

**IN THE COURT OF APPEALS**  
**CASES REPORTED WITH PUBLISHED OPINIONS**  
**(FILED 17 APRIL 2007)**  
**(MANDATE 7 MAY 2007)**

| Docket #  | Title   | County                     | Judge      |
|-----------|---|----------------------------|------------|
| 06-930-1  | Blevins v Town of West Jefferson (Civil)<br><b>Decision:</b> Dismissed        | Ashe                       | Tyson      |
| 06-468-1  | In the Matter of the Estate of Mullins (Civil)<br><b>Decision:</b> Affirmed   | Catawba                    | Tyson      |
| 06-547-1  | Geitner v Mullins (Civil)<br><b>Decision:</b> Affirmed                        | Catawba                    | Tyson      |
| 06-1608-1 | In The Matter Of: H.S.F. (Juvenile - 3.1)<br><b>Decision:</b> Affirmed        | Cleveland                  | Tyson      |
| 06-647-1  | MacFadden v Louf (Civil)<br><b>Decision:</b> Affirmed                         | Craven                     | Wynn, Jr.  |
| 06-1526-1 | In The Matter of: A.C. (Juvenile - 3.1)<br><b>Decision:</b> Dismissed         | Duplin                     | McCullough |
| 06-211-1  | Richardson v Bank of America (Civil)<br><b>Decision:</b> Affirmed             | Durham                     | McGee      |
| 06-876-1  | Babb v Bynum & Murphrey (Civil)<br><b>Decision:</b> Affirmed                  | Forsyth                    | McCullough |
| 06-1255-1 | Business Cabling, Inc. v Yokeley (Civil)<br><b>Decision:</b> Reversed         | Guilford                   | Tyson      |
| 06-663-1  | State v Fraley (Criminal)<br><b>Decision:</b> Remanded for resentencing       | Henderson                  | Hunter     |
| 06-942-1  | In Re: C.L.K. (Juvenile - 3.1)<br><b>Decision:</b> Reversed                   | Henderson                  | Tyson      |
| 06-725-1  | Lord v Customized Consulting Specialty (Civil)<br><b>Decision:</b> Affirmed   | Iredell                    | Wynn, Jr.  |
| 06-1540-1 | IN RE: D.R.B. (Juvenile - 3.1)<br><b>Decision:</b> Vacated and remanded       | Iredell                    | Tyson      |
| 06-348-1  | State v James (Criminal)<br><b>Decision:</b> No error                         | Mecklenburg                | Calabria   |
| 06-1553-1 | In The Matter of: J.E. and B.E. (Juvenile - 3.1)<br><b>Decision:</b> Affirmed | Mecklenburg                | Hunter     |
| 06-703-1  | Smythe v Waffle House (Civil)<br><b>Decision:</b> Affirmed                    | N.C. Industrial Commission | Hunter     |
| 06-749-1  | Morrison v Public Service Co. (Civil)<br><b>Decision:</b> Affirmed            | N.C. Industrial Commission | Jackson    |

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| 06-807-1  | Byrd v Ecofibers Inc. (Civil)<br><b>Decision:</b> Affirmed           | N.C. Industrial Commission | McCullough |
| 06-902-1  | Eudy v Michelin North America (Civil)<br><b>Decision:</b> Affirmed   | N.C. Industrial Commission | Bryant     |
| 06-1086-1 | Washington v Traffic Markings (Civil)<br><b>Decision:</b> Affirmed   | N.C. Industrial Commission | Tyson      |
| 06-1271-1 | In The Matter of: T.M. (Juvenile - 3.1)<br><b>Decision:</b> Affirmed | Pitt                       | Hunter     |
| 06-883-1  | Edwards v Taylor (Civil)<br><b>Decision:</b> Affirmed                | Sampson                    | Bryant     |
| 06-498-1  | In Re: Key (Civil)<br><b>Decision:</b> Affirmed                      | Wake                       | Steelman   |
| 06-499-1  | State v Key (Criminal)<br><b>Decision:</b> Affirmed                  | Wake                       | Steelman   |
| 06-934-1  | State v Sares (Criminal)<br><b>Decision:</b> No error                | Wake                       | Martin     |

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| 06-882-1  | State v Rice (Criminal)<br><b>Decision:</b> No prejudicial error                     | Alamance<br>03CRS56604 03CRS56603                          | McCullough |
| 06-894-1  | State v Arnold (Criminal)<br><b>Decision:</b> No error                               | Catawba<br>05CRS6886 05CRS6885                             | Hunter     |
| 06-915-1  | State v Medley (Criminal)<br><b>Decision:</b> No error                               | Craven<br>05CRS5662 04CRS56425                             | Hunter     |
| 06-1088-1 | MacFadden v Louf (Civil)<br><b>Decision:</b> Affirmed                                | Craven<br>04CVS741   | Wynn, Jr.  |
| 06-885-1  | State v Evans (Criminal)<br><b>Decision:</b> No error                                | Davidson<br>03CRS9655 03CRS1136<br>02CRS61032              | Hunter     |
| 06-809-1  | Boger v Humphries (Civil)<br><b>Decision:</b> Affirmed                               | Davie<br>05CVS300  | McGee      |
| 04-425-2  | State v Coffin (Criminal)<br><b>Decision:</b> Reversed and remanded for resentencing | Durham<br>01CRS50252                                       | Levinson   |
| 06-136-1  | State v Farris (Criminal)<br><b>Decision:</b> No error                               | Forsyth<br>05CRS1447 04CRS59223                            | Elmore     |
| 06-780-1  | B. Elliott Enterprises v Mitchell (Civil)<br><b>Decision:</b> Affirmed               | Forsyth<br>05CVS1323                                       | Jackson    |
| 06-1063-1 | State v Platt (Criminal)<br><b>Decision:</b> Remanded for resentencing               | Forsyth<br>05CRS54581                                      | McCullough |
| 06-415-1  | State v Austin (Criminal)<br><b>Decision:</b> No error                               | Guilford<br>05CRS68746 05CRS68747<br>05CRS68745 05CRS68913 | Elmore     |
| 06-719-1  | State v Siler (Criminal)<br><b>Decision:</b> Affirmed                                | Guilford<br>04CRS85756                                     | Elmore     |
| 06-796-1  | In the Matter of: D.B.S. (Juvenile - 3.1)<br><b>Decision:</b> Affirmed               | Guilford<br>04J28 04J27                                    | Stephens   |
| 06-229-1  | In the Matter of: S.M.S. (Juvenile - 3.1)<br><b>Decision:</b> Affirmed               | Halifax<br>03J52   | Wynn, Jr.  |
| 06-1129-1 | In Re: K.H. and D.H. (Juvenile - 3.1)<br><b>Decision:</b> Affirmed                   | Harnett<br>04J83 04J82                                     | Hunter     |
| 06-897-1  | State v Wright (Criminal)  | Henderson<br>05CRS715 05CRS716<br>05CRS714 05CRS717        | Tyson      |

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|           | <b>Decision:</b> No error  |  |            |
| 06-1010-1 | State v Edvin (Criminal)   | Lee<br>92CRS9887 92CRS9886                           | Hunter     |
|           | <b>Decision:</b> No error  |  |            |
| 06-697-1  | Berryhill v Shelton (Civil)  | McDowell<br>00SP203                                  | Wynn, Jr.  |
|           | <b>Decision:</b> Affirmed  |  |            |
| 06-88-1   | Spence v Hunter Auto Wrecker Service (Civil)                           | Mecklenburg<br>05CVD4457                             | Elmore     |
|           | <b>Decision:</b> Affirmed  |  |            |
| 06-625-1  | State v Alexander (Criminal)   | Mecklenburg<br>03CRS254286                           | Elmore     |
|           | <b>Decision:</b> Affirmed  |  |            |
| 06-960-1  | In the Matter of: T.A.B. (Juvenile - Criminal)                         | Mecklenburg<br>02J286                                | Martin     |
|           | <b>Decision:</b> Reversed and remanded for a new dispositional hearing |  |            |
| 06-1109-1 | State v Nicholson (Criminal)   | Mecklenburg<br>03CRS255519 05CRS64469<br>03CRS255518 | Hunter     |
|           | <b>Decision:</b> No error  |  |            |
| 06-1411-1 | In The Matter of: D.D. (Juvenile - 3.1)                                | Mecklenburg<br>05J406                                | Hunter     |
|           | <b>Decision:</b> Affirmed  |  |            |
| 06-492-1  | Price v NC DOC (Civil)   | N.C. Industrial Commission<br>ICTA17385              | Jackson    |
|           | <b>Decision:</b> Affirmed in part; Dismissed in part                   |  |            |
| 06-900-1  | Bee v Purser Construction (Civil)                                      | N.C. Industrial Commission<br>IC140822               | McCullough |
|           | <b>Decision:</b> Affirmed  |  |            |
| 06-968-1  | State v Fairclothe (Criminal)  | Nash<br>04CRS3954                                    | McGee      |
|           | <b>Decision:</b> No error  |  |            |
| 06-924-1  | In the Matter of: V.S.H. (Juvenile - Criminal)                         | New Hanover<br>06J6                                  | Hunter     |
|           | <b>Decision:</b> Affirmed  |  |            |
| 06-735-1  | State v McGhee (Criminal)  | Person<br>05CRS50985 05CRS50992<br>05CRS1799         | Wynn, Jr.  |
|           | <b>Decision:</b> No error  |  |            |
| 06-669-1  | In the Matter of: P.A.B. (Juvenile - Criminal)                         | Pitt<br>05JB229                                      | Elmore     |
|           | <b>Decision:</b> Vacated in part and affirmed in part                  |  |            |
| 06-812-1  | Blow v DSM Pharmaceuticals (Civil)                                     | Pitt<br>05CVS2396                                    | Calabria   |
|           | <b>Decision:</b> Dismissed   |  |            |
| 06-1082-1 | In The Matter of: S.P. (Juvenile - 3.1)                                | Pitt<br>03JT32                                       | McGee      |
|           | <b>Decision:</b> Affirmed  |  |            |
| 06-810-1  | IN RE: P.L. (Juvenile - Criminal)                                      | Robeson<br>05J141                                    | Elmore     |
|           | <b>Decision:</b> Appeal dismissed                                      |  |            |

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| 06-832-1  | State v Hunt (Criminal)<br><b>Decision:</b> No error  | Robeson<br>02CRS51753  | Elmore     |
| 06-711-1  | State v Owens (Criminal)<br><b>Decision:</b> No error   | Rutherford<br>05CRS55044   | Elmore     |
| 06-760-1  | State v Tarleton (Criminal)<br><br><b>Decision:</b> No prejudicial error  | Union<br>04CRS50826 04CRS50820<br>04CRS50836 04CRS50824<br>04CRS50834 04CRS50822<br>04CRS50825 04CRS50819<br>04CRS50835 04CRS50823 | McCullough |
| 06-562-1  | Belanger v Warren (Civil)<br><b>Decision:</b> Affirmed  | Wake<br>99CVS2431  | Hunter     |
| 06-651-1  | State v Perdomo (Criminal)<br><br><b>Decision:</b> Certiorari denied, affirmed in part, reversed and remanded in part | Wake<br>02CRS14256 02CRS14257<br>02CRS14253 02CRS14263   | Stephens   |
| 06-737-1  | State v Baker (Criminal)<br><b>Decision:</b> No error   | Wake<br>05CRS16431   | Hunter     |
| 06-899-1  | Blohm v Clark (Civil)<br><b>Decision:</b> Affirmed  | Wake<br>04CVS11828   | McCullough |
| 06-1245-1 | In The Matter of: D.S.M. (Juvenile - Criminal)<br><b>Decision:</b> Affirmed   | Wake<br>06JB163  | Tyson      |
| 06-556-1  | Webster v Webster (Civil)<br><b>Decision:</b> Affirmed in part; vacated and remanded in part                          | Watauga<br>04CVD559  | Hunter     |
| 06-855-1  | Webster v Webster (Civil)<br><b>Decision:</b> Affirmed in part; Vacated and remanded in part                          | Watauga<br>04CVD559  | Hunter     |
| 06-1031-1 | In Re: D.W. (Juvenile - 3.1)<br><b>Decision:</b> Affirmed   | Wayne<br>05JT120   | Hunter     |
| 06-745-1  | State v Toomer (Civil)<br><b>Decision:</b> Reversed   | Wilkes<br>05CR50529  | Hunter     |
| 06-825-1  | Johnson v McMillan (Civil)<br><b>Decision:</b> Dismissed  | Wilkes<br>05CVS356   | Stephens   |