

IN THE COURT OF APPEALS
CASES REPORTED WITH PUBLISHED OPINIONS
(FILED 16 AUGUST 2005)
(MANDATE 6 SEPTEMBER 2005)

Docket #	Title	County	Judge
04-689-1	State v Wright (Criminal) Decision: New trial	Alamance	Wynn, Jr.
04-1352-1	State v Poore (Criminal) Decision: Remanded	Alleghany	Levinson
04-636-1	State v Whiteley (Criminal) Decision: Vacated	Ashe	Hunter
04-1546-1	Asheville v Bowman, et al (Civil) Decision: Affirmed	Buncombe	Elmore
04-1225-1	Creekside Constr. v. Dowler (Civil) Decision: Affirmed in part, reversed and remanded in part	Carteret	Calabria
04-1081-1	State v Wissink (Criminal) Decision: No error; remanded for resentencing	Cumberland	McGee
04-717-1	Christensen v Tidewater Fibre Corp. (Civil) Decision: Affirmed in part, vacated in part	Durham	Steelman
04-1450-1	Skinner v Preferred Credit, et al (Civil) Decision: Affirmed	Durham	Tyson
03-1216-1	State v Staten (Criminal) Decision: No error in part; Reversed and remanded in part; Vacated in part	Gates	Bryant
04-1439-1	Grant v High Point Regional Health Sys. (Civil) Decision: Dismissed as interlocutory	Guilford	McCullough
04-1468-1	Dept. of Transportation v Olinger (Civil) Decision: Appeal dismissed	Guilford	Steelman
04-1558-1	Murrow v Henson (Civil) Decision: Reversed	Guilford	Geer
04-783-1	In Re: L.L. (Juvenile - 3.1) Decision: Reversed and remanded	Johnston	Geer
04-1257-1	In Re: J.A.G. (Juvenile - 3.1) Decision: Affirmed in part, reversed in part, and remanded	Johnston	Hunter
04-1387-1	State v Edwards (Civil) Decision: Affirmed	Johnston	Levinson
04-901-1	In Re: J.B. (Juvenile - Criminal) Decision: Affirmed	Lee	Calabria

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04-1597-1	Harvey v McLaughlin (Civil) Decision: Reversed	Lenoir	Calabria
04-795-1	Cater, et al v Barker (Civil) Decision: Affirmed	Macon	Tyson
04-311-1	State v Rashidi (Criminal) Decision: No prejudicial error	Mecklenburg	Tyson
04-1135-1	In Re: R.P.M. (Juvenile - Criminal) Decision: Reversed in part; Vacated in part	Mecklenburg	Wynn, Jr.
04-1252-1	Knight Publ'g v Charlotte-Mecklenburg (Civil) Decision: Reversed and remanded	Mecklenburg	McGee
03-1651-1	Payne v Charlotte Heating & Air (Civil) Decision: Affirmed	N.C. Industrial Commission	Geer
04-58-1	Rogers v Smoky Mountain Petroleum Co. (Civil) Decision: Affirmed	N.C. Industrial Commission	Bryant
04-677-1	Chambers v Transit Management, et al (Civil) Decision: Affirmed	N.C. Industrial Commission	Bryant
04-707-1	Carolinas Med. Ctr v Employers (Civil) Decision: Vacated	N.C. Industrial Commission	Steelman
04-1097-1	Branch v Carolina Shoe Co. (Civil) Decision: Reversed and remanded	N.C. Industrial Commission	Geer
04-1454-1	Chavis v TLC Home Health (Civil) Decision: Affirmed	N.C. Industrial Commission	Wynn, Jr.
04-550-1	State v Bellamy & McCoy (Criminal) Decision: No Error in part, Reversed and Remanded in part. As to Defendant Bellamy, Judgment Arrested on one count of robbery with a dangerous weapon (02CRS23396), Remanded for Resentencing. As to Defendant McCoy, Judgment Arrested on one count of robbery with a dangerous weapon (02CRS23435), conviction for first-degree sexual offense Reversed, Remanded for Resentencing.	New Hanover	Steelman
04-1634-1	Shepard v Ocwen Federal Bank (Civil) Decision: Affirmed	New Hanover	Tyson
04-924-1	State v Ripley (Criminal) Decision: Reversed and remanded in part, no error in part	Onslow	Elmore
04-1208-1	State v Baublitz (Criminal) Decision: No error	Pamlico	McGee
04-574-1	State v Norris (Criminal) Decision: No error at trial; remanded for resentencing	Robeson	Timmons-Goodson

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04-344-1	State v Murphy (Criminal) Decision: No error at trial; remanded for resentencing	Rockingham	Timmons-Goodson
04-523-1	Coker, et al v DaimlerChrysler (Civil) Decision: Affirmed	Rowan	Tyson
04-572-1	State v Dorton (Criminal) Decision: No error in part, remanded for resentencing	Scotland	Calabria
04-1334-1	Mayo v Mayo (Civil) Decision: Affirmed	Transylvania	Calabria
04-35-1	Early v Durham County DSS (Civil) Decision: Affirmed	Wake	Geer
04-245-1	Nationwide Insurance v Bournon (Civil) Decision: Affirmed in part; reversed in part	Wake	Timmons-Goodson
04-520-1	Phelps-Dickson v Amerimann (Civil) Decision: affirmed in part, reversed in part and remanded	Wake	Calabria
04-1194-1	Lincoln v NC DHHS (Civil) Decision: Affirmed	Wake	Elmore
04-1261-1	NC Dept of Crime Control v Greene (Civil) Decision: Affirmed	Wake	McGee
04-1298-1	Havey v Valentine (Civil) Decision: Reversed	Wake	Hunter

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Docket #	Title	County	Judge
04-1372-1	In Re: A.P.R. & A.C.R. (Juvenile - 3.1) Decision: Affirmed	Alamance 02J50 02J51	Geer
04-1200-1	State v Moore (Criminal) Decision: No error; remanded for resentencing	Brunswick 03CRS53662 04CRS1673	McGee
04-1029-1	State v Richards (Criminal) Decision: No prejudicial error	Buncombe 03CRS4452 03CRS4450 03CRS4453 03CRS4451	Hunter
04-1408-1	State v Staton (Criminal) Decision: Reversed and remanded	Buncombe 02CRS59298 02CRS3483 02CRS4636-4648 02CRS3482	Levinson
04-150-1	State v Fill (Criminal) Decision: No error at Trial, Sentence Vacated	Caldwell 03CRS50157	Tyson
03-1680-1	Wendt v Tolson (Civil) Decision: Vacated and remanded in part	Carteret 02CVS1146	Calabria
04-1697-1	State v Oliver (Criminal) Decision: Affirmed	Carteret 03CRS54226 03CRS6075	Levinson
04-1265-1	Warren v Home Depot (Civil) Decision: Affirmed	Catawba 03CVS3826	Calabria
04-1050-1	Bessemer City Express v Kings Mountain (Civil) Decision: Affirmed	Cleveland 00CVS2135	Steelman
04-1358-1	State v McNeair (Criminal) Decision: No error	Davidson 03CRS54085 03CRS8923 03CRS54087 03CRS8924 03CRS54089	Hunter
04-1598-1	State v Cherry (Criminal) Decision: No error	Edgecombe 02CRS50849 02CRS50847 02CRS50848	Levinson
04-1118-1	State v Sawyer (Criminal) Decision: No error	Forsyth 02CRS61303	Calabria
04-1371-1	State v Peterson (Criminal) Decision: No error	Forsyth 03CRS52222	McCullough
04-1446-1	Dixon v Dixon (Civil) Decision: Affirmed	Forsyth 98CVD3181	Levinson
04-1263-1	Moore v Gaston Memorial Hospital Inc. (Civil) Decision: Affirmed	Gaston 03CVS4181	McGee

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04-1419-1	Thrash v Zimelman (Civil) Decision: Affirmed in part; vacated in part	Graham 03CVS111	McCullough
03-1138-1	State v Herring (Criminal) Decision: No error at trial, remanded for resentencing	Guilford 01CRS2602 01CRS2600 01CRS2601	Elmore
04-1113-1	State v Poor (Criminal) Decision: Dismissed	Guilford 02CRS86014	McGee
05-73-1	State v Woodbury (Criminal) Decision: Affirmed	Guilford 01CRS92083	Levinson
05-160-1	State v Hockaday (Criminal) Decision: Affirmed	Halifax 01CRS52748 03CRS53210	Levinson
04-1623-1	Wilson v McCurdy (Civil) Decision: Dismissed	Iredell 04CVS457	Levinson
04-331-1	In Re: R.K.J., R.J. & W.J. (Juvenile - 3.1) Decision: Affirmed	Jones 03J1 02J5 00J3	Bryant
04-1131-1	Garland v Hatley (Civil) Decision: Affirmed	Lincoln 02CVS1380	Tyson
04-825-1	Matter of: I.O.E. (Criminal) Decision: Affirmed	Mecklenburg 98J549	Geer
04-1041-1	Schaffner v USAA Casualty Ins. (Civil) Decision: Affirmed	Mecklenburg 01CVS4362	Bryant
04-1278-1	Cummings v Carriage Club (Civil) Decision: Reversed and remanded	Mecklenburg 04CVS7351	McGee
04-1281-1	Medstaff Carolinas v Northwood Nursing (Civil) Decision: Affirmed	Mecklenburg 02CVS1541	Calabria
04-1323-1	In Re: R.G. (Juvenile - 3.1) Decision: Affirmed	Mecklenburg 04J196	Geer
04-1690-1	Laney v Penn-America Ins. Co. (Civil) Decision: Affirmed	Mecklenburg 04CVS3102	Calabria
04-994-1	Hastings v Eastern Carolina Pathology (Civil) Decision: Affirmed	N.C. Industrial Commission IC016472	Elmore
04-1333-1	Metcalf v MPW Carpentry (Civil) Decision: Affirmed	N.C. Industrial Commission IC144351	McGee
04-1339-1	Moran v Turnamics (Civil)	N.C. Industrial Commission IC072028	Levinson

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	Decision: Affirmed		
04-1095-1	Keyzer v Amerlink, Ltd. (Civil)	Nash 02CVS2461	Levinson
	Decision: Affirmed		
04-1205-1	State v Ezzell (Criminal)	Nash 02CRS8318 02CRS8319	Levinson
	Decision: No error		
04-1490-1	State v Campbell (Criminal)	New Hanover 03CRS21668	Levinson
	Decision: New trial		
04-103-1	State v Webb (Criminal)	Pitt 02CRS5688 02CRS5685 02CRS54018 02CRS5687	Bryant
	Decision: No error in trial; remanded for resentencing		
04-1139-1	State v Thomas (Criminal)	Pitt 03CRS11273	Hunter
	Decision: No error in part, remanded for resentencing		
04-1129-1	Reyes v Ray (Civil)	Robeson 02CVS1235	Calabria
	Decision: Reversed and remanded		
04-1545-1	Southeastern Outdoor Products v Lawson (Civil)	Sampson 04CVS825	Calabria
	Decision: Reversed		
03-1489-1	Wagoner v NC Bd Engineers & Surveyors (Civil)	Surry 01CVS1366	Bryant
	Decision: Affirmed		
04-1027-1	Callanan v Walsh (Civil)	Transylvania 01CVD129	Jackson
	Decision: Affirmed in part, reversed in part and remanded for additional findings regarding the date of separation valuation of all items of marital property		
04-598-1	Waldon v Burris & Waldon, et al (Civil)	Union 01CVS1455	Martin
	Decision: Affirmed in part, reversed in part and remanded for recalculation of the damage award		
04-142-1	State v Hendrickson (Criminal)	Wake 02CRS58208	Elmore
	Decision: No error at trial, remanded for resentencing		
04-742-1	Osetek v Jeremiah (Civil)	Wake 02CVS3036	Bryant
	Decision: Affirm		
04-841-1	State v White (Criminal)	Wake 03CRS8637778	Elmore
	Decision: No error in part, vacated in part and remanded for resentencing		
04-1171-1	Neuse River Vet. Hosp. v Bennett (Civil)	Wake 02CVD6317	Timmons-Goodson
	Decision: Dismissed		
04-1222-1	Carolina Builders v Brown (Civil)	Wake 02CVS2517	McGee
	Decision: Affirmed		
04-1234-1	Envirosafe Paints v Conklin (Civil)	Wake 03CVS1917	McGee
	Decision: Affirmed		

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04-1327-1	Gilliam v Hawkins (Civil) Decision: Affirmed	Wake 03CVS11132	Hunter
04-1355-1	State v Brodie (Criminal) Decision: Reversed	Wake 03CRS6223 03CRS33740	McGee
04-1543-1	Hash v Hennigan (Civil) Decision: No error	Warren 02CVS342	Geer