

IN THE COURT OF APPEALS
CASES REPORTED WITH PUBLISHED OPINIONS
(FILED 6 SEPTEMBER 2005)
(MANDATE 26 SEPTEMBER 2005)

Docket #	Title	County	Judge
04-1242-1	Whitings v Wolfson Casing Corp. (Civil) Decision: Affirmed	Bladen	Elmore
04-1374-1	Prop. Rights Advocacy Grp. v Long Beach (Civil) Decision: Dismissed	Brunswick	Levinson
04-1150-1	In Re: P.L.P. (Juvenile - 3.1) Decision: Affirmed	Buncombe	Levinson
04-1540-1	City of Concord v Stafford (Civil) Decision: Affirmed	Cabarrus	Jackson
04-1570-1	Freeman v Food Lion, et al (Civil) Decision: Affirmed in part; Reversed and remanded in part	Cumberland	Jackson
04-925-1	State v Goblet (Criminal) Decision: No error in part; vacated in part	Dare	Jackson
03-1608-1	Beroth Oil Co. v Whiteheart (Civil) Decision: No error	Forsyth	Martin
04-588-1	State v Windley (Criminal) Decision: First Degree Murder-New Trial. Conspiracy to traffic cocaine-no error.	Forsyth	Martin
04-601-1	State v Verrier (Criminal) Decision: No error at trial; remanded for resentencing	Forsyth	Timmons-Goodson
04-1337-1	Charter Medical v Zigmed (Civil) Decision: Affirmed	Forsyth	Elmore
04-537-1	State v Bethea (Criminal) Decision: No error	Guilford	Jackson
04-1204-1	In Re: T.W., L.W., E.H. (Juvenile - 3.1) Decision: Reversed and remanded	Harnett	Jackson
04-1313-1	State v Octetree (Criminal) Decision: No error	Henderson	Tyson
04-302-2	Swift v Richardson Sports, LTD (Civil) Decision: Affirmed in part, reversed in part, and remanded	N.C. Industrial Commission	McCullough
04-1100-1	State v Langley (Criminal) Decision: Vacated in part; No error in part	Pitt	Elmore
04-1494-1	Gordon v NC DOC (Civil) Decision: Affirmed	Pitt	Tyson

Docket #	Title	County	Judge
03-740-1	State v McBride (Criminal) Decision: No prejudicial error in part, remanded for clerical changes and resentencing	Richmond	McCullough
04-1159-1	State v Borkar (Criminal) Decision: New trial	Swain	Hunter
04-894-1	Munn v NCSU (Civil) Decision: Vacated and remanded for a new trial on damages only	Wake	Hunter
04-941-1	In Re: A.B.D. (Juvenile - 3.1) Decision: Reversed	Wake	Wynn, Jr.
04-1065-1	American Treasures v State of N.C. (Civil) Decision: Affirmed in part and vacated in part	Wake	Calabria
04-1077-1	State v Tuck (Criminal) Decision: No error	Wake	Timmons-Goodson
04-1413-1	Gorsuch v Dees (Civil) Decision: Affirmed	Wake	Wynn, Jr.

**IN THE
COURT OF APPEALS**

CASES REPORTED WITHOUT PUBLISHED OPINIONS

**(FILED 6 SEPTEMBER 2005)
(MANDATE 26 SEPTEMBER 2005)**

Docket #	Title	County	Judge
04-289-1	State v Sellars (Criminal)	Alamance 99CRS56320 99CRS56319 00CRS1256	Calabria
	Decision: Remanded for resentencing		
04-767-1	State v Jacobs (Criminal)	Alamance 03CRS56303	Jackson
	Decision: Dismissed in part, no error in part		
04-887-1	State v Caples, et al (Criminal)	Alamance 03CRS56792 03CRS56601 03CRS56793 03CRS56607	Bryant
	Decision: No error at trial; remanded for resentencing		
04-610-1	State v Ingram (Criminal)	Anson 01CRS50984 02CRS1072	McCullough
	Decision: No error in trial; remanded for resentencing		
04-374-1	State v Smith (Criminal)	Buncombe 02CRS15846	Geer
	Decision: No error		
05-208-1	In Re: J.A.D. & A.L.D. (Juvenile - 3.1)	Buncombe 96J412	Steelman
	Decision: Affirmed		
04-1712-1	State v Carter (Criminal)	Cabarrus 04CRS10863 04CRS51458	Jackson
	Decision: No error		
04-1665-1	State v Breland (Criminal)	Caldwell 01CRS9603	Steelman
	Decision: No error		
04-1486-1	In the Matter of: I.N.P. (Juvenile - 3.1)	Catawba 99J109	Hudson
	Decision: Dismissed		
05-5-1	State v Callahan (Criminal)	Cleveland 03CRS1029	Steelman
	Decision: No error		
05-61-1	State v McLean (Criminal)	Cumberland 02CRS66870	Steelman
	Decision: Affirmed		
05-233-1	State v Smith (Criminal)	Cumberland 02CRS60679	Steelman
	Decision: Dismissed		
04-1192-1	State v Floyd (Criminal)	Davidson 03CRS8820 03CRS56598	Hudson
	Decision: Dismissed		
05-97-1	State v Nelson (Criminal)	Davidson 02CRS55316 02CRS55319 02CRS55314 02CRS55317 02CRS55315 02CRS55318	Steelman
	Decision: Affirmed		
04-1427-1	Investors Title Ins. v Sturdivant (Civil)	Durham 03CVS402	Hunter
	Decision: Affirmed		
04-1478-1	In Re: H.M.L. (Juvenile - Criminal)	Durham 04J102	Tyson

Docket #	Title	County	Judge
	Decision: Affirmed		
04-1378-1	State v Cox (Criminal)	Forsyth 02CRS53243	McCullough
	Decision: No error		
04-1493-1	State v Barksdale (Criminal)	Forsyth 03CRS58399 03CRS58405 03CRS57277 03CRS58401 03CRS58406 03CRS58398 03CRS58402	Hudson
	Decision: No error		
04-1502-1	State v Cary (Criminal)	Forsyth 02CRS63910 03CRS16574	Bryant
	Decision: No error		
04-1733-1	State v Caeser (Criminal)	Forsyth 02CRS23425	Hudson
	Decision: No error		
05-157-1	In Re: E.F.C.K. & C.F.W. (Juvenile - 3.1)	Forsyth 03J271 03J272	Steelman
	Decision: Affirmed		
04-1693-1	State v Hargett (Criminal)	Gaston 00CRS66238 00CRS66242	Hudson
	Decision: Affirmed		
05-46-1	State v Currie (Criminal)	Granville 03CRS51956	Steelman
	Decision: No error		
04-1542-1	State v Abonza (Criminal)	Guilford 01CRS77202 01CRS77203	Hudson
	Decision: Dismissed		
04-1553-1	State v Martin (Criminal)	Henderson 03CRS2280 03CRS2281	Steelman
	Decision: No error		
04-1351-1	State v Roberts (Criminal)	Lenoir 00CRS4217 00CRS8354	Hunter
	Decision: No error		
05-10-1	State v Massenburg (Criminal)	Lenoir 04CRS50260	Steelman
	Decision: No error		
04-586-1	State v Hampton (Criminal)	Mecklenburg 02CRS248812	Bryant
	Decision: No error		
04-922-1	In Re: T.G. & R.J. (Juvenile - 3.1)	Mecklenburg 02J1172 02J1173	Jackson
	Decision: Affirmed		
04-1308-1	State v McKinnon (Criminal)	Mecklenburg 02CRS247956	Hudson
	Decision: No error		
04-1402-1	Stenger v Spagnoli (Civil)	Mecklenburg 00CVS14707	Levinson
	Decision: Reverse		
04-1424-1	State v Bloomfield (Criminal)	Mecklenburg 03CR235909	Hudson

Docket #	Title	County	Judge
	Decision: New trial		
05-11-1	State v Mathis (Criminal)	Mecklenburg 03CRS210581 03CRS210579 03CRS210580	Steelman
	Decision: No error		
04-118-2	Zbytniuk v ABF Freight Systems, Inc. (Civil)	N.C. Industrial Commission IC844352	Calabria
	Decision: Affirmed		
04-693-1	Torres v Smith & Greene, Co. (Civil)	N.C. Industrial Commission IC164967	Hudson
	Decision: Affirmed		
04-1055-1	Baker v Wal-Mart Stores, Inc. (Civil)	N.C. Industrial Commission IC846590 IC940150	Calabria
	Decision: Affirmed		
04-1258-1	Walker v NC DOT (Civil)	N.C. Industrial Commission ICTA16103	McCullough
	Decision: Affirmed		
04-1445-1	Hunt v NC DOC (Civil)	N.C. Industrial Commission IC959439	McCullough
	Decision: Affirmed		
04-1451-1	Foy v Interstate Brands (Civil)	N.C. Industrial Commission IC173499	Bryant
	Decision: Affirmed		
04-996-1	State v Cowee Mountain Imp. Assoc. (Civil)	N.C. Utilities Commission W1202SUB0	Bryant
	Decision: Dismissed		
04-1409-1	Harris v Harris (Civil)	Nash 00CVD369	Timmons-Goodson
	Decision: Affirmed in part; reversed in part		
04-1183-1	State v Suell (Criminal)	New Hanover 03CRS2432 03CRS2427 03CRS832 03CRS2430 03CRS2425 03CRS828 03CRS2428 03CRS2123 03CRS2431 03CRS2426 03CRS831 03CRS2429 03CRS2416	Geer
	Decision: No error		
04-1284-1	State v Tindall (Criminal)	New Hanover 3CRS56722 3CRS56723	Levinson
	Decision: No error in part, reversed in part		
05-9-1	State v Brodie (Criminal)	New Hanover 04CRS4178 04CRS4173 04CRS4181 04CRS4176 04CRS4171 04CRS4179 04CRS4174 04CRS4177 04CRS4172 04CRS4180 04CRS4175	Steelman
	Decision: Affirmed		
05-96-1	State v Mackey (Criminal)	New Hanover 03CRS21321 02CRS19669 02CRS23729 02CRS19667 02CRS23727 03CRS21320 02CRS19668 02CRS23728	Steelman

Docket #	Title	County	Judge
	Decision: Affirmed		
04-1560-1	State v Leary (Criminal)	Pasquotank 03CRS51684	Steelman
	Decision: No error		
05-232-1	State v Avery (Criminal)	Person 02CRS52965 04CRS1994 02CRS3058 02CRS53528 04CRS1995 02CRS52792 02CRS53576	Steelman
	Decision: Affirmed		
04-1083-1	State v Batts (Criminal)	Pitt 01CRS59405 02CRS1596	Bryant
	Decision: No error		
04-1470-1	Leary v N.C. Forest Products (Civil)	Pitt 89CVD1966	Hudson
	Decision: Affirmed		
04-1584-1	State v Mullins (Criminal)	Pitt 04CRS7568	Hudson
	Decision: Affirmed		
04-396-1	State v Scott (Criminal)	Richmond 00CRS50658 00CRS50649 00CRS50654	Calabria
	Decision: Remanded for resentencing		
04-1549-1	State v Hinson (Criminal)	Robeson 99CRS16034	Elmore
	Decision: New trial		
05-237-1	State v Bryant (Criminal)	Robeson 02CRS53726	Steelman
	Decision: No error		
05-126-1	State v Franklin (Criminal)	Rutherford 03CRS54338	Steelman
	Decision: No error		
04-294-1	State v Hernandez-Madrid (Criminal)	Wake 02CRS51222 02CRS209 02CRS51225 02CRS51220	Wynn, Jr.
	Decision: Affirmed in part; Remanded for resentencing in part		
04-1340-1	State v Powell (Criminal)	Wake 02CRS69526 02CRS42138 02CRS28979	Bryant
	Decision: Affirm		
04-1602-1	State v Davis (Criminal)	Wake 03CRS52844 03CRS52845	Levinson
	Decision: Remanded		
04-1526-1	In Re: D.R.M.,S.S.M.,T.D.M. (Juvenile - 3.1)	Wayne 03J179 03J177 03J178	Tyson
	Decision: Affirmed		
04-488-1	State v Witscher (Criminal)	Wilkes 02CRS51765 02CRS51760 02CRS51755 02CRS51763 02CRS51758 02CRS51236 02CRS51761 02CRS51756 02CRS51764 02CRS51759 02CRS51754 02CRS51762 02CRS51757	Wynn, Jr.

Docket #	Title	County	Judge
	Decision: Remanded for resentencing		