

**IN THE COURT OF APPEALS**  
**CASES REPORTED WITH PUBLISHED OPINIONS**  
**(FILED 19 DECEMBER 2006)**  
**(MANDATE 8 JANUARY 2007)**

| Docket #  | Title   | County                     | Judge      |
|-----------|---|----------------------------|------------|
| 06-53-1   | Emick v Sunset Beach (Civil)<br><b>Decision:</b> Vacated in part; Reversed and remanded in part; and affirmed in part | Brunswick                  | Bryant     |
| 06-79-1   | In the Matter of: T.M. (Juvenile - 3.1)<br><b>Decision:</b> Affirmed  | Buncombe                   | Geer       |
| 05-1415-1 | State v Christian (Criminal)<br><b>Decision:</b> No prejudicial error   | Cabarrus                   | McCullough |
| 06-108-1  | Joyce v Joyce (Civil)<br><b>Decision:</b> Affirmed  | Carteret                   | Elmore     |
| 05-1398-1 | State v Ballard (Criminal)<br><b>Decision:</b> New trial  | Cumberland                 | Hudson     |
| 06-7-1    | State v Faulkner (Criminal)<br><b>Decision:</b> No error  | Cumberland                 | Wynn, Jr.  |
| 06-205-1  | State v West (Criminal)<br><b>Decision:</b> No error in the trial; remanded for resentencing                          | Cumberland                 | Martin     |
| 06-383-1  | Harris v Daimler Chrysler (Civil)<br><b>Decision:</b> Affirmed  | Durham                     | Steelman   |
| 05-955-1  | Brookshire v NC DOT (Civil)<br><b>Decision:</b> Affirmed in part, reversed in part and remanded                       | Haywood                    | Hudson     |
| 06-177-1  | In the Matter of: H.T. (Juvenile - 3.1)<br><b>Decision:</b> Affirmed  | Henderson                  | Wynn, Jr.  |
| 06-100-1  | Bradley v Mission St. Joseph's (Civil)<br><b>Decision:</b> Reversed and remanded                                      | N.C. Industrial Commission | Wynn, Jr.  |
| 06-122-1  | In the Matter of: R.R. (Juvenile - 3.1)<br><b>Decision:</b> Affirmed  | New Hanover                | Elmore     |
| 06-169-1  | State v Junious (Criminal)<br><b>Decision:</b> No error   | New Hanover                | Bryant     |
| 06-395-1  | In the Matter of: J.N.S. (Juvenile - 3.1)<br><b>Decision:</b> Reversed  | Onslow                     | Tyson      |
| 05-1183-1 | Jones v Harrelson & Smith (Civil)<br><b>Decision:</b> Dismissed   | Pamlico                    | Tyson      |
| 06-106-1  | Acosta v Byrum (Civil)<br><b>Decision:</b> Reversed   | Pitt                       | Hunter     |

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| 05-1182-1 | State v Gillespie (Criminal)<br><b>Decision:</b> New trial     | Rowan  | Jackson  |
| 05-1679-1 | State v Teate (Criminal)<br><b>Decision:</b> No error          | Rowan  | Calabria |
| 06-175-1  | Bennett v Bennett (Civil)<br><b>Decision:</b> Dismissed        | Stokes | Hudson   |
| 06-404-1  | Day v Day (Civil)<br><b>Decision:</b> Dismissed                | Wake   | Geer     |
| 05-1513-1 | State v Sloan & Wooten (Criminal)<br><b>Decision:</b> No error | Wayne  | Bryant   |
| 06-329-1  | State v Hurley (Criminal)<br><b>Decision:</b> No error         | Wayne  | Steelman |

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| 06-510-1 | Spell v Mills (Civil)<br><b>Decision:</b> Dismissed                             | Beaufort<br>05CVS1438  | Jackson  |
| 06-55-1  | In the Matter of: B.M.C. (Juvenile - 3.1)<br><b>Decision:</b> Affirmed          | Buncombe<br>04J209   | Calabria |
| 06-360-1 | State v Peak (Criminal)<br><b>Decision:</b> No error                            | Buncombe<br>04CRS64179 04CRS6389<br>04CRS63855 04CRS63810<br>04CRS64178 04CRS20227<br>04CRS63832 | Steelman |
| 06-550-1 | In the Matter of: A.A.W. (Juvenile - 3.1)<br><b>Decision:</b> Affirmed          | Burke<br>03J156  | Steelman |
| 06-563-1 | In the Matter of: Z.P.S. & A.M.S. (Juvenile - 3.1)<br><b>Decision:</b> Affirmed | Burke<br>04J77 04J76   | Steelman |
| 06-250-1 | Cabarrus County v Systel Business (Civil)<br><b>Decision:</b> Affirmed          | Cabarrus<br>01CVS1722  | Levinson |
| 06-425-1 | Cabarrus County v Systel (Civil)<br><b>Decision:</b> Affirmed                   | Cabarrus<br>01CVS1722  | Levinson |
| 06-30-1  | State v Hodges (Criminal)<br><b>Decision:</b> No error                          | Caldwell<br>02CRS7842  | Stephens |
| 06-183-1 | In the Matter of: R.A.H.Jr.,T.S.H. (Juvenile - 3.1)<br><b>Decision:</b> Vacated | Carteret<br>04J42 04J41  | Levinson |
| 06-66-1  | State v Brown (Criminal)<br><b>Decision:</b> No error                           | Cleveland<br>04CRS54120 04CRS54121<br>04CRS5412  | Geer     |
| 06-614-1 | State v Cansler (Criminal)<br><b>Decision:</b> No error                         | Cleveland<br>04CRS56321 04CRS56320   | Levinson |
| 06-467-1 | In the Matter of: G.T.B. & H.D.B. (Juvenile - 3.1)<br><b>Decision:</b> Affirmed | Dare<br>04J78  | Stephens |
| 06-1-1   | Morgan v Lexington Furniture (Civil)<br><b>Decision:</b> Affirmed               | Davidson<br>05CVS2484  | Calabria |
| 06-6-1   | State v McDonald (Criminal)<br><b>Decision:</b> No error                        | Davidson<br>00CRS11821 00CRS11824<br>00CRS11822 00CRS11825<br>00CRS11820 00CRS11823              | Bryant   |
| 06-109-1 | State v Williams (Criminal)<br><b>Decision:</b> Affirmed                        | Davidson<br>04CRS52681 04CRS52680  | Hudson   |

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| 06-96-1   | State v Chaplin (Criminal)<br><b>Decision:</b> No error   | Forsyth<br>05CRS50267  | Levinson   |
| 06-434-1  | Town of Kernersville v Ballard (Civil)<br><b>Decision:</b> Affirmed                                 | Forsyth<br>05CVD2499   | Geer       |
| 06-70-1   | In the Matter of: H.P. (Juvenile - 3.1)<br><b>Decision:</b> Vacated and remanded                    | Greene<br>03JA32   | Tyson      |
| 06-15-1   | Coltrane v Mittelman (Civil)<br><b>Decision:</b> Affirmed   | Guilford<br>04CVS11141   | Calabria   |
| 06-42-1   | State v Canty (Criminal)<br><b>Decision:</b> Reversed   | Guilford<br>04CRS24303 04CRS24101<br>04CRS24104 04CRS68556<br>04CRS24102 04CRS24300<br>04CRS24100 04CRS24103 | Hunter     |
| 06-154-1  | State v Gary (Criminal)<br><b>Decision:</b> Affirmed  | Guilford<br>97CRS45283 97CRS23493  | Levinson   |
| 06-337-1  | State v Sutton (Criminal)<br><b>Decision:</b> No error  | Guilford<br>05CRS68200   | Hunter     |
| 06-617-1  | Allred v First Bank National Assoc'n (Civil)<br><b>Decision:</b> Dismissed                          | Guilford<br>04CVS5012  | Jackson    |
| 06-352-1  | State v Douglas (Criminal)<br><b>Decision:</b> Affirmed   | Harnett<br>05CRS51455  | Levinson   |
| 06-86-1   | State v Reece (Criminal)<br><b>Decision:</b> No error   | Haywood<br>05CRS50054 05CRS50055<br>05CRS50052   | Levinson   |
| 06-63-1   | Stafford Crossing Condo v Robinson (Civil)<br><b>Decision:</b> Dismissed                            | Henderson<br>05CVS639  | Levinson   |
| 06-508-1  | State v Foster (Criminal)<br><b>Decision:</b> Remanded for resentencing                             | Henderson<br>05CRS52246  | Jackson    |
| 06-351-1  | State v Johnson (Criminal)<br><b>Decision:</b> No prejudicial error                                 | Hertford<br>02CRS3719  | Bryant     |
| 06-512-1  | Cable Co. v Highlands Cable Group (Civil)<br><b>Decision:</b> Affirmed                              | Johnston<br>05CVD327   | McCullough |
| 05-1680-1 | Harrington v Oliver (Civil)<br><b>Decision:</b> Reversed and remanded                               | Jones<br>00CVS101  | Bryant     |
| 06-580-1  | Northland Cable TV v Highlands Cable (Civil)<br><b>Decision:</b> Affirmed in part, reversed in part | Macon<br>03CVS424  | Jackson    |

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| 06-112-1  | Akima Corporation v Satellite Services (Civil)<br><b>Decision:</b> Reversed                       | Mecklenburg<br>05CVS340                | Calabria |
| 06-254-1  | In the Matter of: D.W. & D.W. (Juvenile - 3.1)<br><b>Decision:</b> Affirmed                       | Mecklenburg<br>04J699 04J698           | Steelman |
| 06-364-1  | In Re: A.J. (Juvenile - 3.1)<br><b>Decision:</b> Affirmed   | Mecklenburg<br>05J83                   | Jackson  |
| 06-372-1  | State v Hepner (Criminal)<br><b>Decision:</b> No error  | Mecklenburg<br>03CRS249338             | Bryant   |
| 06-389-1  | State v Posey (Criminal)<br><b>Decision:</b> No error   | Mecklenburg<br>04CRS223925             | Levinson |
| 06-637-1  | In the Matter of: A.B., J.M. & A.M. (Juvenile - 3.1)<br><b>Decision:</b> Affirmed                 | Mecklenburg<br>04J466 04J467 04J465    | Levinson |
| 06-153-1  | State v Legrand (Criminal)<br><b>Decision:</b> No error   | Montgomery<br>02CRS51953 02CRS2740     | Levinson |
| 05-1623-1 | Alvarado v Tyson Foods (Civil)<br><b>Decision:</b> Affirmed and remanded                          | N.C. Industrial Commission<br>IC371596 | Geer     |
| 06-475-1  | State v Alston (Criminal)<br><b>Decision:</b> No error  | Nash<br>04CRS51790                     | Levinson |
| 06-458-1  | In the Matter of: B.C.T. (Juvenile - 3.1)<br><b>Decision:</b> Affirmed                            | New Hanover<br>04J327                  | Levinson |
| 06-593-1  | State v Harlee (Criminal)<br><b>Decision:</b> No error  | New Hanover<br>04CRS69507              | Levinson |
| 06-429-1  | In the Matter of: J. McK. (Civil)<br><b>Decision:</b> Affirmed                                    | Orange<br>04J92                        | Levinson |
| 06-113-1  | In the Matter of: S.L. (Juvenile - 3.1)<br><b>Decision:</b> Affirmed                              | Randolph<br>04J116                     | Martin   |
| 06-213-1  | In the Matter of: A.D.W. (Juvenile - 3.1)<br><b>Decision:</b> Dismissed in part, affirmed in part | Randolph<br>93J123 04J206              | Hudson   |
| 06-8-1    | State v Aiken (Criminal)<br><b>Decision:</b> No error   | Rockingham<br>04CRS52271               | Levinson |
| 06-353-1  | In Re: D.C. (Juvenile - 3.1)<br><b>Decision:</b> Reversed and remanded                            | Rutherford<br>04J7                     | Levinson |
| 06-431-1  | State v Bell (Criminal)<br><b>Decision:</b> No error  | Tyrrell<br>05CRS617 04CRS50113         | Jackson  |

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| 06-338-1  | State v Hines (Criminal)  | Vance<br>04CRS52602 04CRS52601                           | McCullough |
|           | <b>Decision:</b> Affirmed in part and remanded for judgment in accordance with this opinion |  |            |
| 05-1594-1 | Spears v Long (Civil)   | Wake<br>03CVD8081  | Wynn, Jr.  |
|           | <b>Decision:</b> Dismissed  |  |            |
| 06-3-1    | State v Paige (Criminal)  | Wake<br>03CRS38552 03CRS47587<br>03CRS38551              | Hunter     |
|           | <b>Decision:</b> Affirmed   |  |            |
| 06-194-1  | Gilbert v NC State Bar (Civil)  | Wilson<br>04CVS628                                       | Levinson   |
|           | <b>Decision:</b> Dismissed  |  |            |
| 06-138-1  | State v Parker (Criminal)   | Yancey<br>04CRS50403                                     | Martin     |
|           | <b>Decision:</b> No prejudicial error   |  |            |
| 06-564-1  | State v Gouge (Criminal)  | Yancey<br>03CRS50929 03CRS50930<br>03CRS50912 03CRS50931 | Levinson   |
|           | <b>Decision:</b> No error   |  |            |