

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

| Docket #  | Title   | County     | Judge      |
|-----------|---|------------|------------|
| 06-28-1   | State v Downs (Criminal)<br><b>Decision:</b> No error                                       | Buncombe   | Levinson   |
| 05-1419-1 | State v Denny (Criminal)<br><b>Decision:</b> Reversed                                       | Burke      | Elmore     |
| 05-1342-1 | Overcash v NC DENR (Civil)<br><b>Decision:</b> Affirmed                                     | Cabarrus   | Geer       |
| 05-1550-1 | State v Wallace (Criminal)<br><b>Decision:</b> No error                                     | Cabarrus   | Tyson      |
| 06-208-1  | Smith v Stover (Civil)<br><b>Decision:</b> Reversed   | Cherokee   | Steelman   |
| 06-83-1   | In the Matter of: D.A.F. (Juvenile - Criminal)<br><b>Decision:</b> Reversed and remanded    | Columbus   | McCullough |
| 06-56-1   | State v Brewington (Criminal)<br><b>Decision:</b> No error                                  | Cumberland | Wynn, Jr.  |
| 05-1560-1 | Walden v Morgan (Civil)<br><b>Decision:</b> Affirmed in part; reversed in part and remanded | Davidson   | Tyson      |
| 06-327-1  | Gailey v Triangle Billiards & Blues (Civil)<br><b>Decision:</b> Reversed                    | Davidson   | Steelman   |
| 05-1410-1 | State v Whitman (Criminal)<br><b>Decision:</b> No error                                     | Durham     | Geer       |
| 05-1479-1 | State v Ryals (Criminal)<br><b>Decision:</b> No error                                       | Durham     | McGee      |
| 05-1574-1 | Carrington v Emory (Civil)<br><b>Decision:</b> New trial                                    | Durham     | Martin     |
| 05-1178-1 | Dunn v State (Civil)<br><b>Decision:</b> Affirmed   | Forsyth    | Stephens   |
| 06-284-1  | St ex rel Williams v Williams (Civil)<br><b>Decision:</b> Reversed and remanded             | Forsyth    | Tyson      |
| 06-407-1  | Hurston v Hurston (Civil)<br><b>Decision:</b> Reversed in part and dismissed in part        | Forsyth    | McCullough |
| 05-1497-1 | Bowling v Pardee Memorial Hospital (Civil)<br><b>Decision:</b> Affirmed                     | Henderson  | Wynn, Jr.  |
| 06-311-1  | Stonecreek Sewer v Morgan Developer (Civil)<br><b>Decision:</b> Affirmed                    | Henderson  | Tyson      |

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| 06-285-1  | Couch v Bradley (Civil)<br><b>Decision:</b> Affirmed  | Jackson                 | Tyson      |
| 06-95-1   | Swain v Swain (Civil)<br><b>Decision:</b> Affirmed in part, vacated in part                                 | Lee                     | Martin     |
| 06-256-1  | Harrell v Bowen (Civil)<br><b>Decision:</b> Affirmed  | Martin                  | Levinson   |
| 05-1567-1 | Robbins v Ingham (Civil)<br><b>Decision:</b> Affirmed   | Mecklenburg             | McCullough |
| 05-1636-1 | State v Massey (Criminal)<br><b>Decision:</b> No error  | Mecklenburg             | Jackson    |
| 06-4-1    | State v Castrejon & Gonzalez (Criminal)<br><b>Decision:</b> No error  | Mecklenburg             | Tyson      |
| 05-1672-1 | In the Matter of: J.M.W. ,E.S.J.W. (Juvenile - 3.1)<br><b>Decision:</b> Affirmed in part, dismissed in part | Onslow                  | Wynn, Jr.  |
| 05-1470-1 | Appeal of Shirley W. Murray (Civil)<br><b>Decision:</b> Affirmed  | Property Tax Commission | Martin     |
| 05-1548-1 | Bobbitt v NCSU (Civil)<br><b>Decision:</b> Reversed and remanded  | Wake                    | Tyson      |

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| 05-1656-1 | State v Harris (Criminal)<br><b>Decision:</b> Remand for resentencing           | Alamance<br>03CRS54760,03CRS54761   | Elmore     |
| 06-323-1  | Church v Bare (Civil)<br><b>Decision:</b> Affirmed                              | Ashe<br>04CVS430  | Bryant     |
| 06-390-1  | State v Jackson (Criminal)<br><b>Decision:</b> New trial                        | Beaufort<br>04CRS54613  | Jackson    |
| 06-84-1   | State v Davis (Criminal)<br><b>Decision:</b> No error                           | Bladen<br>05CRS50012  | Jackson    |
| 05-1591-1 | In Re: K.L.S. III,C.A.S.,G.M.J.S. (Juvenile - 3.1)<br><b>Decision:</b> Affirmed | Buncombe<br>04J363,04J361,04J362  | McCullough |
| 05-1652-1 | Morris v Deerfield Episc Ret. Comm. (Civil)<br><b>Decision:</b> Affirmed        | Buncombe<br>03CVS4690   | Wynn, Jr.  |
| 06-156-1  | State v Jones (Criminal)<br><b>Decision:</b> No error                           | Columbus<br>04CRS54711  | Jackson    |
| 05-1596-1 | State v Melvin (Criminal)<br><b>Decision:</b> Reversed and remanded             | Cumberland<br>03CRS59624,03CRS60471   | Hudson     |
| 06-61-1   | State v Eller (Criminal)<br><b>Decision:</b> No error                           | Davidson<br>03CRS61738  | Steelman   |
| 06-14-1   | Mason v Coston (Civil)<br><b>Decision:</b> Affirmed                             | Duplin<br>04CVS307  | McCullough |
| 05-1231-1 | State v Lofton (Criminal)<br><b>Decision:</b> No error                          | Durham<br>03CRS59427,03CRS21132,-<br>03CRS59428,03CRS21133  | Geer       |
| 06-336-1  | In the Matter of: E.S. (Criminal)<br><b>Decision:</b> Appeal dismissed          | Durham<br>05J95   | Jackson    |
| 05-1629-1 | Thomas v Blendinger (Civil)<br><b>Decision:</b> Dismissed                       | Guilford<br>04CVS9003   | Bryant     |
| 05-1676-1 | State v Baydal (Criminal)<br><b>Decision:</b> No error                          | Guilford<br>04CRS66965  | Jackson    |
| 06-130-1  | In the Matter of: A.M.Z. (Juvenile - 3.1)<br><b>Decision:</b> Affirmed          | Johnston<br>04J163  | Jackson    |
| 06-65-1   | State v Green (Criminal)  | Macon<br>04CRS50955,04CRS50948,-<br>04CRS50951,04CRS50956,-<br>04CRS50949,04CRS50952,-<br>04CRS851,04CRS50950 | Jackson    |

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|           | <b>Decision:</b> No error  |   |            |
| 05-1249-1 | State v Risher (Criminal)  | Mecklenburg<br>02CRS206557  | Stephens   |
|           | <b>Decision:</b> No error  |   |            |
| 05-1409-1 | State v Jones (Criminal)   | Mecklenburg<br>04CRS30727,04CRS19668,-<br>04CRS19669                            | Stephens   |
|           | <b>Decision:</b> No prejudicial error                            |   |            |
| 05-1568-1 | Rodgers v Ingham (Civil)   | Mecklenburg<br>04CVS15629   | McCullough |
|           | <b>Decision:</b> Affirmed  |   |            |
| 05-1635-1 | Kenley Family Partnership v Yu (Civil)                           | Mecklenburg<br>05CVD11517   | Elmore     |
|           | <b>Decision:</b> Affirmed  |   |            |
| 06-160-1  | IN RE: ND,JD,DD,KC and DC (Juvenile - 3.1)                       | Mecklenburg<br>04J686,04J827,04J822,04J6-<br>85,04J823                          | Jackson    |
|           | <b>Decision:</b> Affirmed  |   |            |
| 05-1628-1 | Everhart v Walgreens (Civil)                                     | N.C. Industrial Commission<br>IC234937  | McGee      |
|           | <b>Decision:</b> Affirmed  |   |            |
| 06-81-1   | Branham v Whaley Foods Service Repair (Civil)                    | N.C. Industrial Commission<br>IC370507  | McGee      |
|           | <b>Decision:</b> Affirmed  |   |            |
| 06-230-1  | State v Walters (Criminal)                                       | New Hanover<br>03CRS17936,03CRS17940,-<br>03CRS17938,03CRS17935,-<br>03CRS17939 | Jackson    |
|           | <b>Decision:</b> Affirmed  |   |            |
| 05-1611-1 | State v Thompson (Criminal)                                      | Orange<br>00CRS55611  | Levinson   |
|           | <b>Decision:</b> Affirmed in part, reversed and remanded in part |   |            |
| 06-350-1  | Beksha-Brown v Mason (Civil)                                     | Randolph<br>05CVS1836   | Steelman   |
|           | <b>Decision:</b> Dismissed                                       |   |            |
| 06-107-1  | Cornelius v Corry (Civil)  | Rowan<br>05CVD1261  | Jackson    |
|           | <b>Decision:</b> Affirmed; sanctions ordered                     |   |            |
| 06-293-1  | In the Matter of: K.P. (Juvenile - 3.1)                          | Stokes<br>05J3A   | Stephens   |
|           | <b>Decision:</b> Affirmed  |   |            |
| 06-195-1  | Fletcher v Vernon (Civil)  | Surry<br>03CVS293   | Jackson    |
|           | <b>Decision:</b> Appeal dismissed, motion dismissed              |   |            |
| 06-5-1    | Trustees of Wake Tech v Slaughter (Civil)                        | Wake<br>02CVS14518  | Stephens   |
|           | <b>Decision:</b> No error  |   |            |
| 05-1603-1 | Franklin v Britthaven, Inc. (Civil)                              | Wayne<br>04CVS593   | Martin     |
|           | <b>Decision:</b> Affirmed  |   |            |

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| 05-1434-1 | State v Leupold (Criminal) | Yadkin<br>03CRS2035,03CRS2038,03-<br>CRS2033,03CRS2036,03CR-<br>S2039,03CRS2034,03CRS2037 | Martin |
|           | <b>Decision:</b> Affirmed  |   |        |