

SUPREME COURT OF NORTH CAROLINA

PETITIONS

10 DECEMBER 2009

016P07-2	State v. Joey Duane Scott	Def's PWC to Review Order of the COA (COAP09-826)	Dismissed
062A08-2	Southeastern Jurisdictional Administrative Council, Inc. v. Gordon W. Emerson, Diane R. Emerson, Paul D. Huffman, Donald N. Patten & Virginia B. Patten	Defs' (Emerson and Huffman) Petition for Rehearing	Denied
088P09	Johnny V. Benton, Jr. and Veronica Tyndall v. Timothy S. Hanford and Progressive Southeastern Ins. Co.	1. Def's (Progressive Southeastern Ins.) PDR Under N.C.G.S. § 7A-31 (COA08-44) 2. Motion by N.C. Asso. Of Defense Attorneys to File a Submission in Support of Progressive Southeastern Ins. Co.'s Petition 3. Motion by. Ins. Federation of NC for Leave to File Amicus Curiae Brief	1. Denied 2. Dismissed as Moot 3. Dismissed as Moot
099P09	Michael Rutherford, Jr. v. General Insurance Company of America	Def's PDR Under N.C.G.S. § 7A-31 (COA08-422)	Denied

107P09-2	Kasean Damont Bryson v. Sid Hargrove, Superintendent Marion Correctional Inst.	Plt's Petition for Writ of Habeas Corpus	Denied 12/10/09
120A92-5	State v. Kenneth Bernard Rouse	Def's Motion to Hold in Abeyance the Time to File PWC	See Special Order 11/09/09
200P09	State v. John Walston	1. Def's NOA Based Upon a Constitutional Question (COA08-889) 2. Def's PDR Under N.C.G.S. § 7A-31	1. Dismissed <i>Ex Mero Motu</i> 2. Denied
229P06-3	State v. Robert Wayne Smith	1. Def's Petition for Writ of Mandamus 2. Def's Petition for Writ of Mandamus	1. Denied 2. Denied

<p>249P09</p>	<p>Sam's East, Inc. v. Reginald S. Hinton/ Kenneth R. Lay, Secretary of Revenue of the State of North Carolina</p>	<p>1. Plt's NOA Based Upon a Constitutional Question (COA08-453)</p> <p>2. Plt's PDR Under N.C.G.S. § 7A-31</p> <p>3. Def's Motion to Dismiss Appeal</p> <p>4. Motion by NC Chamber of Commerce for Leave to File Amicus Curiae Brief</p> <p>5. Plt-Appellant's Motion to Dismiss PDR Review and NOA (With Consent of Def)</p>	<p>1. - - -</p> <p>2. - - -</p> <p>3. Dismissed as Moot</p> <p>4. Dismissed as Moot</p> <p>5. Allowed</p>
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250P09	Wal-Mart Stores East, Inc., a/k/a Wal-Mart Stores East I, Inc. v. Reginald S. Hinton/Kenneth R. Lay, Secretary of Revenue of the State of North Carolina	<p>1. Plt's NOA Based Upon a Constitutional Question (COA08-450)</p> <p>2. Plt's PDR Under N.C.G.S. § 7A-31</p> <p>3. Def's Motion to Dismiss Appeal</p> <p>4. Motion by NC Chamber of Commerce for Leave to File Amicus Curiae Brief</p> <p>5. Plt-Appellant's (With Def's Consent) Motion to Dismiss Petition and NOA</p>	<p>1. - - -</p> <p>2. - - -</p> <p>3. Dismissed as Moot</p> <p>4. Dismissed as Moot</p> <p>5. Allowed</p>
251P08-3	State v. Jacob Crain	Def's Motion to Alter or Amend Judgment	Dismissed
256P09	Sue Allison Broadwell Roberts v. Ronald Wayne Roberts	<p>1. Def's PDR Under N.C.G.S. § 7A-31 (COA08-404)</p> <p>2. Plt's Conditional PDR Under N.C.G.S. § 7A-31</p> <p>3. Def's Motion for Temporary Stay</p> <p>4. Def's Petition for Writ of Supersedeas</p>	<p>1. Denied</p> <p>2. Dismissed as Moot</p> <p>3. Allowed 07/09/09 Dissolved the Stay</p> <p>4. Denied</p>

265P09	State v. Ronnie Wallace Long	1. State's Motion for Temporary Stay 2. State's Petition for Writ of Supersedeas 3. State's PWC to Review Order of the Cabarrus County Superior Court 4. Def's Motion for Extension of Time to Respond to PWC 5. Def's Motion to Hold Decision in Abeyance 6. Def's PWC to Review Order of the Cabarrus County Superior Court	1. Allowed 06/29/09 Dissolved the Stay 12/10/09 2. Denied 3. Denied 4. Allowed 07/07/09 5. Dismissed as Moot 6. Allowed
283P09-2	Arthur O. Armstrong v. Superior Court Trial Judge Julius A. Rousseau	1. Plt's Motion for Leave to File Petition for Writ of Mandamus 2. Plt's Petition for Writ of Mandamus 3. Plt's Motion for Leave to File Petition for Writ of Mandamus 4. Plt's Petition for Writ of Mandamus	1. Dismissed 2. Dismissed 3. Dismissed 4. Dismissed
291P09	State v. James Harold Parker	Def's PDR Under N.C.G.S. § 7A-31 (COA08-1471)	Denied

298P09	State v. Andrew Chandler, Jr. a/k/a Junior Chandler	1. State's Motion for Temporary Stay 2. State's Petition for Writ of Supersedeas 3. State's PWC	1. Allowed 07/20/09 2. Allowed 3. Allowed
299P09	State v. Miguel Hutchinson	1. Def's Motion for NOA (COAP09-488) 2. Def's Motion for Peremptory Setting for Ruling Upon Appeal	1. Dismissed 2. Dismissed
303P09	State v. Victoria Graham Goode	1. Def-Appellant's NOA Based Upon a Constitutional Question 2. Def-Appellant's PDR (COA08-1145) 3. State's Motion to Dismiss Appeal	1. - - - 2. Denied 3. Allowed
304P09	Brian Scott Baker and Janna C. Jordan-Baker v. Prudence Rosner, Ed Rosner. Jo Faulk, and Nova Realty, Inc.	Defs' PDR Under N.C.G.S. § 7A-31 (COA08-1298)	Denied
307P09	State v. Michael Ray	1. State's Motion for Temporary Stay (COA08-1329) 2. State's Petition for Writ of Supersedeas 3. State's PDR Under N.C.G.S. § 7A-31	1. Allowed 07/27/09 2. 3.

312P09	State v. Jason Matthew Patton	1. Def's PWC to Review Order of Richmond County Superior Court 2. State's Motion for Extension of Time to File Response to Petition for Writ of Certiorari	1. 2. Allowed 08/17/09
317P09	State v. Wilbur William Folston	1. State's Motion for Temporary Stay 2. State's Petition for Writ of Supersedeas 3. State's PWC to Review Order of Cleveland County Superior Court	1. Allowed 08/07/09 2. 3.
322P09	Arthur O. Armstrong v. H. Terry Hutchens	1. Plt's Motion for Leave to File Petition for Writ of Mandamus 2. Plt's Petition for Writ of Mandamus	1. Dismissed 2. Dismissed
329P08-4	In re: Arthur O. Armstrong	1. Appellant's (Armstrong) Motion for Leave to File Petition for Writ of Mandamus 2. Appellant's (Armstrong) Petition for Writ of Mandamus	1. Dismissed 2. Dismissed

335P09	In re: Arthur O. Armstrong	<p>1. Appellant's (Armstrong) Motion for Leave to File Petition for Writ of Mandamus</p> <p>2. Appellant's (Armstrong) Petition for Writ of Mandamus</p>	<p>1. Dismissed</p> <p>2. Dismissed</p>
336P09	In re: Arthur O. Armstrong	<p>1. Appellant's (Armstrong) Motion for Leave to File Petition for Writ of Mandamus</p> <p>2. Appellant's (Armstrong) Petition for Writ of Mandamus</p>	<p>1. Dismissed</p> <p>2. Dismissed</p>
337P09	In re: Arthur O. Armstrong	<p>1. Appellant's (Armstrong) Motion for Leave to File Petition for Writ of Mandamus</p> <p>2. Appellant's (Armstrong) Petition for Writ of Mandamus</p>	<p>1. Dismissed</p> <p>2. Dismissed</p>

338P09	In re: Arthur O. Armstrong	1. Appellant's (Armstrong) Motion for Leave to File Petition for Writ of Mandamus 2. Appellant's (Armstrong) Petition for Writ of Mandamus 3. Appellant's Motion for Leave to File Petition for Writ of Mandamus 4. Appellant's (Armstrong) Petition for Writ of Mandamus	1. Dismissed 2. Dismissed 3. Dismissed 4. Dismissed
343P09	Bryan Tate Helms v. Angelique Landry	Def-Appellant's PDR (COA08-1256)	Denied
345P09	State v. Billy J. Trombley	1. State's Motion for Temporary Stay (COA08-947) 2. State's Petition of Writ of Supersedeas 3. State's PDR Under N.C.G.S. § 7A-31	1. Allowed 08/24/09 2. 3.
355P09-2	State v. Gary L. Miller-El	1. Def's Petition for Writ of Mandamus 2. Def's Motion for NOA	1. Denied 09/28/09 2. Dismissed

361P09	Douglas Lee Husketh, Jr. v. Moore County Clerk of Superior Court, Superior Court Judge James M. Webb, and N.C. Administrative Office of the Courts	1. Plt's Motion for NOA (COA09-587) 2. Plt's Motion for PDR Under N.C.G.S. § 7A-31	1. Dismissed 2. Denied
367P09	In the Matter of: Michael Charles Hayes, Respondent	1. State's Motion for Temporary Stay (COA08-894) 2. State's Petition for Writ of Supersedeas	1. Allowed 09/04/09 2.
369A09	Milton K. Fussell and Teresa Fussell v. North Carolina Farm Bureau, Mutual Ins. Co., Inc., et al.	1. Def's (Town of Apex) Motion to Strike Late Filing of Brief 2. Def's (Town of Apex) Alternative Motion to Deny Plt Appellees' Oral Argument	1. Denied 2. Denied
370P09	State v. Michael Harrison Hunt, Jr.	1. Def's PDR Under N.C.G.S. § 7A-31 (COA08-1377) 2. State's Motion to Deny Petition	1. Denied 2. Dismissed as Moot

373P09	Angela Worthy, Individually, and Shanalda McLean, a Minor Child, by and through her Guardian ad Litem, Angela Worthy v. The Ivy Community Center, Inc.; Cecilia Watson Blackwell, Executrix of the Estate of Gordon L. Blackwell, deceased; Transom Development, Inc., f/k/a Regency Development Associates, Inc., The Ivy Commons Limited Partnership, d//b/a Ivy Commons Apartments; The City of Durham; Jackie Marrow; and Interstate Management Consultants, Inc.	1. Defs' PDR Under N.C.G.S. § 7A-31 (COA08-458) 2. Defs' PWC to Review Decision of COA	1. Denied 2. Denied
381P09	William Sykes, Employee v. Moss Trucking Co., Inc., Employer; Protective Ins. Co., Carrier	1. Plt's NOA (COA08-1039) 2. Defs' Motion to Dismiss Appeal 3. Plt's PDR Under N.C.G.S. § 7A-31	1. - - - 2. Allowed 3. See Special Order 12/10/09 Timmons-Goodson, J., Recused

382P09	State v. Jihad Rashid Melvin	1. State's Motion for Temporary Stay (COA09-62) 2. State's Petition for Writ of Supersedeas 3. State's PDR Under N.C.G.S. § 7A-31	1. Allowed 09/18/09 2. 3.
385P09	In the Matter of: P.C.L.P., Minor Child	Respondent's (Mother) PDR Under N.C.G.S. § 7A-31 (COA09-379)	Denied
391P09	State v. Timothy Wayne Strickland	Def's PDR Under N.C.G.S. § 7A-31 (COA08-1186)	Denied
393P09	Charlie Lee Richardson v. N.C. Dept. Of Public Instruction Licensure Section	Petitioner's (Richardson) PDR Under N.C.G.S. § 7A-31 (COA09-83)	Denied
396A09	State v. Edward Junior Wagoner	State's Motion to Strike Material Outside the Record from Def-Appellant's New Brief	Denied
401P09	State v. Bruce Lee Gray, Jr.	Def's Motion for PDR Under N.C.G.S. § 7A-31 & 7A-30 (COAP09-541)	Dismissed
403P09	State v. Anthony Jerome Brewington	Def's PDR Under N.C.G.S. § 7A-31 (COA08-980)	Denied
405P09	Linda Weatherly Nale v. Ethan Allen and St. Paul Travelers	Plt's PDR Under N.C.G.S. § 7A-31 (COA09-55)	Denied

406P09	State v. Frederick D. Jarman	Def's PWC to Review Order of Craven County Superior Court	Dismissed
410P09	Sherry S. Albert, Administratrix of the Estate of Doris Hill King, et al. v. J. Kimzie Cowart, Wachovia Corporation, et al.	1. Plt's PDR Under N.C.G.S. § 7A-31 (COA09-93) 2. Def's (J. Kimzie Cowart) Conditional PDR Under N.C.G.S. § 7A-31	1. Denied 2. Dismissed as Moot
420P09	Ruth Ann Morris v. Southeastern Orthopedics Sports Medicine & Shoulder Center, P.A., Kevin P. Speer, Executive Surgical Center, Inc., Stocks Surgical Center, PLLC, and Lewis Henry Stocks, III	Defs' (Southeastern Orthopedics & Speer) PDR Under N.C.G.S. § 7A-31 (COA08-1372)	Denied
422P09	State v. Rondall Allen Spann	1. Def's PDR Under N.C.G.S. § 7A-31 (COA09-32) 2. State's Conditional PDR Under N.C.G.S. § 7A-31	1. Denied 2. Dismissed as Moot
425P09	State v. James Lee Hill	Def's PDR Under N.C.G.S. § 7A-31 (COA08-1347)	Denied
431P09	State v. George Freeman Jones, Sr.	1. Def's Motion for NOA (COA09-252) 2. Def's PDR Under N.C.G.S. § 7A-31	1. Dismissed <i>Ex Mero Motu</i> 2. Denied

432P09	State v. Bobby Earl Hines	1. Def's NOA Based Upon a Constitutional Question (COA09-202) 2. Def's PDR Under N.C.G.S. § 7A-31	1. Dismissed <i>Ex Mero Motu</i> 2. Denied
435P09	State v. Howard Lee Williams	1. Def's Motion for NOA (COAP09-598) 2. Def's PWC to Review the Order of the COA	1. Dismissed <i>Ex Mero Motu</i> 2. Dismissed
439P09	State v. David Winthrow Hairston	Def's PDR Under N.C.G.S. § 7A-31 (COA08-1579)	Denied
440P09	State v. Curtis Isaac Mondy	Def's PWC to Review Order of Wilkes County Superior Court	Dismissed
442P09	State v. William Lee Walker	Def's PDR Under N.C.G.S. § 7A-31 (COA08-1565)	Denied

443A09	W.D. Goldston, Jr., James E. Harrington, and citizens, taxpayers and bondholders similarly situated v. State of N.C. and Michael F. Easley, Governor, individually and in his official capacity	1. Plts' NOA Based Upon a Constitutional Question (COA08-754) 2. Plts' PDR Under N.C.G.S. § 7A-31 3. Defs' NOA (Dissent) 4. Defs' Motion to Dismiss Appeal 5. Defs' Motion to Stay Defendant Appellants' Brief	1. 2. 3. 4. 5. Allowed 11/24/09
446P09	Judy Williams, Plt v. Craft Development , LLC, et al., Defs and Third-Party Plts v. Mark Lowder, et al., Third-Party Defs	1. Def's & Third-Party Plts' PDR Under N.C.G.S. § 7A-31 (COA09-3) 2. Def's & Third-Party Plts' Motion for Temporary Stay 3. Def's & Third-Party Plts' Petition for Writ of Supersedeas	1. 2. Allowed 11/05/09 3.
449P09	State v. Norman Ray Bishop	Def's Petition for Writ of Habeas Corpus	Dismissed Without Prejudice to Petitioner's Right to File MAR in Superior Court 11/17/09

451P09	State v. Tommy Yancey	Def's Petition for Writ of Habeas Corpus	Dismissed Without Prejudice to Petitioner's Right to File MAR in Superior Court 11/17/09
453P09	Mark C. Rogers v. Resident Superior Court Judge of Craven County, State of North Carolina	Plt's Motion to Appeal Denied Order of COA (COAP08-302)	Dismissed
454P09	Arthur O. Armstrong v. Ruth T. Armstrong, et al.	1. Plt's Motion for Leave to File Petition for Writ of Mandamus 2. Plt's Petition for Writ of Mandamus	1. Dismissed 2. Dismissed
455P01-3	In the Matter of the Application of Thomas Covington, Jr. v. Sid Harkleroad, Superintendent of Marion C.I.	Plt's Petition for Writ of Mandamus (COAP07-791)	Denied
455P09	Arthur O. Armstrong v. Bruce Ammons, et al.	1. Plt's Motion for Leave to File Petition for Writ of Mandamus 2. Plt's Petition for Writ of Mandamus	1. Dismissed 2. Dismissed
461A09	State v. Joseph Dwayne Morrow	1. Def's NOA (Dissent) (COA08-867) 2. Def's PDR as to Additional Issues 3. Def's Petition for Writ of Supersedeas	1. - - - 2. Denied 3. Denied

463P09	Housecalls Home Health Care, Inc., et al. v. State of N.C., et al.	<p>1. Plts' NOA Based Upon a Constitutional Question (COA08-1322)</p> <p>2. Plts' PDR Under N.C.G.S. § 7A-31</p> <p>3. Defs' Motion to Dismiss Appeal</p> <p>4. Defs' Motion for Temporary Stay</p> <p>5. Defs' Petition for Writ of Supersedas</p>	<p>1.</p> <p>2.</p> <p>3.</p> <p>4. Allowed 11/24/09</p> <p>5.</p>
466P09	State v. Donovan Lorenzo Duren	Def's PDR Under N.C.G.S. § 7A-31 (COA09-248)	Denied
468P09	State v. Brendon Alexander Cummins	<p>1. Def's Petition for Writ of Coram Vobis and NOA (COAP09-721)</p> <p>2.. Def's Motion for Appointment of Counsel</p>	<p>1. Dismissed</p> <p>2. Dismissed</p>
470P09	State v. Manolo Ortega Gomez	Def's PWC to Review Order of Mecklenburg County Superior Court	Denied
471P09	State v. Harry Lee Butler	Def's Motion for Review (COA09-551)	Denied
472P09	Freddie Robinson v. Rosa D. Dula, Assistant District Attorney/or Chief District Attorney	Plt's Petition for Writ of Mandamus	Denied

473P09	In the Matter of Foreclosure of Deed of Trust of: Adam Culp to James David Depuy, et al.	1. Def's (Culp) Motion for Temporary Stay (COAP09-897) 2. Def's (Culp) Petition for Writ of Supersedeas 3. Def's (Culp) Petition for Writ of Mandamus	1. Denied 11/19/09 2. Denied 11/19/09 3. Denied 11/19/09
473P09-2	In the Matter of Foreclosure of Deed of Trust of: Adam Culp to James David Depuy, Substitute Trustee; et al.	Def's (Adam Culp) Petition for Rehearing En Banc	Dismissed
475P09	Mary B. Webb v. George Travers Webb, III	Def-Appellant's Petition for Writ of Supersedeas and Emergency Motion for Temporary Stay	Denied 11/20/09
476P09	State v. Jackie Watts	Def-Appellant's PWC	Dismissed
486P09	State v. Robert Dean Taylor	Def's PDR Under N.C.G.S. § 7A-31 (COA08-1467)	Denied
487P06-5	In re: Arthur O. Armstrong	1. Appellant's (Armstrong) Motion for Leave to File Petition for Writ of Mandamus 2. Appellant's (Armstrong) Petition for Writ of Mandamus	1. Dismissed 2. Dismissed

488P09	State v. Samuel Darion Applewhite	Def's Motion for PDR Under N.C.G.S. § 7A-31(c)	Dismissed
490P06-6	In re: Arthur O. Armstrong	1. Appellant's (Armstrong) Motion for Leave to File Petition for Writ of Mandamus 2. Appellant's (Armstrong) Petition for Writ of Mandamus	1. Dismissed 2. Dismissed
493P09	State v. Jonta Tomorra Hampton	Def's Petition for Writ of Habeas Corpus	Denied 12/07/09
497P09	In the Matter of M.L.T.H.	1. Appellant's (State of NC) Motion for Temporary Stay (COA08-1569) 2. Appellant's (State of NC) Petition for Writ of Supersedeas 3. Appellant's (State of NC) PDR Under N.C.G.S. § 7A-31	1. Allowed 12/08/09 2. 3.
498P09	Sheryl A. Boylan, Employee v. Verizon Wireless, Employer, Self-Insured, (Sedgwick CMS, Servicing Agent), Carrier	Defs' Motion for Temporary Stay (COA09-350)	Allowed 12/08/09

501P06-6	In re: Arthur O. Armstrong	1. Appellant's (Armstrong) Motion for Leave to File Petition for Writ of Mandamus 2. Appellant's (Armstrong) Petition for Writ of Mandamus	1. Dismissed 2. Dismissed
502P09	Steve R. Jones, Employee v. Steve Jones Auto Group, Employer and Universal Underwriters Group, Carrier	1. Defs' Motion for Temporary Stay (COA08-1593) 2. Defs' Petition for Writ of Supersedeas 3. Defs' PDR Under N.C.G.S. § 7A-31	1. Allowed 12/09/09 2. 3.
536P00-4	State v. Terrance L. James	Def's Motion for PDR	Dismissed
620P01-3	State v. Larry McLeod	Def's Motion to Recuse Judge Franklin F. Lanier from this Court Proceeding	Dismissed
620P01-4	State v. Larry McLeod Pulley	1. Def's Motion for NOA Under N.C.G.S. § 7A-30 (COAP09-659) 2. Def's Motion for PDR Under N.C.G.S. § 7A-31	1. Dismissed 2. Dismissed