

SUPREME COURT OF NORTH CAROLINA

PETITIONS

9 November 2011

034P08-5	Alfred Abdo, Jr., and Abdo Demolition & Property Restoration v. M.B. Kahn Construction Co., St. Paul Surety and St. Paul Fire & Marine Insurance Co.	1. Plt's <i>Pro Se</i> Petition for <i>Writ of</i> <i>Mandamus</i> 2. Motion for Response in Opposition to Defendant- Appellee's Response to Plt's Petition for <i>Writ of</i> <i>Mandamus</i>	1. Denied 2. Denied
038P10-2	John Fletcher Church v. Jean Marie Church (now Decker)	Plt's <i>Pro Se</i> PDR Under N.C.G.S. § 7A-31 (COA10-993)	Denied
038P10-3	John Fletcher Church v. Jean Marie Decker (formerly Church)	1. Plt's <i>Pro Se</i> NOA Based Upon a Constitutional Question (COA10- 1422, 10-1502) 2. Def's Motion to Dismiss Appeal	1. - - - 2. Allowed

090P07-3	State v. Lindo Nickerson	1. Def's <i>Pro Se</i> Motion for NOA (COAP09-825) 2. Def's <i>Pro Se</i> PWC to Review the Order of the COA 3. Def's <i>Pro Se</i> Motion to Proceed <i>In Forma Pauperis</i> 4. Def's <i>Pro Se</i> Motion to Appoint Counsel	1. Dismissed <i>Ex Mero Motu</i> 2. Dismissed 3. Allowed 4. Dismissed as Moot Jackson, J., Recused
168P09-7	State v. Clyde Kirby Whitley	1. Def's <i>Pro Se</i> Motion for NOA (COAP11-794) 2. Def's <i>Pro Se</i> PWC to Review Order of COA 3. Def's <i>Pro Se</i> Motion to Proceed <i>In Forma Pauperis</i> 4. Def's <i>Pro Se</i> Motion to Appoint Counsel	1. Dismissed <i>Ex Mero Motu</i> 2. Dismissed 3. Allowed 4. Dismissed as Moot
192P11	Sana Kindley Watson v. Kenneth Price, M.D. and Regional Neurosurgery PLLC	Plt's PDR Under N.C.G.S. § 7A-31 (COA10-1112)	Denied

199P11	Constandinos Pete Nikopoulos v. Ted Michael Haigler and City of Locust, a North Carolina Municipal Corporation	Plt's PDR Under N.C.G.S. § 7A-31 (COA10-616)	Denied
205P11	Piraino Brothers, LLC v. Atlantic Financial Group, Inc.; McKee Estates, LLC; Darrell Avery, II; Jeffrey L. Avery; Robert N. Burris; Burris, MacMillan, Pearce & Burris, PLLC; David Baker; and Baker & Baker, PLLC	Plt's PDR Under N.C.G.S. § 7A-31 (COA10-831)	Denied Martin, J., Recused
207P05-3	State v. John Philmore Carpenter	1. Def's <i>Pro Se</i> PWC to Review Order of Superior Court of Richmond County 2. Def's <i>Pro Se</i> Motion to Proceed <i>In Forma Pauperis</i> 3. Def's <i>Pro Se</i> Motion to Appoint Counsel	1. Dismissed 2. Allowed 3. Dismissed as Moot
214P11	State v. Patrick S. Figured	Def's PWC to Review Decision of COA (9315SC539)	Denied

222P04-3	State v. Salramon Gonzales aka Alex Ramirez	<p>1. Def's <i>Pro Se</i> PWC to Review Order of Superior Court of Harnett County</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. Dismissed as Moot</p>
229P11	State v. Furman Lester Mills	Def's PDR Under N.C.G.S. § 7A-31 (COA10-820)	Denied

231P11	Estate of Erick Dominic Williams, by and through Easter Williams Overton, Personal Representative v. Pasquotank County Parks and Recreation Department and Pasquotank County	<p>1. Def's PDR Under N.C.G.S. § 7A-31 (COA10-491)</p> <p>2. N.C. Assoc. of EMS Administrators' Motion for Leave to File <i>Amicus</i> Brief</p> <p>3. N.C. School Boards Association's Motion for Leave to File <i>Amicus</i> Brief</p> <p>4. Board of Commissioners of New Hanover County's Motion for Leave to File <i>Amicus</i> Brief</p> <p>5. Buncombe County's Motion for Leave to File <i>Amicus</i> Brief</p> <p>6. Haywood County's Motion for Leave to File <i>Amicus</i> Brief</p> <p>7. N.C. League of Municipalities' Motion for Leave to File <i>Amicus</i> Brief</p> <p>8. Wake County's Motion for Leave to File <i>Amicus</i> Brief</p>	<p>1. Allowed</p> <p>2. Allowed</p> <p>3. Allowed</p> <p>4. Allowed</p> <p>5. Allowed</p> <p>6. Allowed</p> <p>7. Allowed</p> <p>8. Allowed</p>
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231P11, cont'd		<p>9. N.C. Association of Chiefs of Police's Motion for Leave to File <i>Amicus</i> Brief</p> <p>10. N.C. Sheriffs' Association's Motion for Leave to File <i>Amicus</i> Brief</p> <p>11. N.C. Association of County Commissioners' Motion for Leave to File <i>Amicus</i> Brief</p>	<p>9. Allowed</p> <p>10. Allowed</p> <p>11. Allowed</p>
267A11	State v. Stephen Monroe Buckner	<p>1. Def's Motion for Stay of Appeal Pending Disposition of Motion for Appropriate Relief Under the North Carolina Racial Justice Act</p> <p>2. Def's Motion for Appropriate Relief Pursuant to the Racial Justice Act</p> <p>3. Def's Motion for Discovery of Information Relevant Under the North Carolina Racial Justice Act</p>	<p>1. Allowed 09/16/11</p> <p>2. Dismissed Without Prejudice</p> <p>3. Dismissed Without Prejudice</p>

269PA09-2	Travis T. Bumpers and Troy Elliott, on Behalf of Themselves and All Others Similarly Situated v. Community Bank of Northern Virginia	<p>1. Def's Motion for Temporary Stay (COA08-1135-2)</p> <p>2. Def's Petition for <i>Writ of Supersedeas</i></p> <p>3. Def's PDR Under N.C.G.S. § 7A-31</p> <p>4. Plts' Motion to Dissolve Temporary Stay</p>	<p>1. Allowed 09/30/11</p> <p>2.</p> <p>3.</p> <p>4. Denied 10/13/11</p>
280P11	State v. Luis Berber Martinez	<p>1. State's Motion for Temporary Stay (COA10-885)</p> <p>2. State's Petition for <i>Writ of Supersedeas</i></p> <p>3. State's PDR Under N.C.G.S. § 7A-31</p>	<p>1. Allowed 07/11/11; Dissolved the Stay 11/09/11</p> <p>2. Denied</p> <p>3. Denied</p>
282P11	State v. Kevin Marshall Stepp	Def's PDR Under N.C.G.S. § 7A-31 (COA10-867)	Denied
284P11	State v. Quincy Teeyon Ketter	Def's PDR Under N.C.G.S. § 7A-31 (COA10-1006)	Denied

285P11	Tammy Allison, Employee v. Wal-Mart Stores, Self-Insured Employer (Claims Management, Inc., Third-Party Administrator)	<p>1. Defs' Motion for Temporary Stay (COA10-1023)</p> <p>2. Defs' Petition for <i>Writ of Supersedeas</i></p> <p>3. Defs' PDR Under N.C.G.S. § 7A-31</p>	<p>1. Allowed 07/12/11; Dissolved the Stay 11/09/11</p> <p>2. Denied</p> <p>3. Denied</p>
289P11	Royal Palms MHP, LLC, E. Alan Rusher, Robert D. Ellyson and wife, Deborah K. Ellyson, and Walter D. Harris, III, and wife, Diane E. Harris v. City of Wilmington, a North Carolina Municipality	<p>1. Petitioners' PDR Under N.C.G.S. § 7A-31 (COA10-1259)</p> <p>2. Respondent's Conditional PDR Under N.C.G.S. § 7A-31</p>	<p>1. Denied</p> <p>2. Dismissed as Moot</p>
303P11	Wake Forest Golf & Country Club, Inc. v. Town of Wake Forest, Vivian A. Jones, in Her Official Capacity as Mayor, Chris Kaerberlein, Anne Hines, Frank Drake, Pete Thibodeau, Margaret Stinnett, in Their Official Capacities as Members of the Wake Forest Board of Commissioners	<p>1. Plt's NOA Based Upon a Constitutional Question (COA10-972)</p> <p>2. Plt's PDR Under N.C.G.S. § 7A-31</p> <p>3. Defs' Motion to Dismiss Appeal</p>	<p>1. - - -</p> <p>2. Denied</p> <p>3. Allowed</p>

308P11	Michael R. Lee, Husband; Matthew R. Lee, Adult Child; and Melinda R. Lee, Adult Child, of Mary Ann Lee, Deceased Employee v. City Cab of Tarboro, Employer, Travelers Insurance Company, Carrier	Plts' PDR Under N.C.G.S. § 7A-31 (COA10-1017)	Denied
309P11	Songwooyarn Trading Company, Ltd. v. Sox Eleven, Inc. and Ung Chul Ahn, Defendants and Third-Party Plaintiffs v. Jae Cheol Song, Third-Party Defendant	Def's (Ung Chul Ahn) PDR Under N.C.G.S. § 7A-31 (COA10-939)	Denied
310P11	State v. Kevin Ernest Lamb	Def's PDR Under N.C.G.S. § 7A-31 (COA11-89)	Denied
321P11	State v. Jerel Davis	Def's PDR Under N.C.G.S. § 7A-31 (COA10-1156)	Denied

322P11	State v. Terry Antonio Stover	<p>1. Def's <i>Pro Se</i> PWC to Review Decision of COA (COA10-1126)</p> <p>2. Def's <i>Pro Se</i> Motion to Proceed as Indigent</p> <p>3. Def's <i>Pro Se</i> Motion to Appoint Counsel</p> <p>4. Def's <i>Pro Se</i> Motion to Require Attorney General to Respond to this Petition</p>	<p>1. Denied</p> <p>2. Allowed</p> <p>3. Dismissed as Moot</p> <p>4. Denied</p>
323P11	State v. Ricky Dean Norman	Def's PDR Under N.C.G.S. § 7A-31 (COA10-1108)	Denied
328A11	State v. Tony Savalis Summers	<p>1. Def's Motion for Appropriate Relief Pursuant to The Racial Justice Act</p> <p>2. Def's Motion to Rule the Guilford County Superior Court Proper Venue</p> <p>3. Def's Motion to Stay Appellate Proceedings Until Guilford County Considers and Rules Upon Previously-Filed Motion</p>	<p>1. Dismissed Without Prejudice</p> <p>2. Dismissed</p> <p>3. Allowed</p>

334P11	State v. Jeffrey Curtis Embler	Def's PDR Under N.C.G.S. § 7A-31 (COA10-717)	Denied
341P11	State v. Wallace Reynold Bass, Jr.	1. Def's PWC to Review the Decision of the COA (COA09-1434) 2. State's Motion to Withdraw as Counsel and to Substitute Counsel	1. Denied 2. Allowed Jackson, J., Recused
343P11	State v. Wayne Carrouters	Def's PDR Under N.C.G.S. § 7A-31 (COA10-1470)	Denied Jackson, J., Recused
346P11	In Re: Appeal of Civil Penalty: Don Liebes, Gate City Billiards Country Club v. Guilford County Dept of Public Health	Plts' PDR Under N.C.G.S. § 7A-31 (COA10-979)	Denied
349P11	State v. Levon Todd	1. Def's <i>Pro Se</i> Motion for PDR (COAP11-568) 2. Def's <i>Pro Se</i> Motion to Appoint Counsel 3. Def's <i>Pro Se</i> Motion to Proceed <i>In Forma Pauperis</i>	1. Dismissed 2. Dismissed as Moot 3. Allowed

352P11	In the Matter of the Estate of Ervin Guy Reeder, Deceased	Petitioner's PDR Under N.C.G.S. § 7A-31 (COA10-618)	Denied
364P11	State v. Alvaro Rafael Castillo	Def's PDR Under N.C.G.S. § 7A-31 (COA10-814)	Denied
365P11	State v. Timothy Darnell Cherry	Def's PDR Under N.C.G.S. § 7A-31 (COA10-988)	Denied
368P11	State v. Dennis Pope	Def's PDR Under N.C.G.S. § 7A-31 (COA10-932)	Denied
373P11	Tamida Wynn, Employee v. United Health Services / Two Rivers Health-Trent Campus, Employer and The Phoenix Insurance Company, Carrier	Def's Motion for Temporary Stay (COA10-991)	Allowed 09/02/11
374P11	State v. Dennis Lee Best	Def's PDR Under N.C.G.S. § 7A-31 (COA10-1264)	Denied
376A11	State v. Charles David Becton	Def's <i>Pro Se</i> NOA Based Upon a Constitutional Question (COA10-1359)	Dismissed <i>Ex Mero Motu</i>
376A11-2	State v. Charles David Becton	Def's <i>Pro Se</i> Petition for <i>Writ of Habeas Corpus</i> (COA10-1359)	Denied 10/25/11

377P11	State v. Kenis Ray Johnson	Def's PDR Under N.C.G.S. § 7A-31 (COA10-1410)	Denied
382PA09-2	State v. Jihad Rashid Melvin	1. Def's NOA Based Upon a Constitutional Question (COA09-62-2) 2. Def's PDR Under N.C.G.S. § 7A-31	1. Dismissed <i>Ex Mero Motu</i> 2. Denied
383P11	Mark E. Capps and wife, Paula L. Capps, Robert B. Dawson, Floyd D. Loftin, Jr. and wife, Kathy T. Loftin, Mamie S. O'Neal, Stewart W. Smith and wife, Eva H. Smith, and Michael J. Ward and wife, Linda H. Ward v. City of Kinston	1. Petitioners' Motion for Temporary Stay (COA10-1477) 2. Petitioners' Petition for <i>Writ of Supersedeas</i> 3. Petitioners' PDR Under N.C.G.S. § 7A-31 (COA10-1477)	1. Allowed 09/06/11 ; Dissolved the Stay 11/09/11 2. Dissolved 11/09/11 3. Denied
384A11	State v. Norma Angelica Williams	1. Def's Motion for Temporary Stay (COA10-738) 2. Def's Petition for <i>Writ of Supersedeas</i>	1. Allowed 09/07/11 2. Allowed
389P11	State v. George Brian Williams	Def's PDR Under N.C.G.S. § 7A-31 (COA10-1482)	Denied

394P11	Robert Ray and Kimberly Ray v. Gary Wayne Greer, MD and Catawba Valley Emergency Physicians, PA	Plt-Appellants' PWC from Decision of COA (COA10-767)	Denied
396P11	State v. Robert Junior Marshall	Def's <i>Pro Se</i> PWC to Review the Order of Davidson County Superior Court	Denied
400P11	Town of Matthews, a North Carolina Municipal Corporation v. Lester E. Wright and His Wife, Virginia J. Wright	Plt's PDR Under N.C.G.S. § 7A-31 (COA11-68)	Denied Jackson, J., Recused
402P11	State v. Sylvester Eugene Harding	Def's <i>Pro Se</i> PDR Under N.C.G.S. § 7A-31 (COA11-161)	Denied
406P11	State v. Nicholas Lee Lofton	Def's PDR Under N.C.G.S. § 7A-31 (COA10-1291)	Denied
408P11	James Pressley Torrence, Sr., Employee v. Aeroquip n.k.a. Eaton Corp., Employer, Self-Insured (Sedgwick CMS, Third-Party Administrator)	1. Defs' Motion for Temporary Stay (COA10-1279) 2. Defs' Petition for <i>Writ of Supersedeas</i> 3. Defs' PWC to Review the Decision of the COA 4. Defs' PDR Under N.C.G.S. § 7A-31	1. Allowed 09/20/11 Dissolved the Stay 11/09/11 2. Denied 3. Denied 4. Denied

414P11	State v. Freeman L. Rogers, Jr.	Def's <i>Pro Se</i> Motion for NOA (COAP11-451)	Dismissed
416P11	State v. Richard Beverly Martin, Jr.	Def's <i>Pro Se</i> PDR Under N.C.G.S. § 7A-31 (COA10-1284)	Denied
417P11	Charles Alonzo Tunstall-Bey v. Frank W. Balance, Jr., et al.	Petitioner's Motion for NOA Pursuant to N.C.G.S. § 7A-32 (B) (COAP11-237)	Dismissed
418P11	State v. Andre Jovon Robinson	Def's PDR Under N.C.G.S. § 7A-31 (COA10-1099)	Denied
419P11	In the Matter of the Foreclosure of a Deed of Trust from CTC Brick Landing, LLC, to GBTC, Inc., Trustee, Dated July 20, 2007, Recorded in Book 2645, Page 1256, Brunswick County Registry	<p>1. Appellants' (CTC Brick Landing, LLC, Kent W. Colton, Kathryn Colton, C. Kent Conine, and Meg Conine) Motion for Temporary Stay (COA11-579)</p> <p>2. Appellants' (CTC Brick Landing, LLC, et al.) Petition for <i>Writ of Supersedeas</i></p> <p>3. Appellants' (CTC Brick Landing, LLC, et al.) PWC to Review Order of COA</p>	<p>1. Allowed 10/05/11; Dissolved the Stay 11/09/11</p> <p>2. Denied</p> <p>3. Denied</p>

420P11	State v. Edward Eugene Poole, Jr.	1. State's Motion for Temporary Stay (COA11-21) 2. State's Petition for <i>Writ of Supersedeas</i> 3. State's NOA Based Upon a Constitutional Question 4. State's PDR Under N.C.G.S. § 7A-31	1. Allowed 10/07/11 2. 3. 4.
422P11	State v. Eunessa Suzanne Lawson	Def's PDR Under N.C.G.S. § 7A-31 (COA11-206)	Denied
424P11	State v. Anthony J. Ward	1. Def's <i>Pro Se</i> PWC to Review the Order of the COA (COAP11-718) 2. Def's <i>Pro Se</i> Motion to Proceed <i>In Forma Pauperis</i> 3. Def's <i>Pro Se</i> Motion to Appoint Counsel	1. Denied 2. Allowed 3. Dismissed as Moot

425P11	State v. Jacques Craig Floyd	1. Def's PDR Under N.C.G.S. § 7A-31 (COA11-175) 2. Def's Motion to Proceed <i>In Forma Pauperis</i> 3. Def's Motion to Appoint Counsel	1. Denied 2. Allowed 3. Dismissed as Moot
428P11	State v. Genise Sampson	Def's <i>Pro Se</i> PDR Under N.C.G.S. § 7A-31 (COA11-62)	Denied
434P11	Michael E. Britt, Sr. and Jheys C. Britt v. Larry Denning	Def's PWC to Review Order of the COA (COA11- 533)	Denied
435P11	State v. Dwante Antwan Barnes and Ronnie Leon Brooks, Jr.	Def's (Dwante Antwan Barnes) PDR Under N.C.G.S. § 7A-31 (COA10-1244)	Denied
439A11	Denise H. Barton v. John S. Barton	Def's <i>Pro Se</i> NOA Based Upon a Constitutional Question (COA10-1160)	Dismissed <i>Ex Mero Motu</i>

441P04-6	State v. Jeremiah Royster	<p>1. Def's <i>Pro Se</i> PWC to Review the Order of the COA (COAP11-376)</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>4. Def's <i>Pro Se</i> Motion to Dismiss PWC Without Prejudice</p>	<p>1. - - -</p> <p>2. Allowed</p> <p>3. Dismissed as Moot</p> <p>4. Allowed</p>
447PA09-2	William L. Underwood v. Teresa W. Underwood	Def's Petition for Rehearing Under N.C.R. App. P. 31	Denied 10/11/11
447P11	Mishew E. Smith and Husband Robert N. Edwards, and Alton B. Smith, Jr. v. County of Durham	Plts' PDR Under N.C.G.S. § 7A-31 (COA10-1500)	Denied Martin, J., Recused
449P11	Charles Everette Hinton v. Daniel E. Bailey, Sheriff, et al.	Petitioner's <i>Pro Se</i> Petition for <i>Writ of Habeas Corpus</i>	Denied 10/18/11
450P11	State v. Tobias Lamario McNeil	Def's <i>Pro Se</i> PDR Under N.C.G.S. § 7A-31 (COA11-103)	Denied

452P11	State v. James Harold Freeman	<p>1. Def's <i>Pro Se</i> PWC to Review Order of Superior Court of Robeson County</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. Dismissed as Moot</p>
454P11	State v. Justin Seamster	<p>1. State's Motion for Temporary Stay (COA11-1170)</p> <p>2. State's Petition for <i>Writ of Supersedeas</i></p>	<p>1. Allowed 10/21/11</p> <p>2.</p>
466P11	State v. Heather R. Surratt	<p>1. State's Motion for Temporary Stay (COA11-239)</p> <p>2. State's Petition for <i>Writ of Supersedeas</i></p> <p>3. State's PDR Under N.C.G.S. § 7A-31</p>	<p>1. Allowed 10/31/11</p> <p>2.</p> <p>3.</p>

472P11	State v. Timothy Alfred Sweat	1. State's Motion for Temporary Stay (COA11-57) 2. State's Petition for <i>Writ of Supersedeas</i> 3. State's PDR Under N.C.G.S. § 7A-31	1. Allowed 11/07/11 2. 3.
476P11	Donald E. Sellers, Employee v. FMC Corporation, Employer; National Union Fire Insurance Company and Insurance Company of the State of Pennsylvania, Carriers	Defs' Motion for Temporary Stay (COA11-12)	Allowed 11/07/11

598P02-4	<p>Boyce & Isley, PLLC, Eugene Boyce, R. Daniel Boyce, Philip R. Isley, and Laura B. Isley v. Roy A. Cooper, III, The Cooper Committee, Julia White, Stephen Bryant, and Kristi Hyman</p>	<p>1. Defendants' PDR Under N.C.G.S. § 7A-31 (COA10-243)</p> <p>2. North Carolina Press Foundation, Inc.'s Motion for Leave to File <i>Amicus</i> Brief</p> <p>3. Defs' Motion to Strike</p> <p>4. Defs' Motion for Sanctions</p> <p>5. Defs' Motion to Seal</p>	<p>1. Denied</p> <p>2. Dismissed as Moot</p> <p>3. Denied</p> <p>4. Denied</p> <p>5. Denied</p> <p>Parker, C.J., Timmons-Goodson, J., and Hudson, J., Recused</p>
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