

**IN THE COURT OF APPEALS**  
**CASES REPORTED WITH PUBLISHED OPINIONS**  
**(FILED 21 MARCH 2006)**  
**(MANDATE 10 APRIL 2006)**

| Docket #  | Title  | County      | Judge     |
|-----------|--|-------------|-----------|
| 05-500-1  | In the Matter of: J.L.B.M. (Juvenile - Criminal)<br><b>Decision:</b> The 20 September 2004 order adjudicating the juvenile delinquent is hereby Affirmed in part, reversed in part, and remanded in part. The 2 September 2004 order committing the juvenile for an indefinite period of time is hereby Vacated and remanded. The 20 September 2004 order denying release of the juvenile pending appeal is hereby Vacated and remanded. | Alamance    | McGee     |
| 05-311-1  | State v Jones (Criminal)<br><b>Decision:</b> No error  | Beaufort    | Geer      |
| 04-1466-1 | Walker v Fleetwood Homes (Civil)<br><b>Decision:</b> Affirmed in part, dismissed in part, and remanded for new trial on damages  | Craven      | Hudson    |
| 05-663-1  | Union v BB&T (Civil)<br><b>Decision:</b> Affirmed  | Cumberland  | Wynn, Jr. |
| 05-713-1  | State v Shelly (Criminal)<br><b>Decision:</b> Affirmed in part, vacated in part  | Cumberland  | Stephens  |
| 05-832-1  | In the Matter of Will of Kersey (Civil)<br><b>Decision:</b> Reversed and remanded  | Durham      | Martin    |
| 05-881-1  | Ennis v Henderson (Civil)<br><b>Decision:</b> Reversed   | Durham      | Calabria  |
| 05-919-1  | Ugochukwu v Ugochukwu (Civil)<br><b>Decision:</b> Affirmed   | Durham      | Calabria  |
| 04-1532-1 | Koch v Bell, Lewis & Associates (Civil)<br><b>Decision:</b> Affirmed   | Guilford    | Hudson    |
| 05-823-1  | Strickland v Lawrence (Civil)<br><b>Decision:</b> Affirmed   | Guilford    | Bryant    |
| 05-632-1  | State v Simpson (Criminal)<br><b>Decision:</b> Affirmed  | Martin      | Wynn, Jr. |
| 05-853-1  | State v Jaaber (Criminal)<br><b>Decision:</b> No error   | Mecklenburg | Bryant    |
| 03-1686-1 | Holly Ridge Assoc. v NC DENR (Civil)<br><b>Decision:</b> Affirmed  | New Hanover | Hudson    |
| 05-248-1  | Summit Lodging v Jones, Spitz, Moorhead (Civil)<br><b>Decision:</b> Reversed   | Pitt        | Hudson    |
| 05-207-1  | Wilson v Burch Farms (Civil)<br><b>Decision:</b> Reversed and remanded   | Richmond    | Jackson   |

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| 05-606-1  | Harris v Pinewood Development Corp. (Civil)<br><b>Decision:</b> Vacated  | Rowan      | Hudson     |
| 05-618-1  | Revels v Miss North Carolina Pageant (Civil)<br><b>Decision:</b> Affirmed  | Wake       | McCullough |
| 05-956-1  | Evans v Lochmere Recreation Club (Civil)<br><b>Decision:</b> Affirmed in part, reversed in part, and remanded for further proceedings on plaintiffs' claim for private nuisance. | Wake       | Bryant     |
| 04-1198-1 | State v Pender (Criminal)<br><b>Decision:</b> Affirmed in part, reversed in part, and remanded for resentencing not inconsistent with this opinion                               | Washington | Jackson    |
| 05-863-1  | State v Weakley (Criminal)<br><b>Decision:</b> No error in part, Reversed in part, Remanded for resentencing   | Watauga    | Tyson      |
| 05-561-1  | Smith v Beck (Civil)<br><b>Decision:</b> Affirmed  | Wilson     | Hudson     |

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| 05-456-1  | State v Ivey (Criminal)<br><br><b>Decision:</b> Affirmed in part; remanded in part                         | Alamance<br>04CRS51098 04CRS3697<br>04CRS51097                                      | McGee      |
| 05-698-1  | Buckland v Hobbs (Civil)<br><br><b>Decision:</b> Affirmed  | Alamance<br>04CVD2112   | Bryant     |
| 05-723-1  | In the Matter of A.A.E.&H.M.E. (Juvenile - 3.1)<br><br><b>Decision:</b> Affirmed                           | Ashe<br>04J16 04J17   | McCullough |
| 05-932-1  | In the Matter of: K.D.S. (Juvenile - 3.1)<br><br><b>Decision:</b> Affirmed                                 | Ashe<br>04J7  | Calabria   |
| 05-639-1  | Bald Head Assoc. v Curnin (Civil)<br><br><b>Decision:</b> Appeal dismissed; petition denied; motion denied | Brunswick<br>01CVS695   | Bryant     |
| 05-776-1  | In the Matter of: J.P. (Juvenile - 3.1)<br><br><b>Decision:</b> Affirmed                                   | Buncombe<br>03J23   | Wynn, Jr.  |
| 05-873-1  | Chandley v First Charter Bank (Civil)<br><br><b>Decision:</b> Dismissed                                    | Buncombe<br>04CVD3814   | Hudson     |
| 05-1246-1 | State v Adams (Criminal)<br><br><b>Decision:</b> Affirmed  | Buncombe<br>03CRS60414  | Wynn, Jr.  |
| 05-1109-1 | State v Ramos (Criminal)<br><br><b>Decision:</b> No error  | Cabarrus<br>03CRS2177 03CRS2175<br>03CRS2176  | Wynn, Jr.  |
| 05-754-1  | State v Laws (Criminal)<br><br><b>Decision:</b> Affirmed   | Caldwell<br>04CRS1192 04CRS1190<br>04CRS1193 04CRS1191                              | Wynn, Jr.  |
| 05-920-1  | In the Matter of: W.F.P. (Juvenile - 3.1)<br><br><b>Decision:</b> Affirmed                                 | Caswell<br>01J53 01J54  | Bryant     |
| 05-668-1  | In the Matter of: E.J.R. (Juvenile - 3.1)<br><br><b>Decision:</b> Affirmed                                 | Catawba<br>02J247   | McCullough |
| 05-886-1  | In the Matter of: A.W.M. (Juvenile - 3.1)<br><br><b>Decision:</b> Affirmed                                 | Cleveland<br>02J109   | Calabria   |
| 05-1258-1 | State v Thomas (Criminal)<br><br><b>Decision:</b> No error   | Craven<br>04CRS52442  | Wynn, Jr.  |
| 04-1341-1 | State v Bowden (Criminal)<br><br><b>Decision:</b> No error   | Davidson<br>02CRS60741 03CRS51513<br>02CRS60739 03CRS51511<br>02CRS60740 03CRS51512 | Hudson     |

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| 05-770-1  | Azalea Garden Board v Blackwell (Civil)<br><b>Decision:</b> Affirmed  | Davidson<br>01CVS1631   | Hudson    |
| 05-694-1  | State v Evans (Criminal)<br><b>Decision:</b> No error in part; remanded for correction of clerical error; remanded for resentencing | Forsyth<br>04CRS28545 04CRS60629                                    | Calabria  |
| 05-735-1  | Treofan America v Excelsior Packaging (Civil)<br><b>Decision:</b> Affirmed  | Forsyth<br>04CVS1142  | Levinson  |
| 05-837-1  | Isley v McDonald's Corp. (Civil)<br><b>Decision:</b> Affirmed   | Forsyth<br>03CVS5927  | Bryant    |
| 05-559-1  | In the Matter of: S.B.S. (Juvenile - 3.1)<br><b>Decision:</b> Affirmed  | Graham<br>03J9  | Wynn, Jr. |
| 05-1276-1 | State v Wade (Criminal)<br><b>Decision:</b> Affirmed  | Greene<br>02CRS50814  | Wynn, Jr. |
| 05-421-1  | State v Hernandez (Criminal)<br><b>Decision:</b> No error   | Guilford<br>04CRS75455 04CRS75456                                   | Hudson    |
| 05-589-1  | State v Wilson (Criminal)<br><b>Decision:</b> Affirmed  | Guilford<br>03CRS70229 03CRS24459<br>03CRS70228                     | Bryant    |
| 05-869-1  | State v Barron (Criminal)<br><b>Decision:</b> Reversed  | Guilford<br>03CRS90852  | Bryant    |
| 05-431-1  | State v Ross (Criminal)<br><b>Decision:</b> No error  | Halifax<br>04CRS52718   | Bryant    |
| 05-852-1  | State v Mills (Criminal)<br><b>Decision:</b> Affirmed   | Halifax<br>01CRS56407 02CRS1758                                     | Hudson    |
| 05-1093-1 | State v Scott (Criminal)<br><b>Decision:</b> No error   | Haywood<br>04CRS53521   | Wynn, Jr. |
| 05-894-1  | Roberts v Coston (Civil)<br><b>Decision:</b> Appeal dismissed   | Henderson<br>03CVS1853  | Bryant    |
| 05-254-1  | State v Chapman (Criminal)<br><b>Decision:</b> No error in part; remanded in part   | Macon<br>03CRS52287 03CRS52282<br>04CRS652 03CRS52284<br>03CRS52286 | McGee     |
| 05-293-1  | Signature Distribution v Wright (Civil)<br><b>Decision:</b> Dismissed in part; affirmed in part                                     | Mecklenburg<br>02CVS19415   | Wynn, Jr. |
| 05-603-1  | Sloop v Tesfazghi (Civil)<br><b>Decision:</b> Affirmed  | Mecklenburg<br>01CVS12258   | Levinson  |

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| 05-843-1  | In the Matter of: M.B. (Juvenile - 3.1)<br><b>Decision:</b> Dismissed  | Mecklenburg<br>03J781  | Levinson   |
| 05-908-1  | State v Morrison (Criminal)<br><b>Decision:</b> No error   | Mecklenburg<br>04CRS212901   | Levinson   |
| 05-997-1  | Sabo v Electronic Services Mart (Civil)<br><b>Decision:</b> Affirmed   | Mecklenburg<br>04CVS9097   | Levinson   |
| 04-1457-1 | Fariss v Stroh Companies (Civil)<br><b>Decision:</b> Affirmed and remanded   | N.C. Industrial Commission<br>IC149131   | Geer       |
| 05-757-1  | Lindsey v Cardinal Health (Civil)<br><b>Decision:</b> Affirmed   | N.C. Industrial Commission<br>IC273257   | McCullough |
| 05-833-1  | Hensley v Ashland, Inc. (Civil)<br><b>Decision:</b> Affirmed   | N.C. Industrial Commission<br>IC262983 IC263001                                  | Martin     |
| 05-922-1  | Credle v Injection Technology Corp. (Civil)<br><b>Decision:</b> Affirmed   | N.C. Industrial Commission<br>IC200785   | Calabria   |
| 05-777-1  | State v Lasiter (Criminal)<br><b>Decision:</b> No error in part, reversed and remanded for a new sentencing hearing in | Onslow<br>03CRS50813 04CRS2282   | Levinson   |
| 05-1173-1 | In the Matter of: Knott (Civil)<br><b>Decision:</b> Affirmed   | Property Tax Commission<br>02PTC389  | Steelman   |
| 05-774-1  | State v Ford (Criminal)<br><b>Decision:</b> Affirmed   | Robeson<br>01CRS16414 02CRS498<br>01CRS16412 01CRS16415<br>01CRS16413 01CRS16418 | Bryant     |
| 05-689-1  | State v Gray (Criminal)<br><b>Decision:</b> Reversed and remanded  | Rowan<br>04CRS9854 04CRS9855   | Bryant     |
| 05-1110-1 | State v Robertson (Criminal)<br><b>Decision:</b> No error  | Rowan<br>04CRS51805 04CRS51806   | Bryant     |
| 04-1300-1 | State v Powers (Criminal)<br><b>Decision:</b> No error   | Sampson<br>02CRS54785  | Hunter     |
| 05-531-1  | State v Melvin (Criminal)<br><b>Decision:</b> No error. Vacated and remanded as to the recommendation of restitution   | Sampson<br>03CRS52963 03CRS52964   | Martin     |
| 05-866-1  | State v Bethea (Criminal)<br><b>Decision:</b> No error   | Scotland<br>04CRS1211 03CRS54666<br>03CRS54667                                   | Wynn, Jr.  |
| 05-842-1  | State v Flippen (Criminal)<br><b>Decision:</b> No error  | Stokes<br>04CRS3363 04CRS3231<br>04CRS3357                                       | Bryant     |

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| 05-193-1 | State v Crowder (Criminal)   | Union<br>00CRS3985 99CRS17923<br>99CRS17924 | Geer     |
|          | <b>Decision:</b> No error in part; remanded for a new sentencing hearing in 99CRS17923 |   |          |
| 05-438-1 | State v McClain (Criminal)   | Union<br>02CRS51377                         | Hunter   |
|          | <b>Decision:</b> Affirmed  |   |          |
| 05-879-1 | Efird v Parson (Civil)   | Union<br>04CVS485                           | Stephens |
|          | <b>Decision:</b> Dismissed   |   |          |