

**IN THE COURT OF APPEALS**  
**CASES REPORTED WITH PUBLISHED OPINIONS**  
**(FILED 5 JULY 2006)**  
**(MANDATE 25 JULY 2006)**

Docket #	Title	County	Judge
05-1414-1	State v Pickard (Criminal) <b>Decision:</b> Affirmed	Alamance	Wynn, Jr.
05-1316-1	In the Matter of: L.A.B. (Juvenile - 3.1) <b>Decision:</b> Affirmed	Durham	Geer
05-871-1	Finger v Gaston County (Civil) <b>Decision:</b> Affirmed	Gaston	Geer
05-1259-1	Blair v Robinson (Civil) <b>Decision:</b> Reversed	Gaston	Hunter
05-1423-1	Setliff v Subway Real Estate (Civil) <b>Decision:</b> Affirmed	Guilford	Wynn, Jr.
05-961-1	Webb v Nicholson (Civil) <b>Decision:</b> Affirmed	Jackson	Hudson
05-1027-1	In the Matter of: K.D. (Juvenile - 3.1) <b>Decision:</b> Affirmed in part, reversed in part, and remanded	Johnston	Geer
05-938-1	Squires v Squires (Civil) <b>Decision:</b> Affirmed in part, reversed in part, vacated in part and remanded	Mecklenburg	Hudson
05-1201-1	State v Laney (Criminal) <b>Decision:</b> No error in part; VACATED in part	Mecklenburg	Jackson
05-1369-1	Kennedy v Speedway Motorsports (Civil) <b>Decision:</b> Affirmed	Mecklenburg	McGee
05-1370-1	Prosser v Speedway Motorsports (Civil) <b>Decision:</b> Affirmed	Mecklenburg	McGee
05-1371-1	Nash v Speedway Motorsports (Civil) <b>Decision:</b> Affirmed	Mecklenburg	McGee
05-1372-1	Stephens v Speedway Motorsports (Civil) <b>Decision:</b> Affirmed	Mecklenburg	McGee
05-1458-1	Woodle v Onslow County ABC Board (Civil) <b>Decision:</b> Reversed and remanded	Onslow	Hunter
05-1127-1	State v Mewborn (Criminal) <b>Decision:</b> No prejudicial error	Pitt	McGee
05-1326-1	Lovin v Byrd (Civil) <b>Decision:</b> Affirmed	Richmond	Calabria

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05-889-1	City of Lumberton v U.S. Cold Storage (Civil) <b>Decision:</b> Affirmed in part and reversed and remanded in part	Robeson	Calabria
05-1373-1	State v Blankenship (Criminal) <b>Decision:</b> New trial	Rutherford	Jackson
05-711-1	State v Orteiz (Criminal) <b>Decision:</b> No error	Wake	McGee
05-849-1	Hammel v USF Dugan (Civil) <b>Decision:</b> Affirmed	Wake	Hudson
05-1253-1	Wilkins v NC State Univ. (Civil) <b>Decision:</b> Reversed	Wake	Hunter
05-771-1	In the Matter of the Will of Yelverton (Civil) <b>Decision:</b> Case No. COA05-771-Dismissed.	Wayne	Geer
05-772-1	In the Matter of the Will of Yelverton (Civil) <b>Decision:</b> Case No. COA05-772-No error in part; Affirmed in part	Wayne	Geer

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05-1133-1	In the Matter of: J.O.J. (Juvenile - Criminal) <b>Decision:</b> Affirmed, remanded in part for correction of clerical error	Alamance 99J7003	Hunter
05-1532-1	In the Matter of: C.C. and H.P. (Juvenile - 3.1) <b>Decision:</b> Affirmed	Alamance 04J137,04J138	Bryant
05-1552-1	State v Alston (Criminal) <b>Decision:</b> No error	Alamance 04CRS58611,04CRS58614,- 04CRS23566,04CRS58612,- 04CRS58608,04CRS58613	Hudson
05-1599-1	State v Speller (Criminal) <b>Decision:</b> No error	Beaufort 04CRS51691,04CRS51692	Hudson
05-1207-1	Ulin v Ulin (Civil) <b>Decision:</b> Dismissed	Brunswick 03CVD584	Levinson
05-1526-1	State v Harris (Criminal) <b>Decision:</b> Affirmed	Brunswick 04CRS56185,04CRS55935,- 04CRS56183,04CRS55826,- 04CRS55830,04CRS56032,- 04CRS56184,04CRS55827,- 04CRS56121	Steelman
05-1112-1	State v House (Criminal) <b>Decision:</b> Dismissed	Buncombe 04CRS64239	Hunter
05-1344-1	State v Thaxton (Criminal) <b>Decision:</b> New trial	Buncombe 03CRS53975,04CRS63018	Wynn, Jr.
05-1483-1	In the Matter of: H.S.M. (Juvenile - 3.1) <b>Decision:</b> Affirmed	Buncombe 04J236,04J237	McCullough
05-1468-1	State v Harrison (Criminal) <b>Decision:</b> No error	Burke 04CRS3069	Hudson
05-1484-1	Overcash Gravel v Wahl (Civil) <b>Decision:</b> Dismissed	Cabarrus 04CVS1068	Bryant
05-1193-1	State v Driver (Criminal) <b>Decision:</b> No error	Carteret 05CRS50120	Hudson
05-1407-1	State v Clark (Criminal) <b>Decision:</b> No error	Cherokee 03CRS51800,03CRS51802	Steelman
05-1180-1	State v Gillikin (Criminal) <b>Decision:</b> No error	Craven 04CRS55127,04CRS7470,0- 4CRS7471	Hunter
05-1454-1	State v George (Criminal)	Craven 03CRS52717	Hudson

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	<b>Decision:</b> No error		
05-1443-1	In the Matter of: T.T.L. (Juvenile - Criminal)	Durham 04J114	Steelman
	<b>Decision:</b> Dismissed		
05-1385-1	State v Everette (Criminal)	Edgecombe 03CRS7003,03CRS7001,03- CRS7004,03CRS7002	Steelman
	<b>Decision:</b> No error		
05-643-1	State v Scales (Criminal)	Forsyth 03CRS63172	Elmore
	<b>Decision:</b> No error		
05-1128-1	State v Richardson (Criminal)	Forsyth 04CRS62833	Hunter
	<b>Decision:</b> No error		
05-1218-1	State v Stephens (Criminal)	Forsyth 04CRS57426,04CRS35977	Wynn, Jr.
	<b>Decision:</b> No error		
05-1223-1	State v Graham (Criminal)	Forsyth 03CRS14599,03CRS56458	Steelman
	<b>Decision:</b> No error		
05-1265-1	State v Young (Criminal)	Forsyth 04CRS54541,04CRS11386,- 04CRS54540	McCullough
	<b>Decision:</b> No error		
05-1467-1	State v Witherspoon (Criminal)	Forsyth 04CRS8843,04CRS51939	McCullough
	<b>Decision:</b> No error		
05-1476-1	State v Ross (Criminal)	Forsyth 03CRS55132,03CRS27450	Hudson
	<b>Decision:</b> No error		
05-1530-1	State v Crosby (Criminal)	Forsyth 04CRS60269	Hudson
	<b>Decision:</b> No error; petition for Writ of Certiorari denied		
05-1627-1	State v Boone (Criminal)	Forsyth 04CRS59348,04CRS63106	Steelman
	<b>Decision:</b> No error		
05-1296-1	State v Cooper (Criminal)	Gaston 03CRS55035,02CRS54985	McCullough
	<b>Decision:</b> Case No.02CRS54985-Affirmed. Case No.03CRS55035-Affirmed; remanded for correction of judgment		
05-1508-1	State v Frankum (Criminal)	Gaston 05CRS11466,05CRS11461,- 04CRS63415-36,05CRS114- 64,05CRS11459,05CRS114- 67,05CRS11462,05CRS114- 65,05CRS11460,05CRS114- 68,05CRS11463	Steelman
	<b>Decision:</b> Affirmed		
05-1442-1	IN RE: W.D.S. (Juvenile - 3.1)	Graham 04J9	Hunter
	<b>Decision:</b> Affirmed		
05-1047-1	State v Rogers (Criminal)	Guilford 04CRS93602	McCullough

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	<b>Decision:</b> No error		
05-1324-1	State v Crawford (Criminal)	Guilford 01CRS105092,02CRS23075	Steelman
	<b>Decision:</b> No error		
05-732-1	State v Fitzgerald (Criminal)	Johnston 03CRS53978	Elmore
	<b>Decision:</b> No error		
05-1349-1	In the Matter of: H.C. and G.C. (Juvenile - 3.1)	Lee 01J52,04J91,04J92	Bryant
	<b>Decision:</b> Affirmed as to the denial of the new trial motion and adjudication of neglect and dependency as to grandfather. Reversed as to the adjudication of neglect and dependency as to the grandmother.		
05-1262-1	State v Bowman (Criminal)	McDowell 02CRS53620,02CRS3854	Steelman
	<b>Decision:</b> No error		
05-1691-1	State v Day (Criminal)	McDowell 03CRS54707,03CRS54774	Hudson
	<b>Decision:</b> No error		
05-1024-1	State v Williams (Criminal)	Mecklenburg 02CRS200485,02CRS2004-69,02CRS200470	McCullough
	<b>Decision:</b> No error		
05-1352-1	State v Castano (Criminal)	Mecklenburg 04CRS239984,04CRS239985	Bryant
	<b>Decision:</b> No prejudicial error		
05-1462-1	State v Blair (Criminal)	Mecklenburg 04CRS14736,03CRS24856-6,03CRS248567	Bryant
	<b>Decision:</b> No error		
05-1505-1	Level 3 Communications v Couch (Civil)	Mecklenburg 00SP815	McCullough
	<b>Decision:</b> Affirm		
05-1523-1	State v Davis (Criminal)	Mecklenburg 04CRS30722,04CRS30723	Steelman
	<b>Decision:</b> No error		
05-787-1	Davis v Continental Tire (Civil)	N.C. Industrial Commission IC811985	Calabria
	<b>Decision:</b> Affirmed		
05-1302-1	Jefferson v Waste Industries (Civil)	N.C. Industrial Commission IC323983	Hunter
	<b>Decision:</b> Affirmed		
05-1356-1	Quesenberry v Big Creek Underground (Civil)	N.C. Industrial Commission IC276369	McCullough
	<b>Decision:</b> Affirmed; remanded for consideration of defendants' motion for attorneys' fees		
05-1408-1	Dodrill v Rhyne's Collision Repair (Civil)	N.C. Industrial Commission IC331691	McGee
	<b>Decision:</b> Affirmed		
05-1198-1	State v Johnson (Criminal)	New Hanover 03CRS64674,03CRS64687	Steelman
	<b>Decision:</b> No error		
05-1200-1	State v Hicks (Criminal)	New Hanover 04CRS51966	McCullough

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	<b>Decision:</b> No error		
05-1485-1	State v Scott (Criminal)	New Hanover 04CRS51671	Bryant
	<b>Decision:</b> No error		
06-43-1	State v Lachiusa (Criminal)	Pamlico 03CRS50246	McCullough
	<b>Decision:</b> No error		
05-1678-1	State v Fennell (Criminal)	Pender 05CRS4711	Steelman
	<b>Decision:</b> Affirmed		
05-1281-1	State v Moss (Criminal)	Person 02CRS51491,02CRS145	McCullough
	<b>Decision:</b> No error		
05-1239-1	State v Skinner (Criminal)	Richmond 05CRS50191	Steelman
	<b>Decision:</b> No error		
05-1447-1	State v King (Criminal)	Rockingham 04CRS2137,04CRS2135,04- CRS2138,04CRS2136	McCullough
	<b>Decision:</b> No prejudicial error		
05-1323-1	In the Matter of: Wade (Civil)	Rowan 03E460	Hunter
	<b>Decision:</b> Dismissed		
05-1325-1	Flahive v RMA Home Services (Civil)	Rowan 03CVS1564	Jackson
	<b>Decision:</b> Dismissed		
05-1171-1	State v McKenzie (Criminal)	Scotland 04CRS50394	Hunter
	<b>Decision:</b> No error		
05-1361-1	State v Joyner (Criminal)	Surry 05CRS1619	Steelman
	<b>Decision:</b> No error		
05-1194-1	State v Sturdivant (Criminal)	Union 03CRS51234,03CRS51229,- 03CRS51237,03CRS51232,- 03CRS51227,03CRS51235,- 03CRS51230,03CRS51233,- 03CRS51228,03CRS51236,- 03CRS51231	Steelman
	<b>Decision:</b> No error		
05-884-1	Hy-Tech Constr. v Wake County BOE (Civil)	Wake 04CVS388	Hudson
	<b>Decision:</b> Affirmed		
05-1455-1	State v Lynch (Criminal)	Wake 04CRS43834	Steelman
	<b>Decision:</b> No error		
05-1664-1	In the Matter of: WGR, EMK, MAK (Juvenile - 3.1)	Wake 05J200	Steelman
	<b>Decision:</b> Affirmed		
05-1380-1	Joyce v Daimlerchrysler (Civil)	Watauga 04CVS309	Wynn, Jr.
	<b>Decision:</b> Reversed and remanded		

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05-990-1	In the Matter of: E.J.C. (Juvenile - 3.1) <b>Decision:</b> Affirmed	Wayne 04J194	Levinson
05-992-1	State v McAdams (Criminal) <b>Decision:</b> No error	Wayne 04CRS54785	Hudson
05-1357-1	State v Ford (Criminal) <b>Decision:</b> No error at trial; reversed and remanded for a new habitual felon hearing.	Wayne 04CRS1035,03CRS60511,0-4CRS3959,04CRS50435	McCullough
05-1489-1	In the Matter of: C.E.E. (Juvenile - 3.1) <b>Decision:</b> Affirmed	Yancey 98J72	Steelman