IN THE COURT OF APPEALS

CASES REPORTED WITH PUBLISHED OPINIONS

(FILED 2 AUGUST 2005)
(MANDATE 22 AUGUST 2005)

Docket #	Title	County	Judge
04-956-1	In Re: Robinson (Civil) **Decision:** Reversed	Anson	Martin
04-547-1	State v Meynardie (Criminal) **Decision:** Affirmed, remanded for resentencing	Beaufort	McGee
04-579-1	In The Matter of: J.B. (Juvenile - 3.1) **Decision:** Affirmed	Buncombe	Timmons-Goodson
04-953-1	In Re: D.R. (Juvenile - 3.1) **Decision:** Affirmed	Buncombe	Tyson
04-967-1	State v Jones (Criminal) **Decision:** Defendants conviction and the trial court's judgments are vacated	Buncombe	Tyson
03-1045-1	State v Lewis (Criminal) **Decision:** No error in defendant's trial Remanded for new sentencing hearing.	Cabarrus	Martin
04-876-1	State v Delsanto (Criminal) **Decision:** New trial	Davie	McGee
04-1047-1	Excel Staffing v HP Reidsville, et al (Civil) **Decision:** Affirmed in part; Reversed and remanded in part	Guilford	Steelman
04-1193-1	Craven v Demidovich, et al (Civil) **Decision:** Affirmed	Guilford	Jackson
04-1235-1	Boyland v Southern Structures, et al (Civil) **Decision:** Affirmed	Guilford	Timmons-Goodson
03-1576-1	State v Caudle (Criminal) **Decision:** No error in part, remanded for resentencing	Halifax	Timmons-Goodson
04-1436-1	Childress v Fluor Daniel, Inc. (Civil) **Decision:** Reversed and remanded	Haywood	Hudson
04-518-1	State v Sanchez (Criminal) **Decision:** No error at trial; Sentence vacated and remanded for resentencing	Mecklenburg	Tyson
04-969-1	State v Lyles (Criminal) **Decision:** No error	Mecklenburg	Bryant
03-1130-2	Smith v Richardson Sports Ltd. Partners (Civil) **Decision:** Affirmed in part, remanded for further proceedings in part	N.C. Industrial Commission	Hunter

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04-1059-1	Bowles v BCJ Trucking Services (Civil) **Decision:** Affirmed	N.C. Industrial Commission	Tyson
04-1196-1	Meares v Dana Corp., et al (Civil) **Decision:** Reversed in part and remanded	N.C. Industrial Commission	Levinson
04-1310-1	Bursell v General Electric Co. (Civil) **Decision:** Affirmed in part, reversed in part, and remanded	N.C. Industrial Commission	Martin
04-1407-1	Renfro v Richardson Sports Ltd. (Civil) **Decision:** Affirmed	N.C. Industrial Commission	Hunter
04-557-1	Beachcrete v Water Street Center, et al (Civil) **Decision:** Affirmed	New Hanover	Steelman
04-1320-1	Ellen v A.C. Shultes (Civil) **Decision:** Affirmed	Onslow	Timmons-Goodson
03-484-1	State v Battle (Criminal) **Decision:** No error in defendant's trial. Remanded for a new sentencing hearing.	Pitt	Martin
03-858-1	State v Everette (Criminal) **Decision:** No error; remanded for resentencing	Pitt	McGee
03-1454-1	State v Yarrell (Criminal) **Decision:** No error in part, Remanded for resentencing in part	Randolph	Wynn, Jr.
04-1006-1	State v Phillips (Criminal) **Decision:** Judgment arrested in part, remanded in part	Richmond	Levinson
04-963-1	State v Jacobs (Criminal) **Decision:** No error in part; vacated in part; remanded for resentencing	Robeson	Timmons-Goodson
04-1365-1	State v Locklear (Criminal) **Decision:** No error	Robeson	Tyson
04-874-1	State v Watts (Criminal) **Decision:** No error in part, Remand for resentencing in part	Scotland	Wynn, Jr.
04-1169-1	Nolan v Village of Marvin (Civil) **Decision:** Affirmed	Union	Martin
04-1053-1	Morton Bldg. v Tolson (Civil) **Decision:** Affirmed	Wake	McGee
04-399-1	State v Jones (Criminal) **Decision:** No error in part, vacated in part and remanded	Wayne	Levinson

Docket #	Title	County	Judge
04-777-1	State v Bates (Criminal) **Decision:** 03CRS53256 First-Degree Sexual Offense New Trial;03CRS53257 First-Degree Sexual Offense New Trial;03CRS53258 First-Degree Sexual Offense New Trial;03CRS53258 First-Degree Sexual Offense New Trial;03CRS53259 First-Degree Sexual Offense New Trial;03CRS53260 First-Degree Sexual Offense New Trial;03CRS53262 Indecent Liberties New Trial;03CRS53263 Indecent Liberties New Trial;03CRS53264 Indecent Liberties New Trial;03CRS53257 Indecent Liberties New Trial;03CRS53258 Indecent Liberties New Trial;03CRS53259 Indecent Liberties New Trial;03CRS53260 Indecent Liberties New Trial;03CRS53263 Attempted First-Degree Sexual Offense Remanded for Resentencing;03CRS53264 Attempted First-Degree Sexual Offense Remanded for Resentencing	Wayne	Martin

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Docket #	Title	County	Judge
04-657-1	State v Rice (Criminal)	Alamance 03CRS56603,03CRS56604	Geer
	Decision: Remanded for resentencing		
04-1430-1	In The Matter of: D.E.L. (Juvenile - Criminal)	Alamance 03J296	Tyson
	Decision: Affirmed in part, Reversed in Part, and remanded		
04-453-1	State v Pritchard (Criminal)	Beaufort 02CRS1664,02CRS50925	Wynn, Jr.
	Decision: Remanded		
04-1559-1	State v Little (Criminal)	Beaufort 03CRS51655,03CRS3552	Levinson
	Decision: No error		
04-1058-1	State v Hyman (Criminal)	Bertie 01CRS50423	McGee
	Decision: No error in part; remanded		
04-1404-1	State v Seldon (Criminal)	Brunswick 02CRS3043,03CRS1785	Levinson
	Decision: No error		
04-1519-1	Dosher v Moretz (Civil)	Brunswick 00CVS1215	Hudson
	Decision: Affirmed		
04-1357-1	Blue Ridge Savings Bank v Best & Best (Civil)	Buncombe 03CVS4082	Levinson
	Decision: Dismissed		
04-1551-1	State v Heller (Criminal)	Buncombe 02CRS7057,02CRS7052,02-CRS7055,01CRS52648,04C-RS2120,02CRS7053,02CRS-7056,02CRS7051,04CRS21-22,02CRS7054	Levinson
	Decision: No error		
04-1633-1	State v James (Criminal)	Buncombe 03CRS62374,04CRS2740	Levinson
	Decision: No error		
04-1052-1	State v Cunningham (Criminal)	Cabarrus 96CRS1923	Steelman
	Decision: No error		
04-1082-1	State v Burch (Criminal)	Cabarrus 03CRS53704,03CRS53831	Hunter
	Decision: Affirmed		
04-977-1	Mitchum v Gaskill (Civil)	Carteret 02CVS295	Tyson
	Decision: No error		
04-1316-1	Parrett v Gore (Civil)	Columbus 02CVS399	Timmons-Goodson
	Decision: Affirmed		
04-1664-1	State v Kemp (Criminal)	Craven 02CRS55675,99CRS11996,-02CRS55674	Martin
	Decision: No error		

Docket #	Title	County	Judge
04-1201-1	State v Green (Criminal)	Cumberland 01CRS50233	Levinson
	Decision: Remanded		
04-1661-1	State v Gerald (Criminal)	Cumberland 02CRS61060	Martin
	Decision: Vacated and remanded for correction of clerical error		
04-589-1	State v Wilder (Criminal)	Durham 95CRS634	Steelman
	Decision: Affirmed in part; remanded for re-sentencing		
04-1326-1	Wallace v TLP International, et al (Civil)	Durham 02CVS5202	McGee
	Decision: Affirmed		
05-76-1	State v Cain (Criminal)	Durham 00CRS64848	Martin
	Decision: Affirmed; remanded for correction of clerical error		
04-328-1	State v Rutledge (Criminal)	Forsyth 03CRS3816,03CRS54669	McGee
	Decision: No error; motion for appropriate relief denied		
04-525-1	State v Stone (Criminal)	Forsyth 03CRS55230	Geer
	Decision: No error		
04-1530-1	State v Skipper (Criminal)	Forsyth 03CRS6139	Martin
	Decision: No error		
04-1062-1	Holzworth v Nationwide Mutual Ins. Co. (Civil)	Gaston 02CVS1224	Calabria
	Decision: Affirmed		
04-1364-1	Citicorp Trust Bank v Vaughan (Civil)	Gaston 03CVS2756	Martin
	Decision: Appeal dismissed		
04-1411-1	State v Goodman (Criminal)	Gaston 99CRS5480	Martin
	Decision: No error		
04-1622-1	Yallum v Hammerle (Civil)	Gaston 03CVS1955	Levinson
	Decision: Appeal dismissed		
04-1011-1	State v Askew (Criminal)	Gates 02CRS50000	Levinson
	Decision: Remanded		
04-508-1	State v Cobb (Criminal)	Guilford 02CRS23423,02CRS23426,- 02CRS23421,02CRS23424,- 02CRS23422,02CRS23425	Timmons-Goodson
	Decision: No error in part; remanded for resentencing		
04-877-1	Willis v Allstate Ins. Co, et al (Civil)	Guilford 02CVS9786	Timmons-Goodson
	Decision: Affirmed		
04-1030-1	State v Jimerson (Criminal)	Guilford 00CRS98289,00CRS98291	McGee
	Decision: No error		
04-1124-1	State v Burch (Criminal)	Guilford 00CRS94875	Calabria

Docket #	Title	County	Judge
	Decision: New trial		
04-1246-1	State v Lattimore (Criminal)	Guilford 02CRS102682,02CRS102683	McCullough
	Decision: No error		
04-193-1	State v Rhodes (Criminal)	Halifax 02CRS56543	Levinson
	Decision: No error in trial; remanded for resentencing		
04-1191-1	State v McDuffie (Criminal)	Harnett 00CRS10262	Levinson
	Decision: Affirmed		
04-1126-1	State v Hill (Criminal)	Henderson 01CRS51032	Calabria
	Decision: No error		
04-1314-1	State v Holley (Criminal)	Henderson 03CRS5404,04CRS322	Levinson
	Decision: No error		
04-970-1	State v Brown (Criminal)	Iredell 99CRS14689	Hunter
	Decision: Affirmed		
04-987-1	Powers v Powers (Civil)	Iredell 01CVD2720	McGee
	Decision: Reversed and remanded		
04-1295-1	State v Steele (Criminal)	Iredell 03CRS50852,03CRS50853	McCullough
	Decision: No error		
04-1547-1	State v Anderson (Criminal)	Iredell 01CRS52663	Martin
	Decision: No error		
04-1094-1	State v Lensie (Criminal)	Lenoir 02CRS54786	Calabria
	Decision: No error		
05-33-1	State v Casselman (Criminal)	McDowell 01CRS3334,01CRS3332,01-CRS3427,01CRS3333	Martin
	Decision: New trial		
04-335-1	Duff v Lineberger (Civil)	Mecklenburg 03CVD18920	Geer
	Decision: Affirmed		
04-1247-1	State v Smith (Criminal)	Mecklenburg 02CRS248312	Wynn, Jr.
	Decision: No error in part, Remanded for resentencing in part		
04-1624-1	Blum v Vincenz (Civil)	Mecklenburg 00CVD2982RMM	Martin
	Decision: Appeal dismissed		
04-1677-1	State v Williams (Criminal)	Mecklenburg 03CRS230846,03CRS230847	Martin
	Decision: No error		
04-1296-1	Waite v Heilig Meyers (Civil)	N.C. Industrial Commission IC955034	Levinson

Docket #	Title	County	Judge
	Decision: Affirmed in part, reversed and remanded in part		
04-1354-1	Parker v Wackenhut (Civil)	N.C. Industrial Commission IC210741	Martin
	Decision: Affirmed		
04-1417-1	Harris-Offut v NC Bd Lic Prof Counselor (Civil)	N.C. Industrial Commission ICTA17028	Hudson
	Decision: Affirmed		
04-737-1	State v Brown (Criminal)	New Hanover 02CRS25841,02CRS25843	McCullough
	Decision: No error in defendant's trial; remanded for resentencing		
04-885-1	Wilson v Ventriglia (Civil)	New Hanover 01CVD4500	Jackson
	Decision: Reversed in part, affirmed in part		
04-1369-1	State v Andrews (Criminal)	New Hanover 03CRS63872,03CRS63873	Martin
	Decision: No error		
04-1637-1	State v Green (Criminal)	New Hanover 02CRS20177	Martin
	Decision: No error		
04-966-1	In Re: C.P.D.& K.C.D.& T.M.D. (Juvenile - 3.1)	Onslow 02J414,02J412,02J413	Levinson
	Decision: Affirmed		
04-1458-1	West Side Ltd. P'ship v W.B.Y. Ventures (Civil)	Orange 04CVD1185	Martin
	Decision: Affirmed		
04-1405-1	Mitchell v Hicks (Civil)	Person 04CVS298	Levinson
	Decision: Dismissed		
04-1487-1	State v Galloway (Criminal)	Person 03CRS54358	Martin
	Decision: No error		
04-1228-1	State v Cummings (Criminal)	Polk 02CRS50986,02CRS50988	Calabria
	Decision: No error		
04-860-1	State v Caple (Criminal)	Robeson 02CRS21015	Wynn, Jr.
	Decision: Remanded		
04-1575-1	IN RE: C.J. (Juvenile - Criminal)	Robeson 03J492	Steelman
	Decision: Affirmed		
04-1612-1	State v Whitaker (Criminal)	Rowan 02CRS52985	Martin
	Decision: Affirmed		
04-919-1	In Re: S.T.G. (Juvenile - 3.1)	Rutherford 03J27	Jackson
	Decision: Affirm		
04-1322-1	Shuping v Valentine (Civil)	Stanly 02CVS1017	Calabria
	Decision: Dismissed		
04-1057-1	In Re: T.S.A.& D.S.G. (Juvenile - 3.1)	Union 01J227,01J228	McGee

Docket #	Title	County	Judge
	Decision: Affirmed		
05-55-1	State v Harrington (Criminal)	Union 99CRS14021	Martin
	Decision: Dismissed		
03-336-1	State v Lamm (Criminal)	Wake 98CRS3871	Wynn, Jr.
	Decision: Remanded		
04-744-1	Peden Gen. Cont'r v Bennett, et al (Civil)	Wake 98CVS14297	McGee
	Decision: Affirmed		
04-1073-1	Straight Edge Constr v D.W. Ward Constr (Civil)	Wake 02CVS8878	Calabria
	Decision: Reversed and remanded		
04-1382-1	State v Best (Criminal)	Wake 02CRS84541,02CRS84536,- 02CRS84544,02CRS84539,- 02CRS84534,02CRS84542,- 02CRS84537,03CRS74932,- 02CRS84540,02CRS84535,- 02CRS84543,02CRS84538	Hudson
	Decision: No error		
04-1514-1	Fakhoury v Fakhoury (Civil)	Wake 02CVD15522	Martin
	Decision: Dismissed		
04-1564-1	State v Eusebio (Criminal)	Wake 03CRS39458,03CRS39456,- 03CRS39457	Levinson
	Decision: No error		
05-22-1	State v Cutler (Criminal)	Wake 03CRS74038	Martin
	Decision: No error		
04-1019-1	In Re: T.M.K.&T.Q.M.M.&T.M.M. (Juvenile - 3.1)	Wayne 03J110,03J108,03J109	Bryant
	Decision: Affirmed		
04-940-1	State v Key (Criminal)	Wilkes 03CRS52232	Levinson
	Decision: No error		
04-1172-1	State v Cearley (Criminal)	Yadkin 03CRS1545,03CRS1548,03- CRS1543,03CRS1546,03CR- S1544,03CRS1547	Hunter
	Decision: No error		