

**IN THE COURT OF APPEALS**  
**CASES REPORTED WITH PUBLISHED OPINIONS**  
**(FILED 1 NOVEMBER 2005)**  
**(MANDATE 21 NOVEMBER 2005)**

Docket #	Title	County	Judge
03-1599-2	In the Matter of: B.D. (Juvenile - 3.1) <b>Decision:</b> Affirmed	Buncombe	Timmons-Goodson
04-1667-1	Uhrig v Madaras (Civil) <b>Decision:</b> Affirmed	Buncombe	Steelman
04-1605-1	State v McHone (Criminal) <b>Decision:</b> In 00CRS19019, reversed and remanded for a new trial. In 01CRS19538, no error	Cabarrus	Levinson
05-129-1	State v Hall (Criminal) <b>Decision:</b> No error	Cabarrus	Tyson
04-1213-1	State, Ex Rel, Gillikin v McGuire (Civil) <b>Decision:</b> Affirmed in part, reversed and remanded in part	Carteret	Bryant
05-102-1	Boykin v IPBI Kim (Civil) <b>Decision:</b> No error	Cumberland	McCullough
04-1220-1	D.W.H. Painting v D.W. Ward Constr. (Civil) <b>Decision:</b> Affirmed	Durham	Calabria
04-1443-1	State v Massey (Criminal) <b>Decision:</b> 03CRS56199 First-Degree Sexual Offense, No error in the trial, remanded for a new sentencing hearing. 03CRS56199 First-Degree Sexual Offense, No error in trial, remanded for a new sentencing hearing. 03CRS56199 First-Degree Sexual Offense, No error in the trial, remanded for a new sentencing hearing. 03CRS56200 First-Degree Sexual Offense, No error in the trial, remanded for a new sentencing hearing. 03CRS56200 First-Degree Sexual Offense, No error in the trial, remanded for a new sentencing hearing. 03CRS56203 Sex Offense - Parental Role, No error in the trial, remanded for a new sentencing hearing. 03CRS56205 Sex Offense - Parental Role, No error in the trial, remanded for a new sentencing hearing. 03CRS56202 Sex Offense - Parental Role, New Trial. 03CRS56202 Sex Offense - Parental Role, New trial. 03CRS56202 Sex Offense - Parental Role, New Trial. 03CRS56203 Sex Offense - Parental Role, New Trial. 03CRS56203 Sex Offense - Parental Role, New Trial. 03CRS56204 Sex Offense - Parental Role, New Trial. 03CRS56204 Sex Offense - Parental Role, New Trial. 03CRS56204 Sex Offense - Parental Role, New Trial. 03CRS56204 Sex Offense - Parental Role, New Trial. 03CRS56205 Indecent Liberties, New Trial. 03CRS56205 Indecent Liberties, New Trial. 03CRS56207 Indecent Liberties, New Trial. 03CRS56207 Indecent Liberties, New Trial.	Forsyth	Martin
04-1732-1	Reaves v Hayes (Civil) <b>Decision:</b> New trial	Guilford	McCullough

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04-1008-1	Good Hope Hospital v NC DHHS (Civil) <b>Decision:</b> Affirmed	Harnett	Steelman
04-1370-1	State v McVay (Criminal) <b>Decision:</b> No error	Jackson	Bryant
04-1061-1	Montgomery v Toastmaster (Civil) <b>Decision:</b> Affirmed	N.C. Industrial Commission	Wynn, Jr.
05-44-1	Black v Black (Civil) <b>Decision:</b> Vacated	New Hanover	Martin
04-86-1	Dixon v Hill (Civil) <b>Decision:</b> Dismissed in part, affirmed in part, reversed and remanded in part	Robeson	Geer
04-929-1	NC Bd. of Pharm. v Rules Review Comm (Civil) <b>Decision:</b> Affirmed	Wake	Bryant
04-1367-1	McCoy v Coker (Civil) <b>Decision:</b> Affirmed in part, Reversed and Remanded in part	Wayne	Steelman

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04-1729-1	In Re: L.T.M.,K.R.M.,C.R.M. (Juvenile - 3.1) <b>Decision:</b> Affirmed	Cabarrus 02J138 02J136 02J137	McGee
05-372-1	Scott v Fairbanks Capital Corp. (Civil) <b>Decision:</b> Appeal dismissed	Cabarrus 04CVS309	Wynn, Jr.
04-1651-1	Wendt v Thomas (Civil) <b>Decision:</b> Dismissed	Carteret 03CVS1370	Levinson
04-1702-1	In the Matter of: K.N.O. & A.R.O. (Juvenile - 3.1) <b>Decision:</b> Affirmed	Catawba 03J33 03J34	McGee
04-1662-1	State v Middlebrooks (Criminal) <b>Decision:</b> No error	Cleveland 01CRS8796 01CRS56766	Lewis, Jr.
05-41-1	State v Sanford (Criminal) <b>Decision:</b> No error	Cleveland 00CRS8143	Steelman
04-1714-1	Ammons v Yates (Civil) <b>Decision:</b> Reversed	Cumberland 03CVS7172	Timmons-Goodson
05-252-1	State v Heintz (Criminal) <b>Decision:</b> Remanded for resentencing	Cumberland 02CRS57998-01	Levinson
05-246-1	Ward v Wachovia Bank (Civil) <b>Decision:</b> Affirmed	Forsyth 04CVS3825	Wynn, Jr.
05-281-1	State v Rumph (Criminal) <b>Decision:</b> No error	Gaston 03CRS67190 03CRS67185 03CRS67188 04CRS288 03CRS68925 03CRS67189 04CRS12391 03CRS67187	Wynn, Jr.
04-791-1	State v Fracheur (Criminal) <b>Decision:</b> Remanded for resentencing	Guilford 03CRS24657 03CRS94977	Calabria
05-62-1	Tran v Nguyen (Civil) <b>Decision:</b> Affirmed	Guilford 03CVS5480	Lewis, Jr.
05-487-1	In the Matter of: B.S.J. (Juvenile - 3.1) <b>Decision:</b> Affirmed	Halifax 02J67	Wynn, Jr.
04-1617-1	State v Freeman (Criminal) <b>Decision:</b> No error	Lenoir 03CRS54752 04CRS311	Martin
05-152-1	In Re: M.C. (Juvenile - 3.1) <b>Decision:</b> Affirmed	Lenoir 04J36	Smith
05-181-1	Al-Ashmali v Ali (Civil)	Lenoir 04CVD593	Tyson

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	<b>Decision:</b> Affirmed			
05-186-1	In the Matter of: B.A.T. (Juvenile - Criminal)	McDowell 04J22	McCullough	
	<b>Decision:</b> Affirmed in part; dismissed in part			
04-1649-1	MLA Enterprises, LLC v NC DMV (Civil)	Mecklenburg 03CVS20639	Wynn, Jr.	
	<b>Decision:</b> Affirmed			
04-1668-1	State v Bryant (Criminal)	Mecklenburg 03CRS224979 03CRS224951	Elmore	
	<b>Decision:</b> No error			
05-164-1	Kintz v Amerlink (Civil)	Nash 02CVS2041	Smith	
	<b>Decision:</b> Affirmed			
		Orange 03CRS52052 03CRS51996 03CRS54490 03CRS52039 03CRS51991 03CRS52073 03CRS52033 03CRS51983 03CRS52067 03CRS52010 03CRS52057 03CRS52002 03CRS52047 03CRS51994 03CRS54486 03CRS52037 03CRS51986 03CRS52071 03CRS52018 03CRS51981 03CRS52063 03CRS52006 03CRS52053 03CRS51997 03CRS52040 03CRS51992 03CRS54480 03CRS52034 03CRS51984 03CRS52068 03CRS52014 03CRS52059 03CRS52003 03CRS52050 03CRS51995 03CRS54489 03CRS52038 03CRS51987 03CRS52072 03CRS52028 03CRS51982 03CRS52066 03CRS5209 03CRS52054 03CRS51998 03CRS52043 03CRS51993 03CRS54481 03CRS52036 03CRS51985 03CRS52070 03CRS52016 03CRS52060 03CRS52005		
04-1568-1	State v Apple (Criminal)		Calabria	
	<b>Decision:</b> Remanded for resentencing			
05-24-1	Barber v Burke (Civil)	Pender 03CVS240	Timmons-Goodson	
	<b>Decision:</b> Reversed			
05-225-1	State v Wheeler (Criminal)	Pitt 04CRS11216	Wynn, Jr.	
	<b>Decision:</b> No error			
04-1482-1	State v Moore (Criminal)	Wake 01CRS81075 01CRS81841	Geer	
	<b>Decision:</b> No error			
05-154-1	State v Jones (Criminal)	Wake 04CRS17767 04CRS17768	Wynn, Jr.	
	<b>Decision:</b> No error			
05-40-1	Harrell v Heaton (Civil)	Watauga 03CVS728	Lewis, Jr.	
	<b>Decision:</b> Dismissed			

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05-132-1	In Re: K.J.H. (Juvenile - 3.1) <b>Decision:</b> Affirmed	Wayne 03J51	McGee
05-297-1	State v Godwin (Criminal) <b>Decision:</b> No error	Wayne 03CRS59688	Wynn, Jr.
04-1705-1	In the Matter of: M.S. (Juvenile - 3.1) <b>Decision:</b> Affirmed	Wilkes 00J33	Levinson
05-25-1	State v Bullard (Criminal) <b>Decision:</b> Affirmed	Wilkes 02CRS50444 01CRS54213 02CRS50422	Wynn, Jr.