

**IN THE COURT OF APPEALS**  
**CASES REPORTED WITH PUBLISHED OPINIONS**  
**(FILED 18 OCTOBER 2005)**  
**(MANDATE 7 NOVEMBER 2005)**

Docket #	Title	County	Judge
04-651-1	Taylor v Abernethy, et al (Civil) <b>Decision:</b> Reversed and remanded	Burke	Steelman
04-1685-1	State v Dierdorf (Criminal) <b>Decision:</b> Affirmed	Burke	Hunter
04-1626-1	State v Hall (Criminal) <b>Decision:</b> No error	Caldwell	Jackson
04-1565-1	State v Mason (Criminal) <b>Decision:</b> No error	Carteret	Elmore
04-1128-1	Elliott v Muehlbach (Civil) <b>Decision:</b> Reversed and remanded	Chatham	Geer
04-250-1	Fabrikant v Currituck County (Civil) <b>Decision:</b> Affirmed	Currituck	Geer
04-615-1	In Re: J.D.C. (Juvenile - 3.1) <b>Decision:</b> Reversed and remanded	Forsyth	Hudson
04-1396-1	In the Matter of: Kearney (Civil) <b>Decision:</b> Affirmed in part, reversed in part and remanded	Forsyth	Calabria
04-1521-1	321 News & Video v Gastonia (Civil) <b>Decision:</b> Affirmed	Gaston	Steelman
04-644-1	Jacobs v Physicians Weight Loss, et al (Civil) <b>Decision:</b> Affirmed in part and reversed in part	Guilford	Timmons-Goodson
04-1336-1	State v McCoy (Criminal) <b>Decision:</b> New trial	Guilford	Hudson
04-1653-1	State v McKinney (Criminal) <b>Decision:</b> Reversed; new trial	Guilford	Timmons-Goodson
05-88-1	Armstrong v Ledges Homeowners (Civil) <b>Decision:</b> Affirmed	Henderson	Tyson
04-1373-1	Lohrmann v Iredell Memorial Hosp. (Civil) <b>Decision:</b> Affirmed	Iredell	McGee
05-18-1	Grant v Cass (Civil) <b>Decision:</b> Affirmed	Iredell	Elmore
05-13-1	Bailey v Handee Hugo's (Civil) <b>Decision:</b> Affirmed	Johnston	McCullough
04-862-1	Sunbelt Rentals v Head & Engquist et al (Civil) <b>Decision:</b> Affirmed	Mecklenburg	Bryant

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05-70-1	In Re: D.M.W. (Juvenile - 3.1) <b>Decision:</b> Reversed	Mecklenburg	Tyson
04-711-1	Lewis v Beachview Exxon Service, et al (Civil) <b>Decision:</b> Reversed and remanded	N.C. Industrial Commission	Hudson
04-1459-1	Singletary v N.C. Baptist Hospital (Civil) <b>Decision:</b> Affirmed	N.C. Industrial Commission	McCullough
04-1573-1	Perez v American Airlines (Civil) <b>Decision:</b> Affirmed	N.C. Industrial Commission	Elmore
04-1581-1	Roberts v Wal-Mart (Civil) <b>Decision:</b> Vacated and reversed	N.C. Industrial Commission	Bryant
04-1683-1	State v Bunn (Criminal) <b>Decision:</b> Affirmed	Nash	Wynn, Jr.
04-1093-1	Parker v New Hanover County (Civil) <b>Decision:</b> Affirmed	New Hanover	Geer
04-1628-1	Mabee v Onslow County Sheriff's Dept. (Civil) <b>Decision:</b> Affirmed	Onslow	Calabria
05-187-1	Lauterbach v Weiner (Civil) <b>Decision:</b> Affirmed	Orange	Tyson
04-1604-1	Barton v White (Civil) <b>Decision:</b> Affirmed	Perquimans	Levinson
04-1217-1	State v Cruz (Criminal) <b>Decision:</b> No error in part, reversed in part, remanded for resentencing	Pitt	Elmore
04-1238-1	State v Whitehead (Criminal) <b>Decision:</b> Reversed and remanded	Pitt	Steelman
04-1726-1	Stegenga v Burney (Civil) <b>Decision:</b> Affirmed	Randolph	Jackson
04-541-1	State v Jacobs & McMillian (Criminal) <b>Decision:</b> As to Jacob's Appeal: No error in part; vacated and remanded in part. As to McMillian's Appeal: No error	Robeson	Timmons-Goodson
04-1491-1	State v Marshburn (Criminal) <b>Decision:</b> Remanded	Sampson	Martin
04-1388-1	State v Shine (Criminal) <b>Decision:</b> No error in the trial. Remanded for resentencing	Stanly	Martin
04-865-1	Trayford v NC Psychology Board (Civil) <b>Decision:</b> Reversed and remanded	Wake	Calabria
04-1467-1	State Banking Commission v Weiss (Civil) <b>Decision:</b> Affirmed	Wake	Hunter

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04-1647-1	Billings v Rosenstein (Civil) <b>Decision:</b> Reversed and remanded	Wilkes	Wynn, Jr.

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05-296-1	In the Matter of: B.R.-D. (Juvenile - Criminal) <b>Decision:</b> Affirmed	Alamance 04J81	Wynn, Jr.
04-1659-1	State v Edwards (Criminal) <b>Decision:</b> No error	Alleghany 02CRS50380	Hudson
03-1712-1	State v Long (Criminal) <b>Decision:</b> No error at trial; remanded for resentencing	Ashe 02CRS50661	Timmons-Goodson
04-1694-1	State v Savage (Criminal) <b>Decision:</b> No error	Beaufort 03CRS51841	Wynn, Jr.
04-1070-1	In Re: C.M.,J.M.,Jr.,J.M. (Juvenile - 3.1) <b>Decision:</b> Affirmed	Buncombe 01J338A	Calabria
03-31-2	In the Matter of: D.M.H. Jr. (Juvenile - 3.1) <b>Decision:</b> Affirmed in part, remanded in part	Burke 02J57	Elmore
04-1724-1	Gagne v Best Advantage Mktg. Grp. (Civil) <b>Decision:</b> Affirmed	Catawba 02CVS2584	McCullough
04-1001-1	Robinson v Rapscaillon Marine (Civil) <b>Decision:</b> No error	Dare 00CVS248	Geer
04-1700-1	State v Singletary (Criminal) <b>Decision:</b> Affirmed	Forsyth 01CRS54685	Wynn, Jr.
04-1706-1	State v Tuttle (Criminal) <b>Decision:</b> No error	Forsyth 03CRS59629	Steelman
05-26-1	Nail v Member Services, Inc. (Civil) <b>Decision:</b> Affirmed	Forsyth 04CVS1813	Hunter
05-87-1	State v Franklin (Criminal) <b>Decision:</b> No error	Franklin 04CRS50105,04CRS3461	Tyson
04-1421-1	Gastonia Video v Gastonia Bd. of Adjust (Civil) <b>Decision:</b> Vacated and remanded	Gaston 02CVS4700	Geer
05-67-1	State v Whitesides (Criminal) <b>Decision:</b> Affirmed	Gaston 03CRS11597,03CRS55888,- 03CRS55948,03CRS55889	Wynn, Jr.
05-98-1	State v Walden (Criminal) <b>Decision:</b> No error	Gaston 03CRS20299,03CRS64947	Wynn, Jr.
05-51-1	State v Wright (Criminal) <b>Decision:</b> No error	Guilford 03CRS103919	McCullough

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04-1116-1	State v Green (Criminal)  <b>Decision:</b> Affirmed	Halifax 02CRS51482,02CRS51103,- 02CRS51220	McGee
04-1003-1	Elledge v Austin (Civil)  <b>Decision:</b> Affirmed	Iredell 02CVS2468	Geer
04-1120-1	State v Wilson (Criminal)  <b>Decision:</b> No error	Mecklenburg 03CRS239026	Geer
04-1501-1	In Re: S.N.M.,D.G.F.,D.C.F.& S.U.M. (Juvenile - 3.1)  <b>Decision:</b> Affirmed	Mecklenburg 03J858,03J856,03J859,03J857	Martin
05-168-1	State v Williams (Criminal)  <b>Decision:</b> No error	Mecklenburg 03CRS236048,03CRS236049	Wynn, Jr.
05-258-1	State v Flora (Criminal)  <b>Decision:</b> Affirmed	Mecklenburg 03CRS201020,03CRS201022	Wynn, Jr.
03-1502-1	State v Nguyen (Criminal)  <b>Decision:</b> No error at trial; remanded for resentencing	Mitchell 03CRS169,03CRS50064	Timmons-Goodson
04-1098-1	Phillips v Hertz Corp. (Civil)  <b>Decision:</b> Reversed and remanded	N.C. Industrial Commission IC107286	Geer
04-1324-1	Barrett v Morgan Corporation (Civil)  <b>Decision:</b> Affirmed in part, remanded in part	N.C. Industrial Commission IC187444	Elmore
04-1342-1	Brown v NC DOC (Civil)  <b>Decision:</b> Affirmed	N.C. Industrial Commission IC034333	Hunter
04-1384-1	Rooker v Food Lion (Civil)  <b>Decision:</b> Affirmed	N.C. Industrial Commission IC037982	Wynn, Jr.
04-1603-1	Dinkins v Penn Ventilator (Civil)  <b>Decision:</b> Vacated and remanded	N.C. Industrial Commission IC654108	Elmore
05-48-1	McLawhorn v Caswell Center (Civil)  <b>Decision:</b> Affirmed	N.C. Industrial Commission IC368231	Wynn, Jr.
04-1691-1	In the Matter of: D.K.L. (Juvenile - Criminal)  <b>Decision:</b> Affirmed	Onslow 04J130	McGee
04-259-2	State v Alexander (Criminal)  <b>Decision:</b> Affirmed	Pasquotank 03CRS50206	Levinson
04-1395-1	Dillon v Carpenter (Civil)  <b>Decision:</b> Reversed	Richmond 03CVS1018	Hunter

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04-1629-1	State v Cox (Criminal) <b>Decision:</b> No prejudicial error; remanded for resentencing	Richmond 01CRS52721	McGee
05-141-1	State v Douglas (Civil) <b>Decision:</b> Affirmed	Scotland 02CRS53007,02CRS50524,- 02CRS50526	Wynn, Jr.
04-650-1	State v Bailey (Criminal) <b>Decision:</b> No prejudicial error	Wake 03CRS119948	Calabria
04-1566-1	State v Davis (Criminal)  <b>Decision:</b> Remanded for resentencing	Wake 03CRS44860,03CRS44059,- 03CRS44054,03CRS44858,- 03CRS44057,03CRS44052,- 03CRS46292,03CRS44060,- 03CRS44055,03CRS44859,- 03CRS44058,03CRS44053,- 03CRS43749,03CRS44857,- 03CRS44056	Levinson
05-93-1	State v Stephens (Criminal) <b>Decision:</b> New trial	Wake 03CRS86325,02CRS104735	Steelman
04-1433-1	Neder v Neder (Civil) <b>Decision:</b> Affirmed	Wilkes 02CVD1630	Hunter
05-220-1	Armstrong v Knight (Civil) <b>Decision:</b> Appeal dismissed	Wilson 03CVS1939	Wynn, Jr.