

SUPREME COURT OF NORTH CAROLINA

PETITIONS

04 December 2019

25P19	John Keely Howard and wife, Cynthia Hicklin Hammond v. OrthoCarolina, P.A.; Alfred L. Rhyne, III, M.D.; Faisal A. Siddiqui, M.D.; Theodore A. Belanger, M.D.	Plt's PDR Under N.C.G.S. § 7A-31 (COA18-71)	Denied
31PA19	Eve Gyger v. Quinten Clement	Motion to Withdraw as Counsel for Defendant-Appellee (COA18-244)	Allowed 11/25/2019
54P19-2	State v. Rogelio Albino Diaz Tomas	<p>1. Def's Petition for Writ of Mandamus (COAP19-490; COA19-777)</p> <p>2. Def's Petition for Writ of Certiorari to Review Order of the COA</p> <p>3. Def's Motion to Deem Petition Timely Filed</p>	<p>1. Denied 11/08/2019</p> <p>2. Denied 11/08/2019</p> <p>3. Dismissed as moot 11/08/2019</p>

115A04-3	State v. Scott David Allen	<p>1. Def's Petition for Writ of Certiorari to Review Order of Superior Court, Montgomery County</p> <p>2. Def's Petition in the Alternative for Writ of Mandamus</p> <p>3. State's Motion for Extension of Time to File Response to Petition for Writ of Certiorari and Writ of Mandamus</p> <p>4. Def's Motion for Extension of Time to File Brief</p> <p>5. Def's Motion to Allow Withdrawal of Margaret C. Lumsden as Counsel</p> <p>6. Def's Motion for Office of Indigent Defense Services to Appoint New Co-Counsel</p> <p>7. Def's Motion for Extension of Time to File Brief</p>	<p>1. Allowed 09/25/2019</p> <p>2.</p> <p>3. Allowed 05/21/2019</p> <p>4. Allowed 10/07/2019</p> <p>5. Allowed 10/09/2019</p> <p>6. Allowed 10/09/2019</p> <p>7. Allowed 11/07/2019</p>
119A19	Lisa Dawn Crews v. James Scott Crews	<p>1. Def's Notice of Appeal Based Upon a Dissent (COA18-42)</p> <p>2. Def's Motion to Dismiss Appeal</p>	<p>1. ---</p> <p>2. Allowed 11/19/2019</p>

142A97-3	State v. Terrance Dion Bowman	1. Def's Pro Se Motion for Relief 2. Def's Pro Se Motion for Appropriate Relief	1. Dismissed 2. Dismissed
148P19	Patricia Hager, Executrix of the Estate of Albert Hoffmaster v. Smithfield East Health Holdings, LLC d/b/a Gabriel Manor Assisted Living Center, Smithfield Operations, LLC, Saber Healthcare Holdings, LLC, Saber Healthcare Group, LLC, Sherry Tabor	1. Plt's PDR Under N.C.G.S. § 7A-31 (COA18-651) 2. Def's Motion for Withdrawal and Substitution of Counsel	1. Denied 2. Allowed Davis, J., recused
153A19	N.C. Department of Revenue v. Graybar Electric Company, Inc.	Petitioner's Motion to Amend Appendix to Brief	Allowed 11/26/2019
159A19	In the Matter of: C.J.	Respondent-Mother's Motion for Leave to File Supplemental Brief	Allowed
172A19	In the Matter of: J.H., Z.R., A.R., and D.R.	1. Respondent's Motion to Amend the Record on Appeal 2. Petitioner's Motion to Consider the Brief of the Forsyth County Department of Social Services Timely Filed	1. Allowed 07/08/2019 2. Allowed 11/14/2019

211PA16	SED Holdings, LLC v. 3 Star Properties, LLC, James Johnson, TMPS LLC, Mark Hyland, and Home Servicing, LLC	<p>1. Defs' PDR Under N.C.G.S. § 7A-31 (COA15-747)</p> <p>2. Defs' Motion to Appear</p> <p>3. Plt's Motion to Stay Proceedings Against 3 Star Properties, LLC because it is in Bankruptcy</p> <p>4. Plt's Motion that Plaintiff be Permitted to Proceed Now in the Trial Court Against the Remaining Defendants</p> <p>5. Plt's Motion to Lift Stay Order</p> <p>6. Defs' Motion to Allow Time to Respond to Motion of Plaintiff to Dissolve the PDR Allowed by this Court</p> <p>7. Defs' Motion to Dismiss Appeal</p>	<p>1. Allowed 09/22/2016</p> <p>2. Allowed 11/01/2016</p> <p>3. Special Order 11/01/2016</p> <p>4. Special Order 11/01/2016</p> <p>5. Dismissed as moot</p> <p>6. Allowed 02/02/2017</p> <p>7. Allowed</p> <p>Davis, J., recused</p>
212A19	In the Matter of: E.B.M., Z.A.M.	Respondent-Mother's Motion to Withdraw and to Allow the Executive Director to Re-Appoint Counsel	Allowed 11/06/2019

218P17-2	NNN Durham Office Portfolio 1, LLC, et al. v. Grubb & Ellis Company, et al.	<p>1. Plts' Notice of Appeal Based Upon a Constitutional Question (COA17-607)</p> <p>2. Plts' PDR Under N.C.G.S. § 7A-31</p> <p>3. Defs' Motion to Dismiss Appeal</p> <p>4. Defs' Conditional PDR Under N.C.G.S. § 7A-31</p> <p>5. Plts' Motion to Withdraw PDR as to Appellants NNN Durham Office Portfolio 12, LLC and St. Kitts Investments, LLC</p>	<p>1. ---</p> <p>2. Denied</p> <p>3. Allowed</p> <p>4. Dismissed as moot</p> <p>5. Allowed</p>
220A19	In the Matter of: J.M., J.M., J.M., J.M., J.M.	Respondent-Mother's Motion to Amend Record on Appeal	Allowed 12/03/2019
228P19	State v. Timothy Calvin Denton	<p>1. State's Motion for Temporary Stay (COA18-742)</p> <p>2. State's Petition for Writ of Supersedeas</p> <p>3. State's PDR Under N.C.G.S. § 7A-31</p>	<p>1. Allowed 06/14/2019 Dissolved 12/04/2019</p> <p>2. Denied</p> <p>3. Denied</p>
250P19	Todd Preston Jackson v. The Timken Company, Deborah K. Gentry, RN, a/k/a Deborah Gentry Weatherman	Def's PDR Under N.C.G.S. § 7A-31 (COA18-695)	Denied

252PA14-3	State v. Thomas Craig Campbell	Def's Motion for Judicial Notice (COA13-1404, 13-1404-2, 13-1404-3)	Dismissed as moot
256P16-3	State v. Jonathan James Newell	1. Def's Pro Se Petition for Writ of Habeas Corpus (COAP16-233) 2. Def's Pro Se Motion to Appoint Counsel	1. Denied 11/20/2019 2. Dismissed as moot 11/20/2019
257P19	State v. Charles Fitzgerald Harris	1. Def's Pro Se Notice of Appeal Based Upon a Constitutional Question (COA18-910) 2. Def's Pro Se PDR Under N.C.G.S. § 7A-31	1. Dismissed <i>ex mero motu</i> 2. Denied
263PA18	State v. Cedric Theodis Hobbs, Jr.	Def's Second Motion to Supplement Record on Appeal	Allowed
263PA18	State v. Cedric Theodis Hobbs, Jr.	Def's Motion to File Amended Reply Brief	Allowed
276A19	In the Matter of: B.L.H.	Respondent-Father's Motion to Withdraw and Allow Parent Defender to Re-Appoint Counsel	Allowed 11/06/2019
277P18-6	State v. Gabriel Adrian Ferrari	Def's Pro Se Motion to Strike the Order of the Court in Conference 25th of September 2019 (COA98-724)	Dismissed
290PA15-2	State v. Jeffrey Tryon Collington	Def's Motion for Production of a Recording (COA14-1244)	Dismissed as moot 11/07/2019

303A19	In the Matter of: N.G.	Petitioner's Motion for Extension of Time to File Appellee Brief and Response to Petition for Writ of Certiorari	Allowed 11/07/2019
304P18-2	State v. Maurice McKinnon	1. Def's Pro Se Petition for Writ of Certiorari to Review Order of Superior Court, New Hanover County (COAP18-494) 2. Def's Pro Se Motion to Appoint Counsel	1. Dismissed 2. Dismissed as moot
311A19	State v. Ricky Franklin Charles	1. Def's Notice of Appeal Based Upon a Dissent (COA18-945) 2. Def's PDR as to Additional Issues 3. Def's Motion to Amend the Record on Appeal 4. Def's Motion to Amend Certificates of Filing and Service 5. State's Motion to Dismiss Appeal	1. --- 2. Denied 3. Dismissed as moot 4. Allowed 5. Denied
323P19	Lisa Rhodes v. Justin Robertson	1. Plt's Pro Se Notice of Appeal Based Upon A Constitutional Question (COA18-1253) 2. Plt's Pro Se PDR Under N.C.G.S. § 7A-31	1. Dismissed <i>ex mero motu</i> 2. Denied

330A19	State v. Jesse James Tucker	<p>1. State's Motion for Temporary Stay (COA18-1295)</p> <p>2. State's Petition for Writ of Supersedeas</p> <p>3. State's Notice of Appeal Based Upon a Dissent</p> <p>4. Def's Motion to Dismiss Appeal</p> <p>5. Def's Motion to Dissolve Temporary Stay</p> <p>6. Def's Motion to Stay Briefing Schedule Until Resolution of the Motion to Dismiss</p>	<p>1. Allowed 08/22/2019 Special Order</p> <p>2. Allowed 09/09/2019 Special Order</p> <p>3. ---</p> <p>4. Special Order</p> <p>5. Special Order</p> <p>6. Special Order</p>
332P19	State v. Dalton Dewayne Flowers	<p>1. Def's Motion for Temporary Stay (COA18-832)</p> <p>2. Def's Petition for Writ of Supersedeas</p> <p>3. Def's Notice of Appeal Based Upon a Constitutional Question</p> <p>4. Def's PDR Under N.C.G.S. § 7A-31</p> <p>5. State's Motion to Dismiss Appeal</p>	<p>1. Allowed 08/23/2019 Dissolved 12/04/2019</p> <p>2. Denied</p> <p>3. ---</p> <p>4. Denied</p> <p>5. Allowed</p>

347P19	State v. James Edward Raynor, Jr.	<p>1. Def's Notice of Appeal Based Upon a Constitutional Question (COA18-942)</p> <p>2. Def's PDR Under N.C.G.S. § 7A-31</p> <p>3. State's Motion to Dismiss Appeal</p>	<p>1. ---</p> <p>2. Denied</p> <p>3. Allowed</p>
348P19	State v. Morquel Deshawn Redmond	<p>1. Def's Notice of Appeal Based Upon a Constitutional Question (COA18-801)</p> <p>2. Def's PDR Under N.C.G.S. § 7A-31</p>	<p>1. Dismissed <i>ex mero motu</i></p> <p>2. Denied</p>
350P19	State v. Samantha Meiaza Matthews	<p>1. Def's PDR Under N.C.G.S. § 7A-31 (COA18-1257)</p> <p>2. Def's Motion for Temporary Stay</p> <p>3. Def's Petition for Writ of Supersedeas</p>	<p>1. Denied</p> <p>2. Allowed 10/15/2019 Dissolved 12/04/2019</p> <p>3. Denied</p>
352P19	State v. Kenneth Russell Anthony	<p>1. State's Motion for Temporary Stay (COA18-1118)</p> <p>2. State's Petition for Writ of Supersedeas</p> <p>3. State's PDR Under N.C.G.S. § 7A-31</p>	<p>1. Allowed 09/05/2019 Special Order</p> <p>2. Special Order</p> <p>3. Special Order</p>

353P19	State v. Patrick Lynn Griggs	Def's PDR Under N.C.G.S. § 7A-31 (COA18-1000)	Denied
362P19	Gavin Suarez, minor child, by and through Guardian Ad Litem, Richard P. Nordan, Esq.; Eric Suarez and Jean Suarez, individually and as parents and natural guardians of Gavin Suarez, Plaintiffs v. American Ramp Company (ARC); Town of Swansboro, Defendants v. Alaina Hess, Third-Party Defendant	Def's (Town of Swansboro) PDR Under N.C.G.S. § 7A-31 (COA19-36)	Denied Davis, J., recused
363A14-4	Sandhill Amusements, Inc. and Gift Surplus, LLC v. State of North Carolina, ex rel. Roy Cooper, Governor, in his official capacity, Branch Head of the Alcohol Law Enforcement Branch of the State Bureau of Investigation, Mark Senter, in his official capacity, Secretary of the North Carolina Department of Public Safety, Erik Hooks, in his official capacity, and the Director of the North Carolina State Bureau of Investigation, Bob Schurmeier, in his official capacity	1. Plt's Motion for Temporary Stay (COA14-85; COAP17-693) 2. Plt's Petition for Writ of Supersedeas	1. Allowed 11/19/2019 2. Ervin, J., recused Davis, J., recused

363P19	State v. Michael Eugene Bradley	Def's PDR Under N.C.G.S. § 7A-31 (COA18-1297)	Denied
369A19	In the Matter of: A.H.F.S., R.S.F.S., and C.F.S.	Respondent's Petition for Writ of Certiorari to Review Decision of District Court, Henderson County	Allowed
371P19	Crystal Gail Mangum v. Marianne Bond - Officer Durham Police Department, and Durham District Attorney's Office	Plt's Pro Se PDR Under N.C.G.S. § 7A-31 (COA19-19)	Denied
396A19	In re: J.M.	Respondent's Motion for Extension of Time to File Brief	Allowed 11/06/2019 Davis, J., recused
398P19	Gregory E. Lindberg v. Tisha L. Lindberg	Plt's PDR Under N.C.G.S. § 7A-31 (COA19-78)	Denied Davis, J., recused
415P19	State v. Scott Randall Reich	1. Def's Pro Se Motion for Appeal for Help in Obtaining All Files of Discovery (COAP19-666) 2. Def's Pro Se Motion for Appointment of Counsel	1. Dismissed 10/31/2019 2. Dismissed 10/31/2019 Davis, J., recused
417PA18	State v. Rudolph Coles, Jr.	Def's Motion for Appropriate Relief (COA18-357)	Special Order

417P19	Common Cause, et al. v Lewis, et al.	1. Plts' PDR Prior to a Determination by the COA 2. Plts' Motion to Suspend Appellate Rules 3. Legislative-Defs' Motion to Delay Ruling on PDR Prior to a Determination by the COA 4. Legislative-Defs' Motion to Recuse Justice Earls	1. Denied 11/15/2019 2. Dismissed as moot 11/15/2019 3. Dismissed as moot 11/15/2019 4. Denied 11/15/2019
418A19	In the Matter of: A.D.	Respondent-Mother's Motion to Withdraw Appeal	Special Order 12/03/2019
427P19	State v. Maliq Anthony Marshall- Hardy	Def's Pro Se Motion for Dismissal of Pending Allegations	Dismissed 11/08/2019
434PA18	PHG Asheville, LLC v. City of Asheville	Petitioner's Motion to Supplement Appellate Record	Allowed
434P19	State v. Christophe C. Exum	Def's Pro Se Petition for Writ of Certiorari to Review Order of Superior Court, Wayne County (COAP19-15)	Denied 11/20/2019

445P19	State v. Jason Travon Peterson	<p>1. Def's Pro Se Motion for Temporary Stay (COA17-26)</p> <p>2. Def's Pro Se Petition for Writ of Supersedeas</p> <p>3. Def's Pro Se Petition for Writ of Certiorari to Review Order of Superior Court, Pitt County</p>	<p>1. Denied 11/21/2019</p> <p>2. Denied 11/21/2019</p> <p>3. Denied 11/21/2019</p>
447P18	State v. Milton Denard Hauser	<p>1. Def's PDR Under N.C.G.S. § 7A-31 (COA17-717)</p> <p>2. Def's Petition for Writ of Certiorari to Review Order of the COA</p> <p>3. Def's Petition for Writ of Certiorari to Review Order of Superior Court, Forsyth County</p>	<p>1. Denied</p> <p>2. Denied</p> <p>3. Denied</p>
447A19	State v. Ryan Kirk Fuller	<p>1. Def's Motion for Temporary Stay (COA19-243)</p> <p>2. Def's Petition for Writ of Supersedeas</p>	<p>1. Allowed 11/22/2019</p> <p>2.</p>
576P07-5	State v. Moses Leon Faison	Def's Petition for Writ of Certiorari to Review Order of Superior Court, Greene County	Dismissed