

**SUPREME COURT OF NORTH CAROLINA**

**PETITIONS**

Decided by the Court in Conference: 1 December 2005

{Posted on the Internet Web Site: 1 December 2005 at 4:45 p.m.}

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**COMMON ABBREVIATIONS**

<b>Abbreviation</b>	<b>Full Term</b>
<b>PWC</b>	<b>Petition for Writ of Certiorari</b>
<b>MAR</b>	<b>Motion for Appropriate Relief</b>
<b>COA</b>	<b>North Carolina Court of Appeals</b>
<b>MTS</b>	<b>Motion for Temporary Stay</b>
<b>Def</b>	<b>Defendant</b>
<b>NOA</b>	<b>Notice of Appeal</b>
<b>Plt</b>	<b>Plaintiff</b>
<b>PDR</b>	<b>Petition for Discretionary Review</b>
<b>Cert</b>	<b>Certiorari</b>
<b>AG</b>	<b>Attorney General</b>

<b>033P05</b>	<b>Rickey E. Joyce v. Lillie Mae Joyce</b>	<b>Plt's <i>Pro Se</i> PDR Under N.C.G.S. § 7A-31 (COA03-1314)</b>	<b>Denied</b>
<b>037A87-6</b>	<b>State v. Leroy McNeil</b>	<b>1. Def's PWC to Review the Order of Wake County Superior Court</b>	<b>1. Denied</b>

		<p><b>2. AG's Motion for Extension of Time to File Response on 08/04/05</b></p> <p><b>3. AG's Motion for Extension of Time to File State's Response to the PWC on 09/02/05</b></p>	<p><b>2. Allowed 06/21/05</b></p> <p><b>3. Allowed 08/05/05</b></p>
<b>043A81-3</b>	<b>State v. Michael Edward Pinch</b>	<b>Def's Motion for Extension of Time to File Response to PWC</b>	<b>Allowed 11/10/05</b>
<b>069P05</b>	<b>Chester M. Bozetarnik v. State of North Carolina</b>	<b>Plt's <i>Pro Se</i> PWC to Review the Order of the COA (COAP04-976)</b>	<b>Dismissed</b>
<b>089A00-2</b>	<b>State v. Cerron Thomas Hooks</b>	<b>Def's PWC to Review Order of Forsyth County Superior Court</b>	<b>Denied</b>
<b>118P01-14</b>	<b>State v. Cornelius Tucker, Jr.</b>	<p><b>1. Def-Appellant's <i>Pro Se</i> PWC</b></p> <p><b>2. Def-Appellant's <i>Pro Se</i> Petition for Writ of Mandamus</b></p>	<p><b>1. Denied</b></p> <p><b>2. Denied</b></p> <p><b>3. Denied</b></p>

		<b>3. Def-Appellant's <i>Pro Se</i> Motion to Proceed <i>In Forma Pauperis</i></b>	
<b>120P05</b>	<b>State v. Michael Anthony Dilworth</b>	<b>Def's <i>Pro Se</i> PWC to Review the Order of the Guilford County Superior Court</b>	<b>Dismissed</b>
<b>239A96-5</b>	<b>State v. George Franklin Page</b>	<b>Def's PWC to Review Order of Forsyth County Superior Court</b>	<b>Denied</b>
<b>292P03-2</b>	<b>State v. Wali Farad Muhammad Bilal</b>	<b>1. Def's <i>Pro Se</i> Motion for NOA Under N.C.G.S. § 7A-30 (1) (COAP05-263)</b>  <b>2. Def's <i>Pro Se</i> Motion for Discretionary Review Under N.C.G.S. § 7A-31 (COAP05-262)</b>	<b>1. Dismissed ex mero motu</b>  <b>2. Dismissed</b>
<b>300P05</b>	<b>Judy Hill Sellers v. Anthony Phillip Sellers</b>	<b>1. Def's PWC to Review Order of COA (COA05-370)</b>  <b>2. Plt's Motion for Attorney's Fees</b>	<b>1. Denied</b>  <b>2. Denied</b>



382P05	<b>R. Kenneth Babb, Public Administrator, CTA of the Estate of Reba Burton Newton and R. Kenneth Babb, Public Administrator, CTA of the Estate of Jerry Lewis Newton, Jr. v. Anne Newton Graham, Jerry L. Newton, III, et al.</b>	<b>Def's (Jerry L. Newton, III) PDR Under N.C.G.S. § 7A-31 (COA04-805)</b>	<b>Denied</b>
421P05	<b>The Peninsula Property Owners Association, Inc. v. Crescent Resources, LLC</b>	<b>1. Plt's NOA Based Upon a Substantial Constitutional Question</b>  <b>2. Plt's PDR Under N.C.G.S. § 7A-31 (COA04-796)</b>  <b>3. Def's Motion to Dismiss Appeal</b>	<b>1. ---</b>  <b>2. Denied</b>  <b>3. Allowed</b>
444P05-2	<b>State v. Jimmy Earl McArthur</b>	<b>Def's <i>Pro Se</i> Motion for "Petition for Rehearing" (COAP05-709)</b>	<b>Dismissed</b>

455A05	State v. Abdul Francisco Hernandez	<p>1. Def's NOA Based Upon a Constitutional Question (COA04-358)</p> <p>2. AG's Motion to Dismiss Appeal</p>	<p>1. ---</p> <p>2. Allowed</p>
479P05	Harris, Kinard, Eagle, Tate, Jones, McGriff, Bellinger, the Plaintiffs on behalf of Saint Luke Missionary Baptist Church v. Matthew, Byrd and Moore	<p>1. Defendant Matthews's NOA Based Upon a Constitutional Question (COA05-28)</p> <p>2. Defendant Matthews's PDR Under N.C.G.S. § 7A-31</p> <p>3. Plts' Notice of Cross-Appeal</p> <p>4. Plts' Motion to Dismiss Appeal</p> <p>5. Def's (Matthews) PWC to Review Order of COA</p>	<p>1. ---</p> <p>2. Denied</p> <p>3. Dismissed as moot</p> <p>4. Allowed</p> <p>5. See Special order</p>
496P05	State v. James Junior Cummings	1. Def-Appellant's NOA Pursuant to N.C.G.S. § 7A-30 (1)	1. ---

		<p><b>2. Def-Appellant's PDR Pursuant to N.C.G.S. § 7A-31 (c)</b></p> <p><b>3. Def-Appellant's PWC Pursuant to N.C.G.S. § 7A-32 (b)</b></p> <p><b>4. AG's Motion to Dismiss Appeal</b></p>	<p><b>2. Denied</b></p> <p><b>3. Denied</b></p> <p><b>4. Allowed</b></p>
<b>499P05</b>	<p><b>Peden General Contractors, Inc. v. Carol Bennett, d/b/a Brighton Stables and Peden General Contractors, Inc. v. CECO Building Systems, et al. and Carol Bennett v. CECO Building Systems</b></p>	<p><b>Def's (Carol Bennett d/b/a Brighton Stables) PDR Under N.C.G.S. § 7A-31 (COA04-744)</b></p>	<p><b>Denied</b></p>
<b>522P05</b>	<p><b>State v. Tony Earl Staten</b></p>	<p><b>1. Def's NOA Based Upon a Constitutional Question (COA03-1216)</b></p> <p><b>2. Def's PDR Under N.C.G.S. § 7A-31</b></p>	<p><b>1. ---</b></p> <p><b>2. Denied</b></p> <p><b>3. Allowed</b></p>

		<b>3. AG's Motion to Dismiss Appeal</b>	
<b>525A05</b>	<b>Gary Lee Skinner, and wife, Judy Cooper Skinner; individually and on behalf of other similarly situated individuals v. IMPAC Funding Corporation; IMPAC Mortgage Holdings, Inc.; IMPAC Secured Assets Corp.; IMPAC Secured Assets CMS Trust Series 1998-1 Collateralized Asset-Backed Notes, Series 1998-1; Bankers Trust Company, in its capacity as trustee; and Bankers Trust Company of California, N.A. in its capacity as trustee.</b>	<b>1. Plt's NOA (Dissent) (COA04-1450)</b>  <b>2. Plt's PWC to Review Decision of COA as to Additional Issues</b>	<b>1. ---</b>  <b>2. Allowed</b>
<b>532A05</b>	<b>James and Charlotte Coker, Robert and Rebecca Darconte, and Donald and Bonita Shoe v. Daimlerchrysler Corporation</b>	<b>Def's Motion to Amend Record on Appeal</b>	<b>Allowed</b>
<b>536PA05</b>	<b>State v. Kyle Edward Morton</b>	<b>1. AG's Motion for Temporary Stay (COA04-1484)</b>	<b>1. Denied</b>  <b>10/03/05</b>



		<p><b>2. AG's Petition for Writ of Supersedeas</b></p> <p><b>3. AG's PDR Under N.C.G.S. § 7A-31</b></p> <p><b>4. Def's PDR Under N.C.G.S. § 7A-31</b></p> <p><b>5. AG's Motion to Supplement PDR</b></p>	<p><b>2. Allowed</b> <b>11/03/05</b></p> <p><b>3. This Court <i>ex mero motu</i> vacates its prior decision to allow the State's PDR of the decision of the COA pursuant to N.C.G.S. § 7A-31 and now denies the petition.</b> <b>12/01/05</b></p> <p><b>4. Denied</b> <b>11/03/05</b></p> <p><b>5. Allowed</b> <b>12/01/05</b></p>
<b>546A05</b>	<b>Dianne Cater and Lynne O'Connor v. Catherine Barker (now McKeon)</b>	<b>1. Plt's Motion to Dismiss Appeal</b>	<p><b>1. Denied</b></p> <p><b>2. Allowed</b></p>

		<b>2. Def's Motion to Extend Time for Filing Appellant's Brief</b>	
<b>547A88-5</b>	<b>State v. Kenneth Lee Boyd</b>	<b>1. Def-Appellant's PWC</b>  <b>2. Def-Appellant's Motion for Stay of Execution</b>	<b>1. Denied</b>  <b>11/29/05</b>  <b>2. Denied</b>  <b>11/29/05</b>
<b>549P05</b>	<b>The Knight Publishing Co. d/b/a The Charlotte Observer v. The Charlotte-Mecklenburg Hospital Authority d/b/a Carolinas Healthcare System</b>	<b>Plt-Appellant's PDR Pursuant to N.C.G.S. § 7A-31 (COA04-1252)</b>	<b>Denied</b>
<b>552P05</b>	<b>Frank H. Christensen, Plaintiff v. Tidewater Fibre Corp., Defendant</b>	<b>1. Plt's PDR Under N.C.G.S. § 7A-31 (COA04-717)</b>  <b>2. Def's Conditional PDR Under N.C.G.S. § 7A-31</b>	<b>1. Denied</b>  <b>2. Dismissed as moot</b>
<b>553P05</b>	<b>John Harvey v. Patrick D. McLaughlin, D.C., doing business as</b>	<b>1. Def's PDR</b>	<b>1.</b>

	<b>McLaughlin Chiropractic Center</b>	<b>2. Def's Motion for Temporary Stay (COA04-1597)</b>  <b>3. Def's Petition for Writ of Supersedeas</b>	<b>2. Denied 11/15/05</b>  <b>3. Denied 11/15/05</b>
<b>555P05</b>	<b>State v. Billy Ray Ezzell</b>	<b>1. Def's <i>Pro Se</i> NOA</b>  <b>2. Def's <i>Pro Se</i> PWC to Review Decision of COA (COA04-940)</b>  <b>3. Def's <i>Pro Se</i> Motion to Appoint Counsel</b>  <b>4. Def's <i>Pro Se</i> Motion to Proceed <i>In Forma Pauperis</i></b>	<b>1. Dismissed ex mero motu</b>  <b>2. Denied</b>  <b>3. Denied</b>  <b>4. Allowed</b>
<b>559A05</b>	<b>Property Rights Advocacy Group v. Town of Long Beach</b>	<b>1. Plt's NOA (Dissent) (COA04-1374)</b>  <b>2. Plt's NOA Based Upon a Constitutional Question)</b>	<b>1. ---</b>  <b>2. Dismissed ex mero motu</b>

		<b>3. Plt's PDR as to Additional Issues</b>	<b>3. Denied</b>
<b>561P05</b>	<b>Lisa Garland v. Fred Hatley, Clerk of Superior Court of Lincoln County</b>	<b>Plt's PDR (COA04-1131)</b>	<b>Denied</b>
<b>562P05</b>	<b>City of Concord v. Alan R. Stafford and Wife, Katherine Stafford</b>	<b>1. Def's PDR Under N.C.G.S. § 7A-31 (COA04-1540)</b>  <b>2. Plt's Conditional PDR Under N.C.G.S. § 7A-31</b>	<b>1. Denied</b>  <b>2. Dismissed as moot</b>
<b>564P05</b>	<b>State v. Prince McBride</b>	<b>Def's PDR Under N.C.G.S. § 7A-31 (COA03-740)</b>	<b>Denied</b>
<b>569P05</b>	<b>State v. Sandra Teresa Nelson</b>	<b>1. Def's NOA Based Upon a Constitutional Question (COA05-97)</b>  <b>2. Def's PDR Under N.C.G.S. § 7A-31</b>  <b>3. AG's Motion to Dismiss Appeal</b>	<b>1. ---</b>  <b>2. Denied</b>  <b>3. Allowed</b>

576P05	State v. Michael L. Rowe	Def's <i>Pro Se</i> Motion for "PDR" Under N.C.G.S. § 7A-31 (COAP05-756)	Dismissed
577P05 - 2	State v. Gary Lee Barnes	Def's <i>Pro Se</i> Motion for Production of Documents "Record on Appeal"	Dismissed
586P05	<p>In the Matter of the Estate of Jerry L. Newton, Jr. Deceased</p> <p style="text-align: right;">_____ Paul</p> <p>Jeffrey Newton, Anne Newton Graham, and Joseph Wesley Newton, Petitioner v. Jerry Lewis Newton III, Trustee in Re: The Matter of Reba Burton Newton Revocable Trust Agreement Dated the 29th of Sept.,1992, Respondent</p> <p>_____</p> <p>Paul Jeffrey Newton, Anne Newton Graham, and Joseph Wesley Newton, Petitioners v. Jerry Lewis Newton III, Trustee In Re: The Matter of Jerry Lewis</p>	Respondent's (Jerry Lewis Newton III) PDR Under N.C.G.S. § 7A-31 (COA04-1508)	Denied

	<b>Newton, Jr. Revocable Trust Agreement Dated The 29th of Sept., 1992, Respondent</b>		
<b>587A05</b>	<b>Ludovicus N. Keyzer, a/k/a Ludo Keyzer, Joseph Kintz, Robin Kintz, Carl W. Parker, III, and Barry Nakell v. Amerlink, Ltd., Richard Spoor, Deborah N. Meyer, John Meuser, Meyer &amp; Meuser, P.A., American Detective Services, Inc., and Kenneth J. Johnson</b>	<b>1. Plts' NOA (Dissent) (COA04-1096)</b>  <b>2. Plts' PDR as to Additional Issues</b>	<b>1. ---</b>  <b>2. Denied</b>
<b>588P05</b>	<b>State v. Harold Boyd, Jr.</b>	<b>1. Def's PDR Under N.C.G.S. § 7A-31 (COA05-223)</b>  <b>2. Def's <i>Pro Se</i> PDR Under N.C.G.S. § 7A-31</b>	<b>1. Denied</b>  <b>2. Dismissed</b>
<b>589P05</b>	<b>State v. Aaron Jonwan Brewton</b>	<b>Def's PDR Under N.C.G.S. § 7A-31 (COA04-1127)</b>	<b>Denied</b>
<b>590P05</b>	<b>State v. Lafoy Ball, Jr.</b>	<b>Def's PWC to Review Order of the COA (COA04-1582)</b>	<b>Denied</b>

591P05	In the Matter of B.R.C.	1. Respondent's (Father) PDR Under N.C.G.S. § 7A-31 (COA04-481)  2. Respondent's (Mother) PDR Under N.C.G.S. § 7A-31	1. Denied  2. Denied
592A05	In Re: J.W., A Minor Juvenile DOB: 05/09/ 00  In Re: K.W., A Minor Juvenile DOB: 06/13/ 97	1. Respondent's (Mother) NOA (Dissent) (COA04-1280)  2. Respondent's (Mother) PDR as to Additional Issues	1. ---  2. Allowed
593P05	Ludovicus N. Keyzer, a/k/a Ludo Keyzer v. Amerlink, Ltd. and Richard Spoor	Plt's PDR Under N.C.G.S. § 7A-31 (COA04-1095)	Denied
595P05	Timothy Earl Wallen v. Riverside Sports Centre, a General Partnership, John M. Rose, Jr. and Sol C. Rose	1. Defs' PDR Under N.C.G.S. § 7A-31 (COA03-1679)  2. Defs' Motion to Dismiss PDR	1. ---  2. Allowed

<b>601P05</b>	<b>State v. Maurice Byrd</b>	<b>Def's <i>Pro Se</i> PWC to Review Order of the COA (COAP05-923)</b>	<b>Dismissed</b>
<b>602P05</b>	<b>State v. James Robert Kozoman</b>	<b>1. Def's <i>Pro Se</i> PWC to Review the Decision of the COA (COA04-753)</b>  <b>2. Def's <i>Pro Se</i> Motion for the Court to Procure Documents</b>  <b>3. Def's <i>Pro Se</i> Motion for "Summary Judgment of PWC"</b>	<b>1. Denied</b>  <b>2. Dismissed</b>  <b>3. Dismissed</b>
<b>603P05</b>	<b>State v. Juan Garcia Galvez</b>	<b>Def-Appellant's <i>Pro Se</i> PWC</b>	<b>Dismissed</b>
<b>604P05</b>	<b>State v. James Alfred Garfield Bunch, Jr.</b>	<b>Def's <i>Pro Se</i> Motion for PDR Pursuant to N.C.G.S. § 7A-28 (A) (B)</b>  <b>(COAP04-572)</b>	<b>Dismissed</b>
<b>605P05</b>	<b>State v. Ronnie Lee Kimble</b>	<b>Def's <i>Pro Se</i> PWC to Review the Decision of the COA (COA99-981)</b>	<b>Denied</b>  <b>Edmunds, J. Recused</b>



609P05	<b>Bruning &amp; Federle Mfg. Co. v. Ricky D. Mills and Associated Metal Works, Inc.</b>	<b>Plt's PDR Under N.C.G.S. § 7A-31 (COA04-999)</b>	<b>Denied</b>
611P05	<b>State v. Jerry Co Williams</b>	<b>1. Def's <i>Pro Se</i> Motion for Preparation of a Stenographic Transcript</b>  <b>2. Def's <i>Pro Se</i> Motion for Writ of Certiorari</b>  <b>3. Def's <i>Pro Se</i> Motion for Appropriate Relief</b>	<b>1. Dismissed</b>  <b>2. Dismissed</b>  <b>3. Dismissed</b>
612P05	<b>State v. Ernest Ray Hoffman</b>	<b>Def's <i>Pro Se</i> Petition for Writ of Habeas Corpus</b>	<b>Denied</b> <b>11/03/05</b>
617A05	<b>State v. Curly Jacobs</b>	<b>1. AG's Motion for Temporary Stay (COA04-541)</b>	<b>1. Allowed Pending determination of the State's PDR</b>  <b>11/07/05</b>

		<p><b>2. AG's Petition for Writ of Supersedeas</b></p> <p><b>3. AG's NOA (Dissent)</b></p> <p><b>4. AG's PDR Under N.C.G.S. § 7A-31</b></p>	<p>2.</p> <p>3.</p> <p>4.</p>
<b>619P05</b>	<b>State v. Brian Alvin Robinson</b>	<b>Def's PDR Under N.C.G.S. § 7A-31 (COAP05-869)</b>	<b>Dismissed</b>
<b>620P05</b>	<b>State v. Jerome Cannon McCoy</b>	<p><b>1. AG's Motion for Temporary Stay (COA04-1336)</b></p> <p><b>2. AG's Petition for Writ of Supersedeas</b></p> <p><b>3. AG's PDR Under N.C.G.S. § 7A-31</b></p>	<p><b>1. Allowed 11/07/05</b></p> <p>2.</p> <p>3.</p>

<b>621P05</b>	<b>State v. Charles Wayne Silvers</b>	<b>Def's PWC to Review Order of COA (COAP05-141)</b>	<b>Dismissed</b>
<b>622P05</b>	<b>State v. Glenn Devon McKinney</b>	<b>1. AG's Motion for Temporary Stay (COA04-1653)</b>  <b>2. AG's Petition for Writ of Supersedeas</b>  <b>3. AG's NOA Based Upon a Constitutional Question</b>	<b>1. Allowed</b> <b>11/07/05</b>  <b>2.</b>  <b>3.</b>
<b>634P05</b>	<b>State v. Gregory Alton Murphy</b>	<b>Def's <i>Pro Se</i> PDR Under N.C.G.S. § 7A-31 (COA05-145)</b>	<b>Denied</b>
<b>637A05</b>	<b>State v. Marlon Rio Massey</b>	<b>1. AG's NOA (Dissent) (COA04-1443)</b>  <b>2. AG's Motion for Temporary Stay</b>	<b>1. ---</b>  <b>2. Allowed</b> <b>11/18/05</b>

		<p><b>3. AG's Petition for Writ of Supersedeas</b></p> <p><b>4. AG's PDR Under N.C.G.S. § 7A-31</b></p>	<p><b>3.</b></p> <p><b>4.</b></p>
<b>639P05</b>	<b>State v. Michael Lane McHone</b>	<p><b>1. AG's Motion for Temporary Stay (COA04-1605)</b></p> <p><b>2. AG's Petition for Writ of Supersedeas</b></p>	<p><b>1. Allowed Pending determination of the State's PDR</b></p> <p><b>11/23/05</b></p> <p><b>2.</b></p>

<p><b>641P05</b></p>	<p><b>Deborah Windham Administratrix of the Estate of James Pierce, Deceased v. Britthaven, Inc. d/b/a Britthaven of Lousiburg and Hillco, Ltd.</b></p>	<p><b>1. Defs' Motion for Temporary Stay (COA04-1414)</b></p> <p><b>2. Defs' Petition for Writ of Supersedeas</b></p> <p><b>3. Defs' PDR Under N.C.G.S. § 7A-31</b></p>	<p><b>1. Allowed 11/21/05</b></p> <p><b>2.</b></p> <p><b>3.</b></p>
<p><b>650P05</b></p>	<p><b>Gary Wayne Haywood v. Secretary of Corrections, Theodis Beck and Superintendent Lumberton Correctional Institution, George Kennedy</b></p>	<p><b>Plt-Appellant's <i>Pro Se</i> Petition for Writ of Habeas Corpus</b></p>	<p><b>Denied 11/22/05</b></p>

652P05	State v. Tommy Andrews	Def's <i>Pro Se</i> PWC	Dismissed
653P05	State v. Lorenzo Duarte	<p>1. AG's Motion for Temporary Stay (COA04-1455)</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 12/01/05</p> <p>2.</p> <p>3.</p>
657P05	State v. Elizabeth Page McMahan	<p>1. AG's Application for Temporary Stay</p> <p>2. AG's Petition for Writ of Supersedeas</p>	<p>1. Allowed 11/29/05</p> <p>2.</p>

		<b>3. AG's PDR (COA05-211)</b>	<b>3.</b>
<b>660P05</b>	<b>State v. Thomas Henry Myers and Jesse Warren Coleman</b>	<b>1. AG's Motion for Temporary Stay</b>  <b>2. AG's Petition for Writ of Supersedeas</b>  <b>3. AG's PDR</b>	<b>1. Allowed 11/29/05</b>  <b>2.</b>  <b>3.</b>