

**IN THE COURT OF APPEALS**  
**CASES REPORTED WITH PUBLISHED OPINIONS**  
**(FILED 19 JUNE 2007)**  
**(MANDATE 9 JULY 2007)**

| Docket #  | Title  | County      | Judge    |
|-----------|--|-------------|----------|
| 06-1106-1 | Peverall v County of Alamance (Civil)<br><b>Decision:</b> Affirmed   | Alamance    | Jackson  |
| 07-33-1   | In The Matter Of: D.K.H. (Juvenile - 3.1)<br><b>Decision:</b> Dismissed without prejudice                      | Alleghany   | Martin   |
| 06-1261-1 | Venters v Albritton (Civil)<br><b>Decision:</b> Affirmed   | Beaufort    | Jackson  |
| 06-1419-1 | Beaufort Co. Bd. Educ. v Beaufort Co. (Civil)<br><b>Decision:</b> Vacated                                      | Beaufort    | Tyson    |
| 06-945-1  | In the Matter of: Z.D.H. (Juvenile - 3.1)<br><b>Decision:</b> Dismissed  | Brunswick   | Elmore   |
| 06-984-1  | In the Matter of: J.L.H. (Civil)<br><b>Decision:</b> Dismissed   | Brunswick   | Elmore   |
| 06-209-1  | State v Barnard (Criminal)<br><b>Decision:</b> No error  | Buncombe    | Martin   |
| 06-635-1  | Griffith v Glen Wood Company (Civil)<br><b>Decision:</b> Affirmed in part, Reversed in part and Remanded       | Cabarrus    | Stroud   |
| 06-1157-1 | Hayes v Peters, et al. (Civil)<br><b>Decision:</b> Affirmed  | Forsyth     | Steelman |
| 06-1274-1 | State v Legins (Criminal)<br><b>Decision:</b> No error   | Forsyth     | Jackson  |
| 06-655-1  | Capps v Virrey (Civil)<br><b>Decision:</b> Affirmed  | Guilford    | Stephens |
| 06-1079-1 | Grant v High Point Regional Health (Civil)<br><b>Decision:</b> Reversed and remanded in part; affirmed in part | Guilford    | McGee    |
| 06-1105-1 | In Re: Will of Turner (Civil)<br><b>Decision:</b> Reversed   | Haywood     | Hunter   |
| 06-1308-1 | Hinnant v Philips and Espinosa, et al (Civil)<br><b>Decision:</b> Affirmed                                     | Johnston    | Levinson |
| 06-822-1  | In the Matter of: S.J.M. (Juvenile - 3.1)<br><b>Decision:</b> Affirmed as to both respondents                  | Lee         | Hunter   |
| 07-31-1   | In The Matter Of: D.L., D.L., S.L. (Juvenile - 3.1)<br><b>Decision:</b> Affirmed                               | Mecklenburg | Stroud   |

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| 06-912-1  | Lathon v County of Cumberland (Civil)<br><b>Decision:</b> Affirmed                               | N.C. Industrial Commission | Geer     |
| 06-1298-1 | Myers v BBF Printing Solutions (Civil)<br><b>Decision:</b> Affirmed in part and Reversed in part | N.C. Industrial Commission | Tyson    |
| 06-1397-1 | Oxendine v TWL, Inc. and Canal Ins. Co. (Civil)<br><b>Decision:</b> Affirmed                     | N.C. Industrial Commission | Elmore   |
| 06-1314-1 | State v Manning (Criminal)<br><b>Decision:</b> No error  | New Hanover                | Tyson    |
| 06-1545-1 | Ball, et al v Maynard (Civil)<br><b>Decision:</b> Affirmed                                       | Pender                     | McGee    |
| 06-895-1  | State v Coltrane (Criminal)<br><b>Decision:</b> No error   | Randolph                   | Elmore   |
| 06-1011-1 | State v Wall (Criminal)<br><b>Decision:</b> Affirmed   | Richmond                   | Steelman |
| 06-954-1  | State v Corriher (Criminal)<br><b>Decision:</b> No error   | Rowan                      | Calabria |
| 06-833-1  | Hartley v Hartley (Civil)<br><b>Decision:</b> Reversed and remanded                              | Surry                      | McGee    |
| 06-738-1  | Terry's Floor Fashions v Crown General (Civil)<br><b>Decision:</b> Affirmed                      | Wake                       | Stroud   |
| 06-983-1  | State v Mabrey (Criminal)<br><b>Decision:</b> No error   | Wake                       | Jackson  |
| 06-1059-1 | Lulla v Effective Minds & Gulati (Civil)<br><b>Decision:</b> Reversed and remanded               | Wake                       | McGee    |
| 07-46-1   | In The Matter Of: M.A.I.B.K. (Juvenile - 3.1)<br><b>Decision:</b> Affirmed                       | Wake                       | Jackson  |
| 06-896-1  | State v James (Criminal)<br><b>Decision:</b> No error  | Washington                 | Hunter   |
| 07-93-1   | In the Matter of: A.J.H.R. & K.M.H.R. (Juvenile - 3.1)<br><b>Decision:</b> Vacated               | Wilkes                     | Stephens |

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|-----------|--|--|-----------|
| 04-887-2  | State v Caples, et al (Criminal)<br><br><b>Decision:</b> Harmless error                      | Alamance<br>03CRS56792 03CRS56601<br>03CRS56793 03CRS56607   | Bryant    |
| 06-1097-1 | State v Whitfield (Criminal)<br><br><b>Decision:</b> Dismissed in part, no error in part     | Alamance<br>05CRS54624 05CRS55221<br>05CRS54627 05CRS55224<br>05CRS54625 05CRS55222<br>05CRS54628 05CRS55225<br>05CRS55220 05CRS54626<br>05CRS55223 05CRS54629 | Wynn, Jr. |
| 06-1170-1 | Estate of Bissette v Kernodle (Civil)<br><br><b>Decision:</b> Reversed                       | Alamance<br>04CVS1834  | Levinson  |
| 06-1241-1 | Beddard v Albritton (Civil)<br><br><b>Decision:</b> Affirmed                                 | Beaufort<br>04CVS1190  | Jackson   |
| 06-1410-1 | State v Swann (Criminal)<br><br><b>Decision:</b> No error                                    | Buncombe<br>03CRS9303  | Martin    |
| 06-1452-1 | State v Rhodes (Criminal)<br><br><b>Decision:</b> No error                                   | Buncombe<br>05CRS58534 05CRS10034  | Martin    |
| 06-1393-1 | Morgan v Big Elm v Symphony Diagnostic (Civil)<br><br><b>Decision:</b> Affirmed              | Cabarrus<br>04CVS2040  | Jackson   |
| 06-1301-1 | State v Hollar (Criminal)<br><br><b>Decision:</b> No error                                   | Caldwell<br>05CRS1922  | Jackson   |
| 06-970-1  | In the Matter of: Q.R. (Juvenile - 3.1)<br><br><b>Decision:</b> Affirmed                     | Caswell<br>04J18   | Calabria  |
| 07-131-1  | In the Matter of: B.G. (Juvenile - 3.1)<br><br><b>Decision:</b> Affirmed                     | Chatham<br>05JT60  | Hunter    |
| 06-1056-1 | State v Barefoot & Jordan (Criminal)<br><br><b>Decision:</b> No error                        | Cumberland<br>02CRS28026-42<br>02CRS28008-25   | Levinson  |
| 06-986-1  | In the Matter of: S.J.R. (Juvenile - Criminal)<br><br><b>Decision:</b> Reversed and remanded | Davidson<br>05J128   | Calabria  |
| 06-1180-1 | State v Snider (Criminal)<br><br><b>Decision:</b> No error                                   | Davidson<br>05CRS5749  | Stroud    |
| 06-1260-1 | Davidson County CSE v Johnson (Civil)<br><br><b>Decision:</b> Affirmed                       | Davidson<br>05CVD1656  | Levinson  |
| 06-1019-1 | Cannon & Co v Estate of Terry Alexander (Civil)  | Davie<br>04CVS466  | McGee     |

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|           | <b>Decision:</b> Affirmed   |  |            |
| 06-1358-1 | Intec USA, LLC v Engle, et al (Civil)                                     | Durham<br>06CVS770   | Per Curiam |
|           | <b>Decision:</b> Dismissed  |  |            |
| 06-707-1  | State v Guzman-Pascual (Criminal)   | Forsyth<br>04CRS56621 04CRS56620   | Stephens   |
|           | <b>Decision:</b> Affirmed   |  |            |
| 06-1339-1 | Steve Mason Enter. v City of Gastonia (Civil)                             | Gaston<br>04CVS4719  | Wynn, Jr.  |
|           | <b>Decision:</b> Dismissed  |  |            |
| 06-929-1  | State v Harris (Criminal)   | Guilford<br>04CRS65976 04CRS24089  | Jackson    |
|           | <b>Decision:</b> No error   |  |            |
| 06-1095-1 | State v Little (Criminal)   | Guilford<br>04CRS24457 04CRS24460<br>04CRS24458<br>03CRS108522<br>04CRS24459 | McCullough |
|           | <b>Decision:</b> Remanded   |  |            |
| 06-1141-1 | State v Baldwin (Criminal)  | Guilford<br>05CRS80272 05CRS80271  | Martin     |
|           | <b>Decision:</b> No error in defendant's trial; Remanded for resentencing |  |            |
| 06-1470-1 | State v Williams (Criminal)   | Guilford<br>05CRS24744   | Martin     |
|           | <b>Decision:</b> No error   |  |            |
| 06-1544-1 | State v Coble (Criminal)  | Guilford<br>05CRS82794 05CRS82795<br>05CRS23184 05CRS82796                   | Martin     |
|           | <b>Decision:</b> No error   |  |            |
| 06-946-1  | State v Cooper (Criminal)   | Halifax<br>05CRS53135  | Calabria   |
|           | <b>Decision:</b> No error   |  |            |
| 06-995-1  | In the Matter of: D.Z.F. (Juvenile - 3.1)                                 | Harnett<br>04J43   | Calabria   |
|           | <b>Decision:</b> Affirmed   |  |            |
| 06-1013-1 | Bazzarre v Harnett Cty Bd of Adjustment (Civil)                           | Harnett<br>05CVS2036   | McGee      |
|           | <b>Decision:</b> Affirmed   |  |            |
| 06-1093-1 | In The Matter of: H.D. (Criminal)   | Harnett<br>05J226  | Jackson    |
|           | <b>Decision:</b> Affirmed   |  |            |
| 06-1377-1 | State v Gunter (Criminal)   | Haywood<br>05CRS1366   | McGee      |
|           | <b>Decision:</b> No error   |  |            |
| 06-1394-1 | State v Branks (Criminal)   | Haywood<br>06CRS1008 06CRS1440<br>06CRS1007                                  | Martin     |
|           | <b>Decision:</b> No error in part, vacated in part                        |  |            |
| 06-1399-1 | State v Davis (Criminal)  | Haywood<br>05CRS50610 05CRS50616<br>05CRS50611 05CRS50607<br>05CRS50613      | Tyson      |

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|           | <b>Decision:</b> No error  |   |           |
| 06-1683-1 | In Re: L.A.A. (Juvenile - 3.1)   | Henderson<br>05J110   | Martin    |
|           | <b>Decision:</b> Vacated and remanded  |   |           |
| 06-524-1  | State v Coggins (Criminal)   | Jackson<br>04CRS51455   | Martin    |
|           | <b>Decision:</b> Affirmed  |   |           |
| 06-1436-1 | State v Hall (Criminal)  | Jackson<br>04CRS52621 04CRS52615<br>05CRS3352 04CRS52619<br>04CRS52624 04CRS52616<br>05CRS922 04CRS52620<br>04CRS52614 04CRS52625<br>04CRS52618 | Jackson   |
|           | <b>Decision:</b> No error  |   |           |
| 06-1071-1 | Torres v Johnston County (Civil)   | Johnston<br>03CVS3480   | Wynn, Jr. |
|           | <b>Decision:</b> Affirmed  |   |           |
| 07-19-1   | State v Evans (Criminal)   | Lincoln<br>02CRS50598   | Martin    |
|           | <b>Decision:</b> No error  |   |           |
| 06-850-1  | State v Williams (Criminal)  | Mecklenburg<br>04CRS227216  | Steelman  |
|           | <b>Decision:</b> No error  |   |           |
| 06-1151-1 | State v Beasley (Civil)  | Mecklenburg<br>04CR250368 05CR243178<br>04CR246840  | McGee     |
|           | <b>Decision:</b> Dismissed in part and affirmed in part  |   |           |
| 06-1269-1 | In The Matter of: J.P.M. (Criminal)  | Mecklenburg<br>05J230   | Martin    |
|           | <b>Decision:</b> Affirmed in part, reversed in part and remanded for a new dispositional hearing |   |           |
| 06-1366-1 | In The Matter of: I.S.K. (Juvenile - 3.1)  | Mecklenburg<br>05JT916  | Bryant    |
|           | <b>Decision:</b> Reversed  |   |           |
| 06-1433-1 | State v Truesdale (Criminal)   | Mecklenburg<br>04CRS250348  | Martin    |
|           | <b>Decision:</b> No error  |   |           |
| 06-1605-1 | McKyer v McKyer (Civil)  | Mecklenburg<br>00CVD9237JVH   | Tyson     |
|           | <b>Decision:</b> Vacated in part and Dismissed in part   |   |           |
| 06-1270-1 | Leasing Unlimited v Mobley (Civil)   | Moore<br>05CVS1057  | Levinson  |
|           | <b>Decision:</b> Affirmed  |   |           |
| 06-758-1  | Huffman v Moore County (Civil)   | N.C. Industrial Commission<br>IC521226 IC924348<br>IC500200 IC481105<br>IC509087 IC564609<br>IC480967 IC481108                                  | Wynn, Jr. |
|           | <b>Decision:</b> Remanded  |   |           |
| 06-1182-1 | Batts v Fresenius Kabi Clayton L.P. (Civil)  | N.C. Industrial Commission<br>IC283730  | Jackson   |
|           | <b>Decision:</b> Affirmed  |   |           |

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| 06-1438-1 | Carpenter v Morris, et al (Civil)<br><b>Decision:</b> Affirmed                               | Nash<br>04CVS575  | Bryant     |
| 06-1033-1 | Wells v Fountain (Civil)<br><b>Decision:</b> Affirmed in part, reversed and remanded in part | Onslow<br>05CVD2387   | Hunter     |
| 06-1464-1 | In The Matter Of: Richard (Civil)<br><b>Decision:</b> Affirmed                               | Property Tax Commission<br>05PTC56  | Bryant     |
| 06-1505-1 | State v Winchester (Criminal)<br><b>Decision:</b> No error                                   | Rockingham<br>06CRS50256  | Martin     |
| 06-1026-1 | State v Cleveland (Criminal)<br><b>Decision:</b> No error                                    | Rowan<br>03CRS53656   | Hunter     |
| 06-1373-1 | State v Miller (Criminal)<br><b>Decision:</b> No error                                       | Rowan<br>05CRS50070 05CRS4423   | Martin     |
| 06-880-1  | State v Goode (Criminal)<br><b>Decision:</b> Affirmed  | Rutherford<br>02CRS55870 02CRS1636  | Levinson   |
| 06-903-1  | State v Covington (Criminal)<br><b>Decision:</b> No error                                    | Scotland<br>03CRS452 02CRS52147<br>03CRS455 02CRS53197<br>03CRS453 02CRS53195<br>03CRS456 02CRS53198<br>02CRS52146 03CRS454<br>02CRS53196 | Geer       |
| 06-1324-1 | State v Hiatt (Criminal)<br><b>Decision:</b> No error  | Surry<br>04CRS6064  | Hunter     |
| 06-1497-1 | Thomas and Denny v Thomas (Civil)<br><b>Decision:</b> Dismissed                              | Surry<br>05CVS907   | Bryant     |
| 07-227-1  | In The Matter of: E.F.M., E.L.M., T.J.M (Juvenile - 3.1)<br><b>Decision:</b> Affirmed        | Surry<br>05J81A83A  | Martin     |
| 06-1458-1 | Alchem, Inc. v N.C. Dep't of Env't (Civil)<br><b>Decision:</b> Affirmed                      | Wake<br>05CVS12073  | McCullough |
| 06-1466-1 | State v Mitchell (Criminal)<br><b>Decision:</b> Affirmed                                     | Wake<br>05CRS9423   | Martin     |
| 07-120-1  | In The Matter Of: Z.R.G. (Juvenile - 3.1)<br><b>Decision:</b> Affirmed                       | Wake<br>06J562  | Bryant     |
| 07-121-1  | In The Matter Of: Z.R.G. (Juvenile - 3.1)<br><b>Decision:</b> Affirmed                       | Wake<br>06J563  | Bryant     |
| 06-1362-1 | Borgersrode v Borgersrode (Civil)  | Wayne<br>98CVD1015  | Jackson    |

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|           | <b>Decision:</b> Affirmed                          |                       |        |
| 06-1482-1 | State v Blount (Criminal)                          | Wayne<br>05CRS56983   | Bryant |
|           | <b>Decision:</b> No error                          |                       |        |
| 06-1474-1 | State v Quinlan (Criminal)                         | Wilson<br>03CRS56886  | Bryant |
|           | <b>Decision:</b> No error                          |                       |        |
| 07-202-1  | In Re: H.M.W. and C.S.R. (Juvenile - 3.1)          | Yadkin<br>05J37 05J36 | Martin |
|           | <b>Decision:</b> Appeal dismissed; petition denied |                       |        |