

**IN THE COURT OF APPEALS**  
**CASES REPORTED WITH PUBLISHED OPINIONS**  
**(FILED 17 JANUARY 2006)**  
**(MANDATE 6 FEBRUARY 2006)**

Docket #	Title	County	Judge
04-1209-1	Bald Head Island v Bald Head (Civil) <b>Decision:</b> Affirmed	Brunswick	Hudson
04-1162-1	State v Hayden (Criminal) <b>Decision:</b> Affirmed in part; and remanded for a new sentencing hearing in part	Buncombe	Geer
04-1555-1	Warren v Warren (Civil) <b>Decision:</b> Affirmed in part, reversed in part and remanded	Buncombe	Geer
04-1606-1	State v Hadden (Criminal) <b>Decision:</b> Affirmed	Buncombe	McGee
04-1674-1	Beck v Beck (Civil) <b>Decision:</b> Reversed and remanded	Davidson	Geer
04-1537-1	State v Anderson (Criminal) <b>Decision:</b> No error	Durham	Geer
04-1592-1	State v Matthews (Criminal) <b>Decision:</b> Vacated and remanded in part, no error in part and remanded for resentencing on all convictions	Durham	Geer
04-1338-1	State v McGee (Criminal) <b>Decision:</b> No error	Forsyth	Geer
05-344-1	McIntyre v McIntyre (Civil) <b>Decision:</b> Appeal Dismissed	Forsyth	John, Sr.
04-1554-1	Quantum Corporate v B.H. Bryan Bldg. (Civil) <b>Decision:</b> Vacated and remanded	Iredell	Geer
04-1485-1	Sylva Shops v Hibbard (Civil) <b>Decision:</b> Vacated and remanded	Jackson	Geer
05-378-1	Greer v Greer (Civil) <b>Decision:</b> Reversed and remanded	Lenoir	Geer
04-1495-1	Forbis v Neal (Civil) <b>Decision:</b> Affirmed	Mecklenburg	Hudson
05-103-1	Broderick v Broderick (Civil) <b>Decision:</b> Dismissed	Mecklenburg	Geer
05-191-1	State v Cao (Criminal) <b>Decision:</b> No error in part; Remanded for resentencing	Mecklenburg	Wynn, Jr.
05-515-1	Van Reyphen Assoc. v Teeter (Civil) <b>Decision:</b> Affirmed	Mecklenburg	McCullough

Docket #	Title	County	Judge
04-581-1	Armstrong v W. R. Grace & Co. (Civil) <b>Decision:</b> Affirmed	N.C. Industrial Commission	Jackson
05-34-1	Thompson v Federal Express (Civil) <b>Decision:</b> Affirmed	N.C. Industrial Commission	Steelman
05-401-1	Ferreyra v Cumberland County (Civil) <b>Decision:</b> Affirmed	N.C. Industrial Commission	Hudson
04-1418-1	Purvis v Moses Cone Mem. Hosp. (Civil) <b>Decision:</b> Vacated and remanded in part, and affirmed in part	Wake	Geer
05-266-1	Mapco v NC DOT (Civil) <b>Decision:</b> Affirmed	Wake	Elmore

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05-312-1	State v Bolton (Criminal) <b>Decision:</b> Affirmed	Alamance 03CRS53676	Hudson
05-418-1	In The Matter of: R.S.C. (Juvenile - Criminal) <b>Decision:</b> Affirmed	Alamance 03J254	Calabria
05-467-1	In Re: J.S.B. (Juvenile - Criminal) <b>Decision:</b> Reversed and remanded	Alamance 01J94	McCullough
04-1686-1	State v Bennett (Criminal) <b>Decision:</b> No error	Anson 03CRS50753,03CRS2797,0-3CRS50709	Calabria
05-264-1	State v Teeter (Criminal) <b>Decision:</b> Affirmed and remanded for correction of the sentencing worksheet	Anson 03CRS50555,03CRS3067	Hunter
05-434-1	State v Moses (Criminal) <b>Decision:</b> No error	Anson 03CRS52235	Calabria
04-1117-1	Childers v Ashe Mem Hosp & E.S.C. (Civil) <b>Decision:</b> This appeal is dismissed	Ashe 3CVS486	Bryant
05-633-1	State v McCarter (Criminal) <b>Decision:</b> No error	Beaufort 02CRS538,02CRS3610	McCullough
04-1578-1	State v Torres (Criminal) <b>Decision:</b> No error in defendant's trial; Vacated and remanded for resentencing	Buncombe 03CRS62241,03CRS62239,-03CRS62242,03CRS62240	Hunter
05-280-1	State v Miller (Criminal) <b>Decision:</b> Dismissed	Buncombe 04CRS7106,04CRS7101,03-CRS64211,04CRS7104,04CRS4056,03CRS64206,04CRS52136,04CRS7102,03CRS64586,04CRS7105,04CRS7099,03CRS64209,04CRS7103,03CRS64587	Jackson
05-315-1	State v Bell (Criminal) <b>Decision:</b> Affirmed	Buncombe 03CRS19184,03CRS18152,-03CRS65049,03CRS19070,-04CRS4051	Calabria
05-329-1	In the Matter of: W.A.W. (Juvenile - Criminal) <b>Decision:</b> Vacated	Buncombe 02J34	McCullough
05-702-1	State v Brown (Criminal) <b>Decision:</b> No error	Burke 03CRS5002	McCullough
05-389-1	In Re: C.S. (Juvenile - 3.1) <b>Decision:</b> Affirmed	Cabarrus 03J166	Calabria

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05-433-1	State v Dula (Criminal) <b>Decision:</b> Reversed and remanded	Caldwell 01CRS8660	Hunter
05-485-1	State v Powell (Criminal) <b>Decision:</b> No error	Caldwell 02CRS9379	McCullough
05-66-1	State v Hartgrove (Criminal) <b>Decision:</b> No error	Catawba 03CRS9933,03CRS9934	Calabria
05-533-1	State v Spain (Criminal) <b>Decision:</b> No error	Columbus 03CRS53352	McCullough
05-688-1	State v Bethea (Criminal) <b>Decision:</b> No error	Cumberland 02CRS59193	McCullough
05-461-1	C&S Realty v Blowe (Civil) <b>Decision:</b> Affirmed	Dare 02CVD253	Calabria
05-593-1	Phelps v Korbach (Civil) <b>Decision:</b> Affirmed	Dare 02CVS293	Hudson
05-133-1	State v Gilbert (Criminal) <b>Decision:</b> No error	Davidson 03CRS60938,03CRS60939	Hunter
05-497-1	State v Allen (Criminal) <b>Decision:</b> Affirmed	Durham 04CRS16524,04CRS51138	McCullough
05-513-1	State v Richardson (Criminal) <b>Decision:</b> Reversed and remanded	Durham 04CRS50391,04CRS15863,- 04CRS50392,04CRS15864	McCullough
05-151-1	Platinum Construction v Stanley (Civil) <b>Decision:</b> Dismissed	Forsyth 03CVS3848	Hunter
05-309-1	State v Simon (Criminal) <b>Decision:</b> No error at trial; remanded for resentencing	Forsyth 02CRS59428,04CRS10278	Calabria
05-314-1	State v Cuthrell (Criminal) <b>Decision:</b> Affirmed	Forsyth 02CRS14578,02CRS32462,- 02CRS60952,02CRS32465,- 02CRS32460,02CRS19311,0- 2CRS32463,02CRS60953,0- 2CRS33502,02CRS32461,0- 2CRS60951,02CRS32464,0- 2CRS60954	Hunter
05-348-1	State v Brim (Criminal) <b>Decision:</b> No error	Forsyth 03CRS59488	Jackson
05-350-1	State v Mathurin (Criminal) <b>Decision:</b> Remanded for resentencing	Forsyth 03CRS59477	Jackson

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05-425-1	State v Taylor (Criminal) <b>Decision:</b> No error	Forsyth 02CRS58142,03CRS5262	Calabria
04-1311-1	State v Jolly (Criminal) <b>Decision:</b> No error	Gaston 03CRS9358,03CRS53590	Geer
05-125-1	In Re: P.L.M.E. (Criminal) <b>Decision:</b> Affirmed	Gaston 01J346	Calabria
04-1312-1	State v Edwards (Criminal) <b>Decision:</b> No error	Guilford 03CRS23051,04CRS96857	Geer
04-1673-1	JG W-S v Central Carolina Surgical Eye (Civil) <b>Decision:</b> Affirmed	Guilford 03CVS720	Geer
05-236-1	Canty v Hayes Mem. United Holy Church (Civil) <b>Decision:</b> Appeal Dismissed	Guilford 04CVS9633	Per Curiam
05-569-1	State v Willis (Criminal) <b>Decision:</b> No error	Haywood 98CRS2675,98CRS2255,98- CRS2674	McCullough
04-1539-1	State v Hendricks (Criminal) <b>Decision:</b> No error	Hertford 03CRS51061	Geer
05-162-1	State v Howell (Criminal) <b>Decision:</b> No error in trial; Remanded for resentencing	Iredell 97CRS7004	Calabria
05-662-1	State v Adams (Criminal) <b>Decision:</b> No error	Iredell 01CRS53079,01CRS8493,0- 1CRS53076	McCullough
04-1536-1	In Re: A.G. (Juvenile - 3.1) <b>Decision:</b> Affirmed	Lee 03J23,03J24	Jackson
04-474-1	Weaver-Sobel v Sobel (Civil) <b>Decision:</b> Reversed and remanded	Mecklenburg 00CVD1702	Steelman
05-394-1	King v Norfolk Southern Corp. (Civil) <b>Decision:</b> Affirmed	Mecklenburg 04CVS8392	Hunter
05-436-1	Wilcox v Bankers Ins. Co. (Civil) <b>Decision:</b> Reversed and remanded	Mecklenburg 03CVS10578	Levinson
05-441-1	State v Tipton (Criminal) <b>Decision:</b> No error	Mitchell 04CRS50230	Jackson
04-1614-1	Williams v Colony Tire (Civil) <b>Decision:</b> Affirmed	N.C. Industrial Commission IC041688	Levinson
05-176-1	Stavissky v Comark, Inc. (Civil)	N.C. Industrial Commission IC184548	John, Sr.

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	<b>Decision:</b> Affirmed		
05-245-1	State v Edwards (Criminal)	Nash 04CRS50615	John, Sr.
	<b>Decision:</b> No error		
04-1583-1	In Re: D.K. (Juvenile - 3.1)	New Hanover 02J403	Hudson
	<b>Decision:</b> Dismissed as to respondent mother. Affirmed as to respondent father.		
04-1707-1	In the Matter of: S.R.L. (Juvenile - 3.1)	New Hanover 03J387	Geer
	<b>Decision:</b> Affirmed		
05-196-1	In Re: K.E. (Juvenile - Criminal)	New Hanover 00J181	Jackson
	<b>Decision:</b> Affirmed		
05-557-1	State v Polley (Criminal)	New Hanover 03CRS52703	McCullough
	<b>Decision:</b> No error		
04-1722-1	Dashman v Dubeau (Civil)	Orange 03CVD26	Hunter
	<b>Decision:</b> Reversed and remanded		
04-1663-1	State v Schwarzer (Criminal)	Pender 01CRS4712	Hudson
	<b>Decision:</b> No error		
05-263-1	State v Smithey (Criminal)	Person 03CRS53592,03CRS3104,0- 3CRS3105	Jackson
	<b>Decision:</b> No error		
05-310-1	State v Howard (Criminal)	Pitt 03CRS64331	McCullough
	<b>Decision:</b> No error		
05-138-1	State v Burks (Criminal)	Randolph 03CRS51661,03CRS51659,- 03CRS51663,03CRS51660,- 03CRS51664	McCullough
	<b>Decision:</b> No error		
05-381-1	State v Routh (Criminal)	Randolph 03CRS58380,02CRS57384,- 02CRS52423	Hunter
	<b>Decision:</b> Affirmed		
05-437-1	State v Brayboy (Criminal)	Robeson 03CRS50400	Hudson
	<b>Decision:</b> No error		
05-45-1	State v Mirafuentes (Criminal)	Rowan 03CRS53540	Calabria
	<b>Decision:</b> Dismissed		
05-322-1	Bame v Priority Trustee Services (Civil)	Rowan 04CVS1873	Jackson
	<b>Decision:</b> Affirmed		
05-442-1	State v Davis (Criminal)	Rowan 03CRS58491,04CRS9034	Calabria
	<b>Decision:</b> No error		
04-1730-1	In Re: B.J. (Juvenile - Criminal)	Rutherford 03J106	Wynn, Jr.

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	<b>Decision:</b> Vacated in part		
05-137-1	In Re: S.M.S. & E.M.S. (Juvenile - 3.1)	Rutherford 02J89,02J90	Hunter
	<b>Decision:</b> Affirmed		
05-217-1	State v Brown (Criminal)	Stokes 03CRS50276,03CRS1379,0- 3CRS50234	Jackson
	<b>Decision:</b> Remanded for resentencing		
04-900-1	Boone, et al v Christian Chapel UCC (Civil)	Wake 03CVS11344,03CVS11966	Jackson
	<b>Decision:</b> Affirm in part, reverse in part		
05-213-1	State v Lloyd (Criminal)	Wake 04CR53541,04CR56403,04C- R53540	Hunter
	<b>Decision:</b> Affirmed		
05-391-1	State v Dunston (Criminal)	Wake 03CRS76834,03CRS76832,- 03CRS76833	Calabria
	<b>Decision:</b> No error in part; Vacate the conspiracy to deliver cocaine conviction and remand		
05-330-1	State v Miller (Criminal)	Watauga 03CRS50100	McCullough
	<b>Decision:</b> No error		
05-21-1	In Re: C.G.F. (Juvenile - 3.1)	Wilkes 98J25	Hunter
	<b>Decision:</b> Reversed and remanded		
05-49-1	State v Pardue (Criminal)	Wilkes 04CRS50465,04CRS1772	Calabria
	<b>Decision:</b> No error		
05-375-1	State v Williams (Criminal)	Wilson 03CRS8258	Jackson
	<b>Decision:</b> Dismissed		