

**IN THE COURT OF APPEALS**  
**CASES REPORTED WITH PUBLISHED OPINIONS**  
**(FILED 3 JULY 2007)**  
**(MANDATE 23 JULY 2007)**

Docket #	Title	County	Judge
06-674-1	Williams v HOMEQ Servicing Corp. (Civil) <b>Decision:</b> Affirmed in part, reversed and remanded in part	Alamance	Calabria
06-1355-1	State v Cook (Criminal) <b>Decision:</b> No error in part and remanded in part with instructions	Alamance	Tyson
06-1116-1	State v Mead (Criminal) <b>Decision:</b> No prejudicial error in part; Dismissed in part	Avery	Wynn, Jr.
06-1264-1	State v White (Criminal) <b>Decision:</b> Reversed	Chatham	Levinson
06-616-1	News Reporter v Columbus County (Civil) <b>Decision:</b> Affirmed in part and reversed in part	Columbus	Geer
06-1200-1	Integon National Ins. v Ward, et al (Civil) <b>Decision:</b> Affirmed	Forsyth	Bryant
06-1473-1	State v Howell (Criminal) <b>Decision:</b> Affirmed	Gaston	McCullough
07-34-1	In Re: H.L.A.D. (Juvenile - 3.1) <b>Decision:</b> Affirmed	Gaston	Steelman
06-710-1	Brown v Ellis (Civil) <b>Decision:</b> Vacated	Guilford	Stroud
06-1386-1	Citibank, South Dakota, N.A. v Palma (Civil) <b>Decision:</b> Affirmed	Guilford	McGee
06-553-1	State v Brown (Criminal) <b>Decision:</b> Vacated	Harnett	Elmore
06-1662-1	In Re: S.E.P., L.U.E. (Juvenile - 3.1) <b>Decision:</b> Vacated	Iredell	Stephens
06-1192-1	Clawser v Campbell (Civil) <b>Decision:</b> Judgment vacated; Remanded	Macon	Martin
06-1217-1	Palm Coast Recovery Corp. v Moore (Civil) <b>Decision:</b> Reversed	Macon	Steelman
06-1242-1	In The Matter Of: J.M., R.M., R.M., D.F (Juvenile - 3.1) <b>Decision:</b> Reversed	Mecklenburg	Bryant
06-1278-1	Scottish Re Life Corp. v Transamerica (Civil) <b>Decision:</b> Affirmed	Mecklenburg	Elmore

Docket #	Title	County	Judge
06-785-1	Gainey v Southern Flooring & Acoustical (Civil) <b>Decision:</b> Affirmed	N.C. Industrial Commission	Stroud
06-1311-1	Greene v Conlon Construction Company (Civil) <b>Decision:</b> Affirmed	N.C. Industrial Commission	Levinson
06-1318-1	Ord v IBM Corporation (Civil) <b>Decision:</b> Dismissed	N.C. Industrial Commission	Calabria
06-1221-1	Spaulding v Honeywell International (Civil) <b>Decision:</b> Affirmed	New Hanover	Tyson
06-1435-1	State v Wright (Criminal) <b>Decision:</b> No error	Onslow	Levinson
06-979-1	State v Hernandez (Criminal) <b>Decision:</b> New trial	Orange	Wynn, Jr.
06-1222-1	State v Stokley (Criminal) <b>Decision:</b> No error	Pasquotank	Levinson
06-1336-1	Small v Parker (Civil) <b>Decision:</b> Affirmed and remanded	Pender	Martin
06-1134-1	State v Hennis (Criminal) <b>Decision:</b> New trial	Rockingham	Martin
07-108-1	In the Matter of: C.M.S. (Juvenile - 3.1) <b>Decision:</b> Affirmed	Stanly	Hunter
06-1012-1	Blankenship v Bartlett (Civil) <b>Decision:</b> Reversed and vacated	Wake	Wynn, Jr.
06-1363-1	Strates Shows v Amusements of America (Civil) <b>Decision:</b> Reversed	Wake	Jackson
06-1295-1	In The Matter of: L.B. (Juvenile - 3.1) <b>Decision:</b> Affirmed in part; Reversed and Remanded in part	Wayne	Jackson
06-1309-1	State v Williams (Criminal) <b>Decision:</b> No error; remand to correct clerical error	Wayne	Hunter
06-1067-1	O'Mara v Wake Forest University (Civil) <b>Decision:</b> No error in part, reversed in part	Yadkin	Levinson

**IN THE  
COURT OF APPEALS**

**CASES REPORTED WITHOUT PUBLISHED OPINIONS**

**(FILED 3 JULY 2007)  
(MANDATE 23 JULY 2007)**

Docket #	Title	County	Judge
06-1215-1	State v Weaver (Criminal) <b>Decision:</b> Dismissed in part, no error in part	Alamance 00CRS5381 00CRS1308	Wynn, Jr.
05-850-2	State v Finney (Criminal) <b>Decision:</b> No error	Buncombe 01CRS7899	Martin
06-1291-1	In The Matter of: M.B (Juvenile - 3.1) <b>Decision:</b> Affirmed	Buncombe 05J487	Steelman
06-1350-1	Van Winkle v Reems (Civil) <b>Decision:</b> Affirmed	Buncombe 05CVD5039	Levinson
06-1237-1	Fucito v Francis (Civil) <b>Decision:</b> Affirmed	Caldwell 93CVD66	Steelman
07-218-1	In Re: J.L.D. Jr., J.N.D. (Juvenile - 3.1) <b>Decision:</b> Affirmed	Caldwell 06J2 06J1	Bryant
06-916-1	State v Love (Criminal) <b>Decision:</b> No error	Columbus 03CRS54761 03CRS54718	Elmore
06-1352-1	C. Wayne McDonald Contr'r v Gendelman (Civil) <b>Decision:</b> Dismissed	Davidson 02CVS3158	McGee
06-1521-1	State v Stagner (Criminal) <b>Decision:</b> No error	Davidson 04CRS59355 04CRS59353	Martin
06-762-1	State v Sinclair (Criminal) <b>Decision:</b> Affirmed	Durham 03CRS61277 03CRS61278 03CRS61221 03CRS61279	McGee
06-1181-1	State v Wright (Criminal) <b>Decision:</b> No error in part and reversed in part	Durham 05CRS50877 05CRS50872	Levinson
06-1046-1	State v Pearson (Criminal) <b>Decision:</b> Affirmed	Forsyth 04CRS15146 05CRS57112 04CRS62068 05CRS58384 04CRS62069 04CRS52135	Bryant
06-1360-1	McDowell v Forsyth Motosports, LLC (Civil) <b>Decision:</b> Affirmed in part; reversed in part	Forsyth 03CVD739	McGee
06-947-1	State v Mowery (Criminal) <b>Decision:</b> No error	Guilford 05CRS84543	Stephens
06-1353-1	Setzer v Legacy Environmental Services (Civil) <b>Decision:</b> Dismissed	Guilford 01CVS8403	Levinson
07-97-1	State v Battle (Criminal)	Halifax 03CRS54974	Martin

Docket #	Title	County	Judge
	<b>Decision:</b> No error		
06-978-1	State v Wood (Criminal)	Harnett 04CRS55736 04CRS55638	Calabria
	<b>Decision:</b> No error		
07-291-1	In The Matter Of: N.A.F. (Juvenile - 3.1)	Haywood 05J138	Hunter
	<b>Decision:</b> Affirmed		
06-1710-1	State v Patton (Criminal)	Henderson 05CRS6240 05CRS6241 05CRS6239 05CRS6242	Martin
	<b>Decision:</b> No error		
07-82-1	State v Hargrove (Criminal)	Iredell 05CRS14440 05CRS10503 05CRS58700 05CRS10504	Martin
	<b>Decision:</b> No error		
06-1606-1	State v Brown (Criminal)	Jackson 05CRS928 04CRS53281 04CRS53086	Martin
	<b>Decision:</b> No error		
06-802-2	Crocker v Roethling (Civil)	Johnston 04CVS2571	Bryant
	<b>Decision:</b> Affirmed		
06-1058-1	State v Cauffman (Criminal)	Johnston 05CRS55698 05CRS55697	Elmore
	<b>Decision:</b> No error		
06-1504-1	State v Greene (Criminal)	Lenoir 05CRS52402	Jackson
	<b>Decision:</b> No error		
06-1240-1	State v Gray (Criminal)	Lincoln 01CRS4158 01CRS4156	McGee
	<b>Decision:</b> No error		
05-254-2	State v Chapman (Criminal)	Macon 03CRS52287 03CRS52282 04CRS652 03CRS52284 03CRS52286	McGee
	<b>Decision:</b> No prejudicial error		
06-961-1	State v Edwards (Criminal)	Mecklenburg 02CRS78775 02CRS216576	Stephens
	<b>Decision:</b> No error		
06-1076-1	State v Cooper (Criminal)	Mecklenburg 04CRS234271 04CRS234272 04CRS234270 04CRS234274	Jackson
	<b>Decision:</b> No error		
06-1143-1	Franz v Tribeck, Inc. (Civil)	Mecklenburg 04CVS17501	Steelman
	<b>Decision:</b> Reversed		
06-1203-1	State v Hunter (Criminal)	Mecklenburg 05CRS55219 01CRS54637	Levinson
	<b>Decision:</b> No error		

Docket #	Title	County	Judge
06-1289-1	Montgomery Insurance v Thermador Corp. (Civil) <b>Decision:</b> Affirmed	Mecklenburg 05CVS17245	Bryant
06-1445-1	Coleman v First Star, Inc. (Civil) <b>Decision:</b> Affirmed	Mecklenburg 04CVS11192	McCullough
06-1519-1	State v Watson (Criminal) <b>Decision:</b> No error	Mecklenburg 05CRS252887	Steelman
06-1547-1	Morris v Morris (Civil) <b>Decision:</b> Appeal dismissed	Mecklenburg 06CVD3928	Stephens
07-163-1	In The Matter Of: S.L.M., T.S.M. (Juvenile - 3.1) <b>Decision:</b> Affirmed	Mecklenburg 06JT351 06JT350	Hunter
06-1282-1	West v Consolidated Diesel Company (Civil) <b>Decision:</b> Affirmed and remanded	N.C. Industrial Commission IC364195 IC367025	McGee
06-675-1	Hailey v Terminix Company (Civil) <b>Decision:</b> Affirmed	New Hanover 05CVS1546	Calabria
07-280-1	In Re: A.A.R. (Juvenile - 3.1) <b>Decision:</b> Vacated and remanded	Onslow 06J137	McCullough
06-944-1	Lloyd v Southern Elevator Company (Civil) <b>Decision:</b> Affirmed	Pitt 05CVS1997	Elmore
06-1177-1	State v McPhail (Criminal) <b>Decision:</b> No error in part; reversed in part	Robeson 04CRS51228-48 04CRS50631	Bryant
06-1387-1	State v White (Criminal) <b>Decision:</b> No prejudicial error	Rowan 02CRS53371 02CRS53421 02CRS53363	McCullough
06-1512-1	In The Matter of: M.B.P., et al (Juvenile - 3.1) <b>Decision:</b> Affirmed	Rutherford 04J68 04J69 04J67	Martin
06-756-1	Royal v NC Dept Crime Control (Civil) <b>Decision:</b> Affirmed	Wake 03CVS15891	Calabria
06-1342-1	State v Esquivel (Criminal) <b>Decision:</b> Vacated	Wake 05CRS7245 05CRS7243	Martin
06-1429-1	State v Heard (Criminal) <b>Decision:</b> No error	Wake 05CRS20159 05CRS20158	Stroud
06-1431-1	State v Lincoln (Criminal) <b>Decision:</b> No error in 97CR30316; Remanded for new sentencing hearing in 97CR30317	Wake 97CRS30317 97CRS30316	McGee

Docket #	Title	County	Judge
06-1541-1	State v Williams (Criminal)	Wake 04CRS103205 04CRS84879	Martin
	<b>Decision:</b> No error		
06-1708-1	State v Alers (Criminal)	Wake 03CRS17783 03CRS12277 03CRS17786 03CRS17781 03CRS17784 03CRS17779 03CRS17787 03CRS17782 03CRS12276 03CRS17785 03CRS17780 03CRS17788	Martin
	<b>Decision:</b> Affirmed and remanded in part for correction of the order revoking probation		
06-1044-1	Brown v DOT (Civil)	Watauga 04CVS723	Elmore
	<b>Decision:</b> Affirmed		
06-1296-1	In The Matter of: R.B. and A.M. (Juvenile - 3.1)	Wayne 04JA245 04JA244	Jackson
	<b>Decision:</b> Affirmed in part; Reversed and remanded in part		
06-1462-1	In Re: J.Z.S. (Juvenile - 3.1)	Wilkes 06JA24	Bryant
	<b>Decision:</b> Vacated and remanded		
06-1169-1	In The Matters Of: E.R.R. and H.A. (Juvenile - 3.1)	Yancey 05J73 05J72	Steelman
	<b>Decision:</b> Affirmed		
06-1468-1	In The Matter of: E.L.W. and S.B.W. (Juvenile - 3.1)	Yancey 03J56 03J55	Martin
	<b>Decision:</b> Affirmed		