

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 |

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| 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. |

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| 04-289-1 | State v Sellars (Criminal) Decision: Remanded for resentencing | Alamance 99CRS56320,99CRS56319,0-0CRS1256 | Calabria |
| 04-767-1 | State v Jacobs (Criminal) Decision: Dismissed in part, no error in part | Alamance 03CRS56303 | Jackson |
| 04-887-1 | State v Caples, et al (Criminal) Decision: No error at trial; remanded for resentencing | Alamance 03CRS56792,03CRS56601,0-3CRS56793,03CRS56607 | Bryant |
| 04-610-1 | State v Ingram (Criminal) Decision: No error in trial; remanded for resentencing | Anson 01CRS50984,02CRS1072 | McCullough |
| 04-374-1 | State v Smith (Criminal) Decision: No error | Buncombe 02CRS15846 | Geer |
| 05-208-1 | In Re: J.A.D. & A.L.D. (Juvenile - 3.1) Decision: Affirmed | Buncombe 96J412 | Steelman |
| 04-1712-1 | State v Carter (Criminal) Decision: No error | Cabarrus 04CRS10863,04CRS51458 | Jackson |
| 04-1665-1 | State v Breland (Criminal) Decision: No error | Caldwell 01CRS9603 | Steelman |
| 04-1486-1 | In the Matter of: I.N.P. (Juvenile - 3.1) Decision: Dismissed | Catawba 99J109 | Hudson |
| 05-5-1 | State v Callahan (Criminal) Decision: No error | Cleveland 03CRS1029 | Steelman |
| 05-61-1 | State v McLean (Criminal) Decision: Affirmed | Cumberland 02CRS66870 | Steelman |
| 05-233-1 | State v Smith (Criminal) Decision: Dismissed | Cumberland 02CRS60679 | Steelman |
| 04-1192-1 | State v Floyd (Criminal) Decision: Dismissed | Davidson 03CRS8820,03CRS56598 | Hudson |
| 05-97-1 | State v Nelson (Criminal) Decision: Affirmed | Davidson 02CRS55316,02CRS55319,0-2CRS55314,02CRS55317,02-CRS55315,02CRS55318 | Steelman |
| 04-1427-1 | Investors Title Ins. v Sturdivant (Civil) Decision: Affirmed | Durham 03CVS402 | Hunter |
| 04-1478-1 | In Re: H.M.L. (Juvenile - Criminal) | Durham 04J102 | Tyson |

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| | Decision: Affirmed | | |
| 04-1378-1 | State v Cox (Criminal) | Forsyth 02CRS53243 | McCullough |
| | Decision: No error | | |
| 04-1493-1 | State v Barksdale (Criminal) | Forsyth 03CRS58399,03CRS58405,0- 3CRS57277,03CRS58401,03- CRS58406,03CRS58398,03C- RS58402 | 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 |

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| | 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 03CRS2432,03CRS2427,03C- RS832,03CRS2430,03CRS24- 25,03CRS828,03CRS2428,03- CRS2123,03CRS2431,03CR- S2426,03CRS831,03CRS242- 9,03CRS2416 | 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 04CRS4178,04CRS4173,04C- RS4181,04CRS4176,04CRS4- 171,04CRS4179,04CRS4174,- 04CRS4177,04CRS4172,04C- RS4180,04CRS4175 | Steelman |
| | Decision: Affirmed | | |
| 05-96-1 | State v Mackey (Criminal) | New Hanover 03CRS21321,02CRS19669,0- 2CRS23729,02CRS19667,02- CRS23727,03CRS21320,02C- RS19668,02CRS23728 | Steelman |
| | Decision: Affirmed | | |

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| 04-1560-1 | State v Leary (Criminal) Decision: No error | Pasquotank 03CRS51684 | Steelman |
| 05-232-1 | State v Avery (Criminal) Decision: Affirmed | Person 02CRS52965,04CRS1994,02- CRS3058,02CRS53528,04CR- S1995,02CRS52792,02CRS53576 | Steelman |
| 04-1083-1 | State v Batts (Criminal) Decision: No error | Pitt 01CRS59405,02CRS1596 | Bryant |
| 04-1470-1 | Leary v N.C. Forest Products (Civil) Decision: Affirmed | Pitt 89CVD1966 | Hudson |
| 04-1584-1 | State v Mullins (Criminal) Decision: Affirmed | Pitt 04CRS7568 | Hudson |
| 04-396-1 | State v Scott (Criminal) Decision: Remanded for resentencing | Richmond 00CRS50658,00CRS50649,0- 0CRS50654 | Calabria |
| 04-1549-1 | State v Hinson (Criminal) Decision: New trial | Robeson 99CRS16034 | Elmore |
| 05-237-1 | State v Bryant (Criminal) Decision: No error | Robeson 02CRS53726 | Steelman |
| 05-126-1 | State v Franklin (Criminal) Decision: No error | Rutherford 03CRS54338 | Steelman |
| 04-294-1 | State v Hernandez-Madrid (Criminal) Decision: Affirmed in part; Remanded for resentencing in part | Wake 02CRS51222,02CRS209,02C- RS51225,02CRS51220 | Wynn, Jr. |
| 04-1340-1 | State v Powell (Criminal) Decision: Affirm | Wake 02CRS69526,02CRS42138,0- 2CRS28979 | Bryant |
| 04-1602-1 | State v Davis (Criminal) Decision: Remanded | Wake 03CRS52844,03CRS52845 | Levinson |
| 04-1526-1 | In Re: D.R.M.,S.S.M.,T.D.M. (Juvenile - 3.1) Decision: Affirmed | Wayne 03J179,03J177,03J178 | Tyson |
| 04-488-1 | State v Witsher (Criminal) Decision: Remanded for resentencing | Wilkes 02CRS51765,02CRS51760,0- 2CRS51755,02CRS51763,02- CRS51758,02CRS51236,02C- RS51761,02CRS51756,02CR- S51764,02CRS51759,02CRS- 51754,02CRS51762,02CRS51757 | Wynn, Jr. |