

# North Carolina Court of Appeals

Court of Appeals Building  
One West Morgan Street  
Raleigh, North Carolina 27601

This calendar is available at: <https://appellate.nccourts.org/calendar.php?court=2>

All oral arguments on this calendar will be heard via Webex, subject to change based on courtroom safety. Cases will be called on the days calendared in the order listed. The Court, however, may reorder the schedule in the event it grants a request for an oral argument to occur by Webex.

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## COURT CALENDAR BY PANEL

Tuesday, 1 December 2009

### PANEL NO. 2

HONORABLE JAMES A. WYNN, JR.  
HONORABLE ANN MARIE CALABRIA  
HONORABLE CHERI BEASLEY

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **TUESDAY, 1ST OF DECEMBER 2009.** COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v Weber	09-698	Henderson
State v Bautista	09-711	Catawba
State v Isenhour	09-721	Cabarrus
Nix v Sony Computer	09-819	Carteret
In The Matter Of: Gregory	09-872	Forsyth
Deal v Frye Regional Medical Center, Inc...	09-873	Catawba
Channel Group, LLC v Cooper	09-874	Randolph
Nesbit v Cribbs	09-886	Macon
Southern Prestige v Independence Plating	09-888	Iredell

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## COURT CALENDAR BY PANEL

Wednesday, 2 December 2009

### PANEL NO. 3

HONORABLE LINDA M. MCGEE  
HONORABLE SANFORD STEELMAN  
HONORABLE LINDA STEPHENS

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 2ND OF DECEMBER 2009**. COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v Hinson	09-748	Cleveland
State v Anderson	09-763	Wake
State v Wheeler	09-768	Pitt
Crowley v Crowley	09-898	Mecklenburg
Owen v Haywood County, et al	09-929	Haywood
Carlton, et al v Melvin, et al	09-930	Catawba
Lyles v Turner	09-932	Polk
Leggett v AAA Cooper Transportation	09-944	N.C. Industrial Commission
In The Matter Of: Jones	09-951	Gaston

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## COURT CALENDAR BY PANEL

Wednesday, 2 December 2009

### PANEL NO. 4

HONORABLE ROBERT C. HUNTER  
HONORABLE WANDA G. BRYANT  
HONORABLE BARBARA JACKSON

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 2ND OF DECEMBER 2009**. COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v Mauer	09-807	Cumberland
State v Whitlock	09-824	Forsyth
State v Lewis	09-830	Surry
Wright v Town of Zebulon, et al	09-960	Wake
Fifth Third Mortgage v Miller, et al	09-961	Union
Rickman v Woodard	09-963	Jackson
Hatley v Continental General Tire	09-971	N.C. Industrial Commission
Community One Bank v Bowen	09-972	Gaston
Martin v Martin	09-984	Buncombe

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## COURT CALENDAR BY PANEL

Thursday, 3 December 2009

### PANEL NO. 5

HONORABLE DONNA STROUD  
HONORABLE ROBERT N. HUNTER, JR.  
HONORABLE SAM J. ERVIN, IV

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **THURSDAY, 3RD OF DECEMBER 2009**. COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v Mora-Avila	09-852	Mecklenburg
State v Oxendine	09-858	Rockingham
State v Dumas and Parks	09-859	Stanly
In The Matter Of The Estate: Johnson	09-993	Sampson
Crocker, et al v Griffin, et al	09-1000	Transylvania
Ji v City of Raleigh, et al	09-1026	Wake
Wirth v Wirth	09-1037	Mecklenburg
Caldwell, et al v Smith, et al	09-1040	Dare
Perez v Perez	09-1046	Moore

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## 3.1 Calendar

Monday, 7 December 2009

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT ON **7 DECEMBER 2009** BY PANEL TO BE DESIGNATED BY THE CHIEF JUDGE. COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

In the Matter of: J.P.	09-901	Watauga
In The Matter Of: S.A.C. and H.K.D.	09-919	Orange
In The Matter Of: M.W. and J.W.	09-1009	Wake
In The Matter Of: S.S.J.	09-1022	Mecklenburg
In The Matter Of: A.M.S., B.L.S.,J.M.B.	09-1027	Brunswick
In The Matter Of: A.S.	09-1039	Durham

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## Supplemental Calendar

Monday, 7 December 2009

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT ON **7 DECEMBER 2009** BY PANEL TO BE DESIGNATED BY THE CHIEF JUDGE. COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v Conn	09-257	Henderson
State v Cruz	09-373	Wake
State v Carbajal	09-378	Wake
State v Torres-Garcia	09-409	Mecklenburg
State v Martinez	09-455	Mecklenburg
State v Parker	09-497	Nash
State v Satterwhite	09-519	Forsyth
State v Fox	09-535	Madison

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## COURT CALENDAR BY PANEL

Tuesday, 8 December 2009

### PANEL NO. 2

HONORABLE JAMES A. WYNN, JR.  
HONORABLE ANN MARIE CALABRIA  
HONORABLE CHERI BEASLEY

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **TUESDAY, 8TH OF DECEMBER 2009.** COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v Ellerbee	09-729	Mecklenburg
State v Ligon	09-747	Buncombe
State v Fraley	09-785	Wake
State v Lee	09-834	Guilford
State v Simpson	09-836	Anson
Short v Turner	09-618	Mecklenburg
Puckett v NC Dept. of Correction, et al	09-782	Wake
Bumgarner v Burlington Ins. Company	09-850	Swain
State v Gaddy	09-1013	Columbus

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## COURT CALENDAR BY PANEL

Wednesday, 9 December 2009

### PANEL NO. 3

HONORABLE LINDA M. MCGEE  
HONORABLE SANFORD STEELMAN  
HONORABLE LINDA STEPHENS

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 9TH OF DECEMBER 2009**. COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v Brown	09-841	Guilford
State v Fritz	09-861	Wayne
State v Simmons	09-862	Pitt
State v Hosch	09-866	Cleveland
State v Ellis	09-869	Moore
State v Wilson	09-903	Wake
Osman v Reese, et al	09-950	Guilford
Bolejack v Mobilift of Burlington	09-986	N.C. Industrial Commission
Beard v Cumberland County Hospital	09-1043	Cumberland



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## COURT CALENDAR BY PANEL

Wednesday, 9 December 2009

### PANEL NO. 4

HONORABLE ROBERT C. HUNTER  
HONORABLE WANDA G. BRYANT  
HONORABLE BARBARA JACKSON

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 9TH OF DECEMBER 2009**. COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v Parnell	09-909	Bladen
State v Richardson	09-914	Forsyth
State v Fletcher	09-926	Moore
State v Stewart	09-928	Lincoln
State v Turner	09-933	Guilford
State v Wood	09-938	Sampson
Griffith v Keller	09-1045	Anson
Hallman v NC Dept. of Corrections	09-1049	N.C. Industrial Commission
Ayerza v Cabarrus County DSS	09-1050	Cabarrus

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## Supplemental Calendar

Wednesday, 9 December 2009

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT ON **9 DECEMBER 2009** BY PANEL TO BE DESIGNATED BY THE CHIEF JUDGE. COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v Cruz	09-373	Wake
State v Torres-Garcia	09-409	Mecklenburg
State v Parker	09-497	Nash

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## COURT CALENDAR BY PANEL

Thursday, 10 December 2009

### PANEL NO. 5

HONORABLE DONNA STROUD  
HONORABLE ROBERT N. HUNTER, JR.  
HONORABLE SAM J. ERVIN, IV

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **THURSDAY, 10TH OF DECEMBER 2009**. COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v King	09-952	Brunswick
State v Brewington	09-956	Wayne
State v Yow	09-967	Alamance
State v Walker	09-977	Onslow
State v Clayton	09-987	Lincoln
State v Alston	09-990	New Hanover
In The Matter Of: Church	09-1058	Ashe
Lynn v Guilford County Schools	09-1061	N.C. Industrial Commission
State of NC Dept. of Health v Thompkins	09-1137	Guilford

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## Supplemental Calendar

Monday, 14 December 2009

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT ON **14 DECEMBER 2009** BY PANEL TO BE DESIGNATED BY THE CHIEF JUDGE. COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v Ligon	09-685	Buncombe
State v Bolton	09-663	Wake
In the Matter of: A.J.M.B.	09-532	Cabarrus
State v Redmond	09-508	Henderson
State v Grice	09-469	Cabarrus
State v Thorpe	09-680	Person
State v Ciccolella	09-630	Forsyth
State v Roberts	09-517	Madison
State v Laflora	09-484	Forsyth
State v Brooks	09-358	Forsyth

Sent Date: 10 November 2009

# North Carolina Court of Appeals

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## Supplemental Calendar

Tuesday, 15 December 2009

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT ON **15 DECEMBER 2009** BY PANEL TO BE DESIGNATED BY THE CHIEF JUDGE. COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v Gervin	09-480	Wake
State v Mizelle	09-509	Beaufort
Carson v Goodman	09-574	Alexander
State v Short	09-603	Montgomery
State v Ingram	09-616	Moore
State v Parker	09-631	Polk
State v Poole	09-636	Onslow
State v Baker	09-655	Cabarrus
State v Hauser	09-717	Forsyth
State v Williams	09-743	Forsyth

# North Carolina Court of Appeals

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## 3.1 Calendar

Monday, 21 December 2009

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT ON **21 DECEMBER 2009** BY PANEL TO BE DESIGNATED BY THE CHIEF JUDGE. COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

In The Matters Of: H.A.G.S. and E.M.C.S.	09-980	Wilkes
In The Matter Of: M.J.P.	09-1015	Forsyth
In The Matter Of: M.C.S. and K.R.S.	09-1031	Wake
In The Matter Of: P.P. and M.P.	09-1079	Pitt
In The Matter Of: D.Y., B.M.T., J.T.	09-1087	Cumberland
In The Matter Of: E.G. and M.G.	09-1127	Avery

# North Carolina Court of Appeals

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## 3.1 Calendar

Monday, 28 December 2009

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT ON **28 DECEMBER 2009** BY PANEL TO BE DESIGNATED BY THE CHIEF JUDGE. COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

In The Matters Of: D.B., H.B., F.B.	09-1033	Jackson
In The Matter Of: E.K., K.K., E.G.	09-1057	Caldwell
In The Matter Of: G.M.H., S.L.C., A.M.H.	09-1066	Randolph
In The Matter Of: N.W.F. and A.C.F.	09-1082	Person
In The Matter Of: H.D., et al	09-1102	Alexander
In The Matter Of: H.R.S.	09-1201	Perquimans

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## Supplemental Calendar

Monday, 28 December 2009

PANEL NO. 0

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State v Dewalt	09-589	Forsyth
State v White	09-602	Catawba
State v Millsap	09-627	Buncombe
State v Stadler	09-648	Alamance
State v Wells	09-690	Randolph
State v Gatling	09-735	Durham
State v Jacoby	09-751	Buncombe
State v Morgan	09-766	Mecklenburg
In The Matter Of: E.L.	09-1028	Guilford

Sent Date: 1 December 2009