

N.C. Supreme Court Issues New Rulings

By Administrator

Thursday, 12 June 2014 12:35 - Last Updated Thursday, 12 June 2014 12:36

RALEIGH, (SGRToday.com) - The North Carolina Supreme Court issued a slate of opinions on Thursday, including a ruling about the Town of Chapel Hill's attempt to ban cell phone use while driving on town roads.

The rulings can be found at <http://appellate.nccourts.org/opinions/#>. The cases
are: --
Griffin v. Ball, (559PA11-2)

Whether the Court of Appeals properly granted defendant's petition for habeas corpus because he was charged under a defective indictment for felonious failure to appear on a felony charge

-- Dallaire v. Bank of Am., (51PA13)

Borrowers' suit against lender that refinanced their home mortgage loan; summary judgment in favor of lender; whether a question of fact arose regarding the possible existence of a fiduciary relationship between borrowers and lender sufficient to support claims based on negligent misrepresentation and breach of fiduciary duty

-- DocRx, Inc. v. EMI Servs. of N.C., LLC, (75PA13)

Action under the Uniform Enforcement of Foreign Judgments Act; whether the Full Faith and Credit Clause precludes the use of certain Rule 60(b) grounds to defeat enforcement of a foreign judgment in this state

-- State v. Murchison, (232PA13)

Whether the trial court abused its discretion in revoking defendant's probation and reactivating his sentences based solely on hearsay testimony from defendant's probation officer

-- State v. Facyson, (262PA13)

Whether the trial court erred in sentencing defendant in the aggravated range because the evidence supporting the aggravating factor was the same evidence necessary to support an element of the underlying offense

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-- State v. Rivas-Batres, (284PA13)

Plain error review of convictions for multiple sexual offenses with a child; whether the trial court erred in using the term victim to instruct the jury, in conformity with the Pattern Jury Instructions

-- In re S.D.W., (348PA13)

Adoption proceeding; whether N.C.G.S. § 48-3-601, as applied here to bar a putative father from being able to withhold his consent for the adoption, violates the father's constitutional due process rights

-- State v. Pennell, (371PA13)

Appeal by defendant from trial court's judgment revoking his probation; whether defendant could challenge the validity of his underlying conviction in his appeal from the judgment revoking probation

-- Bynum v. Wilson Cnty., (380PA13)

Negligence action for a fall on the steps of a county office building; denial of summary judgment for County claiming governmental immunity defense

-- Medlin v. Weaver Cooke Constr., LLC, (411A13)

Workers' Compensation; whether a previously injured worker who can now perform the duties of his former job with minor restrictions is disabled under N.C.G.S. § 97-2(9) because he is unable to obtain employment due to the economic downturn in his industry and not because of his injury

-- State v. Verkerk, (421A13)

Motion to suppress evidence of DWI; whether the fireman who stopped defendant's vehicle was acting as a government agent or a private citizen; if the former, whether the stop violated defendant's constitutional rights

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-- State ex rel. Utils. Comm'n v. Att'y Gen., (234A13)

Appeal from order granting rate increase to electric power company

-- King v. Town of Chapel Hill, (281PA13)

Action for declaratory judgment and injunctive relief challenging town ordinances regulating towing of vehicles from private lots and banning mobile telephone use by all persons while driving a motor vehicle