

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

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| 05-889-1 | City of Lumberton v U.S. Cold Storage (Civil) Decision: Affirmed in part and reversed and remanded in part | Robeson | Calabria |
| 05-1373-1 | State v Blankenship (Criminal) Decision: New trial | Rutherford | Jackson |
| 05-711-1 | State v Orteiz (Criminal) Decision: No error | Wake | McGee |
| 05-849-1 | Hammel v USF Dugan (Civil) Decision: Affirmed | Wake | Hudson |
| 05-1253-1 | Wilkins v NC State Univ. (Civil) Decision: Reversed | Wake | Hunter |
| 05-771-1 | In the Matter of the Will of Yelverton (Civil) Decision: Case No. COA05-771-Dismissed. | Wayne | Geer |
| 05-772-1 | In the Matter of the Will of Yelverton (Civil) Decision: 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) Decision: 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) Decision: Affirmed | Alamance 04J137 04J138 | Bryant |
| 05-1552-1 | State v Alston (Criminal) Decision: No error | Alamance 04CRS58611 04CRS58614 04CRS23566 04CRS58612 04CRS58608 04CRS58613 | Hudson |
| 05-1599-1 | State v Speller (Criminal) Decision: No error | Beaufort 04CRS51691 04CRS51692 | Hudson |
| 05-1207-1 | Ulin v Ulin (Civil) Decision: Dismissed | Brunswick 03CVD584 | Levinson |
| 05-1526-1 | State v Harris (Criminal) Decision: Affirmed | Brunswick 04CRS56185 04CRS55935 04CRS56183 04CRS55826 04CRS55830 04CRS56032 04CRS56184 04CRS55827 04CRS56121 | Steelman |
| 05-1112-1 | State v House (Criminal) Decision: Dismissed | Buncombe 04CRS64239 | Hunter |
| 05-1344-1 | State v Thaxton (Criminal) Decision: New trial | Buncombe 03CRS53975 04CRS63018 | Wynn, Jr. |
| 05-1483-1 | In the Matter of: H.S.M. (Juvenile - 3.1) Decision: Affirmed | Buncombe 04J236 04J237 | McCullough |
| 05-1468-1 | State v Harrison (Criminal) Decision: No error | Burke 04CRS3069 | Hudson |
| 05-1484-1 | Overcash Gravel v Wahl (Civil) Decision: Dismissed | Cabarrus 04CVS1068 | Bryant |
| 05-1193-1 | State v Driver (Criminal) Decision: No error | Carteret 05CRS50120 | Hudson |
| 05-1407-1 | State v Clark (Criminal) Decision: No error | Cherokee 03CRS51800 03CRS51802 | Steelman |
| 05-1180-1 | State v Gillikin (Criminal) Decision: No error | Craven 04CRS55127 04CRS7470 04CRS7471 | Hunter |
| 05-1454-1 | State v George (Criminal) | Craven 03CRS52717 | Hudson |

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| | Decision: No error | | |
| 05-1443-1 | In the Matter of: T.T.L. (Juvenile - Criminal) | Durham 04J114 | Steelman |
| | Decision: Dismissed | | |
| 05-1385-1 | State v Everette (Criminal) | Edgecombe 03CRS7003 03CRS7001 03CRS7004 03CRS7002 | Steelman |
| | Decision: No error | | |
| 05-643-1 | State v Scales (Criminal) | Forsyth 03CRS63172 | Elmore |
| | Decision: No error | | |
| 05-1128-1 | State v Richardson (Criminal) | Forsyth 04CRS62833 | Hunter |
| | Decision: No error | | |
| 05-1218-1 | State v Stephens (Criminal) | Forsyth 04CRS57426 04CRS35977 | Wynn, Jr. |
| | Decision: No error | | |
| 05-1223-1 | State v Graham (Criminal) | Forsyth 03CRS14599 03CRS56458 | Steelman |
| | Decision: No error | | |
| 05-1265-1 | State v Young (Criminal) | Forsyth 04CRS54541 04CRS11386 04CRS54540 | McCullough |
| | Decision: No error | | |
| 05-1467-1 | State v Witherspoon (Criminal) | Forsyth 04CRS8843 04CRS51939 | McCullough |
| | Decision: No error | | |
| 05-1476-1 | State v Ross (Criminal) | Forsyth 03CRS55132 03CRS27450 | Hudson |
| | Decision: No error | | |
| 05-1530-1 | State v Crosby (Criminal) | Forsyth 04CRS60269 | Hudson |
| | Decision: No error; petition for Writ of Certiorari denied | | |
| 05-1627-1 | State v Boone (Criminal) | Forsyth 04CRS59348 04CRS63106 | Steelman |
| | Decision: No error | | |
| 05-1296-1 | State v Cooper (Criminal) | Gaston 03CRS55035 02CRS54985 | McCullough |
| | Decision: 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 05CRS11464 05CRS11459 05CRS11467 05CRS11462 05CRS11465 05CRS11460 05CRS11468 05CRS11463 | Steelman |
| | Decision: Affirmed | | |
| 05-1442-1 | IN RE: W.D.S. (Juvenile - 3.1) | Graham 04J9 | Hunter |
| | Decision: Affirmed | | |
| 05-1047-1 | State v Rogers (Criminal) | Guilford 04CRS93602 | McCullough |

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| | Decision: No error | | |
| 05-1324-1 | State v Crawford (Criminal) | Guilford 01CRS105092 02CRS23075 | Steelman |
| | Decision: No error | | |
| 05-732-1 | State v Fitzgerald (Criminal) | Johnston 03CRS53978 | Elmore |
| | Decision: No error | | |
| 05-1349-1 | In the Matter of: H.C. and G.C. (Juvenile - 3.1) | Lee 01J52 04J91 04J92 | Bryant |
| | Decision: 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 |
| | Decision: No error | | |
| 05-1691-1 | State v Day (Criminal) | McDowell 03CRS54707 03CRS54774 | Hudson |
| | Decision: No error | | |
| 05-1024-1 | State v Williams (Criminal) | Mecklenburg 02CRS200485 02CRS200469 02CRS200470 | McCullough |
| | Decision: No error | | |
| 05-1352-1 | State v Castano (Criminal) | Mecklenburg 04CRS239984 04CRS239985 | Bryant |
| | Decision: No prejudicial error | | |
| 05-1462-1 | State v Blair (Criminal) | Mecklenburg 04CRS14736 03CRS248566 03CRS248567 | Bryant |
| | Decision: No error | | |
| 05-1505-1 | Level 3 Communications v Couch (Civil) | Mecklenburg 00SP815 | McCullough |
| | Decision: Affirm | | |
| 05-1523-1 | State v Davis (Criminal) | Mecklenburg 04CRS30722 04CRS30723 | Steelman |
| | Decision: No error | | |
| 05-787-1 | Davis v Continental Tire (Civil) | N.C. Industrial Commission IC811985 | Calabria |
| | Decision: Affirmed | | |
| 05-1302-1 | Jefferson v Waste Industries (Civil) | N.C. Industrial Commission IC323983 | Hunter |
| | Decision: Affirmed | | |
| 05-1356-1 | Quesenberry v Big Creek Underground (Civil) | N.C. Industrial Commission IC276369 | McCullough |
| | Decision: 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 |
| | Decision: Affirmed | | |
| 05-1198-1 | State v Johnson (Criminal) | New Hanover 03CRS64674 03CRS64687 | Steelman |
| | Decision: No error | | |

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| 05-1200-1 | State v Hicks (Criminal) Decision: No error | New Hanover 04CRS51966 | McCullough |
| 05-1485-1 | State v Scott (Criminal) Decision: No error | New Hanover 04CRS51671 | Bryant |
| 06-43-1 | State v Lachiusa (Criminal) Decision: No error | Pamlico 03CRS50246 | McCullough |
| 05-1678-1 | State v Fennell (Criminal) Decision: Affirmed | Pender 05CRS4711 | Steelman |
| 05-1281-1 | State v Moss (Criminal) Decision: No error | Person 02CRS51491 02CRS145 | McCullough |
| 05-1239-1 | State v Skinner (Criminal) Decision: No error | Richmond 05CRS50191 | Steelman |
| 05-1447-1 | State v King (Criminal) Decision: No prejudicial error | Rockingham 04CRS2137 04CRS2135 04CRS2138 04CRS2136 | McCullough |
| 05-1323-1 | In the Matter of: Wade (Civil) Decision: Dismissed | Rowan 03E460 | Hunter |
| 05-1325-1 | Flahive v RMA Home Services (Civil) Decision: Dismissed | Rowan 03CVS1564 | Jackson |
| 05-1171-1 | State v McKenzie (Criminal) Decision: No error | Scotland 04CRS50394 | Hunter |
| 05-1361-1 | State v Joyner (Criminal) Decision: No error | Surry 05CRS1619 | Steelman |
| 05-1194-1 | State v Sturdivant (Criminal) Decision: No error | Union 03CRS51234 03CRS51229 03CRS51237 03CRS51232 03CRS51227 03CRS51235 03CRS51230 03CRS51233 03CRS51228 03CRS51236 03CRS51231 | Steelman |
| 05-884-1 | Hy-Tech Constr. v Wake County BOE (Civil) Decision: Affirmed | Wake 04CVS388 | Hudson |
| 05-1455-1 | State v Lynch (Criminal) Decision: No error | Wake 04CRS43834 | Steelman |
| 05-1664-1 | In the Matter of: WGR, EMK, MAK (Juvenile - 3.1) Decision: Affirmed | Wake 05J200 | Steelman |
| 05-1380-1 | Joyce v Daimlerchrysler (Civil) | Watauga 04CVS309 | Wynn, Jr. |

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