

**IN THE COURT OF APPEALS**  
**CASES REPORTED WITH PUBLISHED OPINIONS**  
**(FILED 1 MARCH 2005)**  
**(MANDATE 21 MARCH 2005)**

| Docket #  | Title   | County                     | Judge           |
|-----------|---|----------------------------|-----------------|
| 04-219-1  | In The Matter Of: V.L.B. (Juvenile - 3.1)<br><b>Decision:</b> Affirmed  | Burke                      | Calabria        |
| 04-324-1  | State v Hightower (Criminal)<br><b>Decision:</b> No prejudicial error   | Caswell                    | Tyson           |
| 04-369-1  | In the Matter of: M. J. G. (Juvenile - 3.1)<br><b>Decision:</b> Affirmed  | Catawba                    | Hunter          |
| 04-942-1  | State v Proby (Criminal)<br><b>Decision:</b> Affirmed   | Duplin                     | McCullough      |
| 04-794-1  | Becker, et al v Pierce (Civil)<br><b>Decision:</b> Affirmed in part, reversed in part, and remanded   | Gates                      | Tyson           |
| 04-818-1  | In Re: J.L.S. (Juvenile - 3.1)<br><b>Decision:</b> Reversed   | Guilford                   | Timmons-Goodson |
| 04-477-1  | Dove v Harvey (Civil)<br><b>Decision:</b> Affirmed  | Lenoir                     | Hunter          |
| 04-248-1  | State v Snider (Criminal)<br><b>Decision:</b> No error  | Lincoln                    | Timmons-Goodson |
| 04-155-1  | Howie v Walsh (Civil)<br><b>Decision:</b> New trial   | Mecklenburg                | Calabria        |
| 04-367-1  | State v Silas (Criminal)<br><b>Decision:</b> No error in part, judgment arrested in part, and remanded for a new sentencing hearing                                 | Mecklenburg                | Hunter          |
| 04-387-1  | Goetz v Wyeth-Lederle (Civil)<br><b>Decision:</b> Vacated and remanded  | N.C. Industrial Commission | Calabria        |
| 03-1438-1 | State v Forrest (Criminal)<br><b>Decision:</b> No error   | Wake                       | Elmore          |
| 04-436-1  | State v Ellis (Criminal)<br><b>Decision:</b> No error in 02CRS013682 and 02CRS013683. Judgment in 02CRS013684 is arrested and vacated and Remanded for Resentencing | Wake                       | Tyson           |
| 04-502-1  | State v Debnam (Criminal)<br><b>Decision:</b> Reversed and remanded   | Wake                       | Elmore          |
| 04-554-1  | Vanderburg v NC Dept of Revenue (Civil)<br><b>Decision:</b> Affirmed  | Wake                       | Tyson           |
| 04-863-1  | Clayton v NC State Bar (Civil)<br><b>Decision:</b> Affirmed   | Wake                       | Hunter          |

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| 04-873-1  | State v McCadden (Criminal)<br><b>Decision:</b> Dismissed   | Alamance<br>03CRS56113                     | Elmore     |
| 04-373-1  | Bombardier Capital v Lake Hickory (Civil)<br><b>Decision:</b> Dismissed   | Alexander<br>00CVS150                      | Calabria   |
| 04-252-1  | State v Lewis (Criminal)<br><b>Decision:</b> Affirmed   | Avery<br>02CRS51200 02CRS51201<br>03CRS247 | Calabria   |
| 04-915-1  | State v Buck (Criminal)<br><b>Decision:</b> No error  | Beaufort<br>03CRS2620                      | McCullough |
| 04-858-1  | State v Williams (Criminal)<br><b>Decision:</b> No error  | Columbus<br>03CRS53673                     | McCullough |
| 04-534-1  | State v Copeland (Criminal)<br><b>Decision:</b> No error  | Craven<br>02CRS57243 02CRS57244            | Elmore     |
| 04-1092-1 | State v McNeill (Criminal)<br><b>Decision:</b> Affirmed   | Cumberland<br>01CRS53303                   | McCullough |
| 04-751-1  | Hartwell v Mahan (Civil)<br><b>Decision:</b> Reversed and remanded  | Davidson<br>95CVS950                       | Levinson   |
| 04-643-1  | State v Watson (Criminal)<br><b>Decision:</b> Affirmed  | Forsyth<br>03CRS56055                      | McCullough |
| 04-323-1  | State v Setzer (Criminal)<br><b>Decision:</b> No error in defendant's trial, remanded for a determination of defendants motion for appropriate relief | Gaston<br>00CRS54515 00CRS54516            | Martin     |
| 04-291-1  | In Re: J.G.A. & E.M.P. (Juvenile - 3.1)<br><b>Decision:</b> Affirmed  | Granville<br>02J48 02J49                   | Steelman   |
| 04-571-1  | State v Wade (Criminal)<br><b>Decision:</b> No error in defendant's trial; vacated and remanded for resentencing                                      | Greene<br>02CRS50814                       | Elmore     |
| 03-1589-1 | Caudill v Holt (Civil)<br><b>Decision:</b> Affirmed   | Guilford<br>02CVS4637                      | McCullough |
| 03-1698-1 | Faw v Hoover (Civil)<br><b>Decision:</b> Reversed and remanded  | Guilford<br>03CVS1111                      | Calabria   |
| 04-179-1  | In the Matter of: K.B.B. & K.A.B. (Juvenile - 3.1)<br><b>Decision:</b> Affirmed   | Guilford<br>99J230 99J231                  | McCullough |
| 04-418-1  | State v Davis (Criminal)<br><b>Decision:</b> No error   | Guilford<br>03CRS73700                     | Elmore     |

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| 04-539-1  | State v McNeill (Criminal)<br><b>Decision:</b> Vacated and remanded  | Guilford<br>97CRS20759  | Martin          |
| 04-100-1  | RSN Properties v Jones (Civil)<br><b>Decision:</b> Affirmed in part, reversed in part, and remanded                      | Harnett<br>01CVS300   | Martin          |
| 04-596-1  | Johnson v Home Building Center (Civil)<br><b>Decision:</b> Vacated and remanded  | Harnett<br>03CVD2360  | Martin          |
| 03-1446-1 | DOT v Williams (Civil)<br><b>Decision:</b> Dismissed   | Lee<br>01CVS879   | Steelman        |
| 03-1371-1 | Little v Nasekos Bldg. Contr'rs, Inc. (Civil)<br><b>Decision:</b> Affirmed in part; vacated and remanded in part         | Mecklenburg<br>01CVS9577  | Steelman        |
| 04-466-1  | Javurek v Jumper (Civil)<br><b>Decision:</b> Affirmed  | Mecklenburg<br>02CVS21892   | Tyson           |
| 04-495-1  | Deans v Terry (Civil)<br><b>Decision:</b> Affirmed   | Mecklenburg<br>01CVD15895   | McGee           |
| 04-701-1  | State v Murchison (Criminal)<br><b>Decision:</b> No error  | Mecklenburg<br>03CRS7053 03CRS7054  | Elmore          |
| 04-734-1  | State v Carver (Criminal)<br><b>Decision:</b> No error   | Mecklenburg<br>02CRS238904  | Elmore          |
| 04-798-1  | State v Morrison (Criminal)<br><b>Decision:</b> No error   | Mecklenburg<br>03CRS232340<br>03CRS232334<br>03CRS232338<br>03CRS232332<br>03CRS232342<br>03CRS232336<br>03CRS232339<br>03CRS232333 03CRS58114<br>03CRS232337 | Elmore          |
| 04-850-1  | State v Byrd (Criminal)<br><b>Decision:</b> No prejudicial error in part; reversed and remanded in part for resentencing | Mecklenburg<br>02CRS243117<br>02CRS243118   | McCullough      |
| 04-931-1  | Dean v City of Charlotte (Civil)<br><b>Decision:</b> Affirmed  | Mecklenburg<br>04CVS3235  | Hunter          |
| 04-771-1  | State v Marcus (Criminal)<br><b>Decision:</b> No error   | Moore<br>01CRS50285 01CRS50283<br>01CRS50284  | Timmons-Goodson |
| 04-90-1   | Tuttle v Greer, Inc. (Civil)<br><b>Decision:</b> Affirmed  | N.C. Industrial Commission<br>IC176605  | McCullough      |
| 04-120-1  | Brown v NC Special Care Center (Civil)   | N.C. Industrial Commission<br>IC200450  | McCullough      |

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|           | <b>Decision:</b> Affirmed                          |   |            |
| 04-475-1  | Harper v Doll (Civil)                              | Nash<br>02CVS2017   | Calabria   |
|           | <b>Decision:</b> Affirmed                          |   |            |
| 03-1693-1 | State v Evans (Criminal)                           | Orange<br>02CRS3005 02CRS52074<br>01CRS53818 02CRS3006<br>02CRS3004 02CRS52073                        | McCullough |
|           | <b>Decision:</b> No error                          |   |            |
| 04-16-1   | Ryan v UNC Hospitals (Civil)                       | Orange<br>02CVS622  | McCullough |
|           | <b>Decision:</b> Affirmed                          |   |            |
| 04-184-1  | Ramirez v Little (Civil)                           | Randolph<br>01CVS35   | McCullough |
|           | <b>Decision:</b> Affirmed                          |   |            |
| 03-1627-1 | State v Glover (Criminal)                          | Robeson<br>02CRS55732   | McCullough |
|           | <b>Decision:</b> No error                          |   |            |
| 04-639-1  | United Holy Church v McNeill, et al (Civil)        | Robeson<br>01CVD3517  | Steelman   |
|           | <b>Decision:</b> Affirmed                          |   |            |
| 04-595-1  | State v Ross (Criminal)                            | Rowan<br>02CRS55073   | Elmore     |
|           | <b>Decision:</b> No error                          |   |            |
| 04-1009-1 | River Hills Apartments v Hardy (Civil)             | Rutherford<br>03CVD1748   | McCullough |
|           | <b>Decision:</b> Reversed and remanded             |   |            |
| 04-616-1  | State v Adams (Criminal)                           | Stanly<br>03CRS50090 03CRS03937<br>03CRS50089   | Elmore     |
|           | <b>Decision:</b> No error                          |   |            |
| 04-833-1  | State v Cofield (Criminal)                         | Surry<br>03IFS1752 03CRS54682<br>03CRS2117 03CRS52152<br>03CRS54718 03CRS2049<br>03CRS54430 03CRS2116 | Elmore     |
|           | <b>Decision:</b> No error                          |   |            |
| 04-65-1   | State v Wheeler (Criminal)                         | Wake<br>02CRS82789 02CRS82792<br>02CRS82787 02CRS82790<br>02CRS82793 02CRS82788<br>02CRS82791         | Steelman   |
|           | <b>Decision:</b> No error                          |   |            |
| 04-848-1  | State v Briksza (Criminal)                         | Wake<br>00CRS18540  | McCullough |
|           | <b>Decision:</b> No error                          |   |            |
| 04-1038-1 | State v Kilgore (Criminal)                         | Wake<br>00CRS33483 00CRS38408<br>02CRS24699 00CRS33484<br>02CRS83311 00CRS33485                       | McCullough |
|           | <b>Decision:</b> Dismissed                         |   |            |
| 04-385-1  | In the Matter of: S.D.G. & T.L.G. (Juvenile - 3.1) | Wayne<br>03J117   | Steelman   |

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|---------------------------|-------|--------|-------|
| <b>Decision:</b> Affirmed |       |        |       |