-1336) 2. Plt's PDR Under N.C.G.S. § 7A-31 3. Def's Motion to Dismiss Appeal	1. - - - 2. Denied 3. Allowed

604P05-3	State v. James Alfred Garfield Bunch, Jr.	1. Def’s Motion for “Notice of Appeal” 2. Def’s Motion to Certify Complete Entire Record	1. Dismissed <i>Ex Mero Motu</i> 2. Dismissed as Moot
605PA06	Lessie J. Dunn and Erwin W. Cook, Jr. v. The State of NC, The NC Department of Revenue, E. Norris Tolson, as Secretary of the NC Department of Revenue	1. Plts’ Alternative Motion to Stay Briefing and Argument 2. Plts’ Motion for Admission of Counsel Pro Hac Vice	1. Denied 10/15/07 2. Allowed 10/15/07
606P06	West Durham Lumber Co. v. R. Dwayne Meadows, et al.	1. Plt’s PDR Under N.C.G.S. § 7A-31 (COA05-1181) 2. Def’s (National Bank of Commerce) Conditional PDR Under N.C.G.S. § 7A-31	1. Denied 2. Dismissed as Moot