

**IN THE COURT OF APPEALS**  
**CASES REPORTED WITH PUBLISHED OPINIONS**  
**(FILED 6 NOVEMBER 2007)**  
**(MANDATE 26 NOVEMBER 2007)**

Docket #	Title	County	Judge
06-1551-1	State v Johnson (Criminal) <b>Decision:</b> No error	Alamance	Elmore
06-1640-1	Watson v Watson (Civil) <b>Decision:</b> Affirmed in part and reversed in part	Alamance	Steelman
06-1476-1	Sturgill v Ashe Memorial Hospital, Inc. (Civil) <b>Decision:</b> Affirmed	Ashe	Stroud
06-1167-1	Arnold, et al v City of Asheville (Civil) <b>Decision:</b> Affirmed	Buncombe	Stroud
06-1369-1	Peerless Insurance Co. v Genelect Serv. (Civil) <b>Decision:</b> Affirmed	Buncombe	McCullough
07-257-1	Robertson v Price, et al (Civil) <b>Decision:</b> Affirmed	Buncombe	Wynn, Jr.
07-134-1	Adams Creek Associates v Davis (Civil) <b>Decision:</b> Affirmed	Carteret	Smith
07-304-1	Brown v Refuel America, Inc., et al (Civil) <b>Decision:</b> Affirmed	Cleveland	Arrowood
07-64-1	Midsouth Golf v Fairfield Harbourside, (Civil) <b>Decision:</b> Affirmed	Craven	McGee
04-1081-2	State v Wissink (Criminal) <b>Decision:</b> No prejudicial error	Cumberland	McGee
06-1426-2	In Re: D.B. , C.B. (Juvenile - 3.1) <b>Decision:</b> Affirmed	Cumberland	McCullough
07-247-1	State v Parker (Criminal) <b>Decision:</b> No error	Davidson	Jackson
07-86-1	State v Petrick (Criminal) <b>Decision:</b> No error	Durham	Tyson
07-212-1	Smith v Forsyth Co Bd of Adjustment (Civil) <b>Decision:</b> Affirmed	Forsyth	Arrowood
06-1138-1	State v Spargo (Criminal) <b>Decision:</b> Reversed	Gaston	Geer
06-752-1	In the Matter of: J.M.G. (Juvenile - 3.1) <b>Decision:</b> Affirmed	Guilford	Jackson
06-1224-1	Kinesis Advertising, Inc. v Hill, et al (Civil) <b>Decision:</b> Dismissed in part; affirmed in part and reversed in part	Guilford	Wynn, Jr.

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06-1552-1	State v Johnson (Criminal) <b>Decision:</b> No error	Guilford	Elmore
07-60-1	State v Thomas (Criminal) <b>Decision:</b> No error	Harnett	Hunter
06-1620-1	CitiFinancial Mortgage v Gray (Civil) <b>Decision:</b> Affirmed	Henderson	Smith
06-1660-1	Strum, et al v Greenville Timberline (Civil) <b>Decision:</b> Affirmed	Macon	Steelman
06-1395-1	State v Goodwin (Criminal) <b>Decision:</b> New trial	Mecklenburg	Stroud
07-99-1	Capps v NW Sign Industries of NC, et al (Civil) <b>Decision:</b> Dismissed	Mecklenburg	Tyson
07-116-1	Selwyn Village Homeowners v Cline & Co. (Civil) <b>Decision:</b> Dismissed	Mecklenburg	Tyson
07-302-1	Hospice & Palliative Care v NCDHHS (Civil) <b>Decision:</b> Affirmed	N.C. Dept. of Health & Human Svcs	Tyson
06-1407-1	Shaw v U.S. Airways, Inc. (Civil) <b>Decision:</b> Reversed and remanded with instructions	N.C. Industrial Commission	Geer
04-417-2	State v Pittman (Criminal) <b>Decision:</b> No error	Nash	Geer
07-149-1	Lancaster v NC Dept. of Environment (Civil) <b>Decision:</b> Affirmed	Nash	Elmore
06-1259-1	Greene v Royster, et al (Civil) <b>Decision:</b> Affirmed	Onslow	Stroud
07-309-1	State v Rogers (Criminal) <b>Decision:</b> Remanded for resentencing	Onslow	Elmore
06-1611-1	State v Dexter (Criminal) <b>Decision:</b> No error	Pamlico	Elmore
07-69-1	State v Jordan (Criminal) <b>Decision:</b> Reversed in part, no error in part	Perquimans	McCullough
06-1423-1	In the Matter of: Morgan (Civil) <b>Decision:</b> Affirmed	Property Tax Commission	Tyson
06-1514-1	State v Lloyd (Criminal) <b>Decision:</b> No error	Richmond	Elmore
06-1522-1	In The Matter of: B.E. (Criminal) <b>Decision:</b> Remanded	Robeson	Stroud

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07-133-1	Mineola Community Bank v Everson (Civil) <b>Decision:</b> Affirmed. Double Costs assessed against defendants	Rockingham	Steelman
06-1573-1	State v Goldsmith (Criminal) <b>Decision:</b> No error in part; reversed and remanded in part	Stokes	Smith
07-145-1	Fairview Developers v Miller (Civil) <b>Decision:</b> Affirmed	Union	Tyson
06-1616-1	In The Matter of: R.L. , N.M.Y. (Juvenile - 3.1) <b>Decision:</b> Reversed and remanded	Vance	McGee
06-1667-1	State v Hazelwood (Criminal) <b>Decision:</b> No error	Wake	McGee
07-54-1	Cameron v Merisel Properties, Inc. (Civil) <b>Decision:</b> Affirmed	Wake	Arrowood
07-100-1	Wright v Murray (Civil) <b>Decision:</b> Affirmed	Wake	Wynn, Jr.
07-140-1	Lake Gaston, et al v Co of Warren et al (Civil) <b>Decision:</b> Affirmed	Warren	Elmore

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07-90-1	State v Terrance (Criminal) <b>Decision:</b> No error	Beaufort 04CRS1295	Elmore
07-621-1	In The Matters Of: R.C.H. and B.R.H. (Juvenile - 3.1) <b>Decision:</b> Affirmed	Burke 04J0201 04J0200	Calabria
07-404-1	State v Ross (Criminal)  <b>Decision:</b> Affirmed	Caldwell 02CRS9572 02CRS9567 02CRS9575 02CRS9570 02CRS9573 02CRS9568 02CRS9571 02CRS9566 02CRS9574 02CRS9569	Elmore
06-1704-1	State v Byers (Criminal)  <b>Decision:</b> No error	Cherokee 04CRS2728 04CRS2729 04CRS2727 04CRS2730	Jackson
07-412-1	State v Porter (Criminal)  <b>Decision:</b> Reversed and remanded	Cleveland 05CRS7036 05CRS7037 05CRS7035 05CRS7038	Elmore
07-175-1	State v Freeman (Criminal)  <b>Decision:</b> No error	Columbus 06CRS50036	Tyson
07-156-1	State v Torres (Criminal)  <b>Decision:</b> No error	Cumberland 05CRS55820 05CRS55821 05CRS55819 05CRS55822	Jackson
07-295-1	Huguely v Mraz, et al (Civil)  <b>Decision:</b> Affirmed	Currituck 03CVS161	Arrowood
06-1527-1	State v Sparks (Criminal)  <b>Decision:</b> Affirmed	Davidson 04CRS54825	Bryant
04-1534-2	State v Oglesby (Criminal)  <b>Decision:</b> No prejudicial error	Forsyth 02CRS60325 02CRS60329	Wynn, Jr.
07-21-1	State v Sanchez and Aguirre (Criminal)  <b>Decision:</b> Affirmed	Forsyth 05CRS58339 05CRS58340 05CRS58338	Arrowood
06-1646-1	State v Fleming (Criminal)  <b>Decision:</b> No error	Guilford 04CRS96693	McGee
07-283-1	In The Matter Of: K.J.H. (Juvenile - Criminal)  <b>Decision:</b> Affirmed in part, Vacated in part and remanded	Guilford 05J149	Martin
07-317-1	State v Fields (Criminal)  <b>Decision:</b> No error	Guilford 05CRS23217 04CRS72874	Arrowood
07-377-1	Simmons-Blount v Guilford County Bd. (Civil)	Guilford 06CVS7773	Tyson

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	<b>Decision:</b> Vacated and Remanded with instructions		
07-92-1	Etter and Vogel v Pigg and Vandiver (Civil)	Henderson 01SP287	Bryant
	<b>Decision:</b> Affirmed		
07-492-1	State v Wiggins (Criminal)	Henderson 04CRS55852	Elmore
	<b>Decision:</b> Affirmed		
07-255-1	State v Wilson (Criminal)	Iredell 05CRS53799 05CRS14444 05CRS53798	Steelman
	<b>Decision:</b> DISMISSED as to the assignments of error pertaining to the dismissal of defendant's motion to suppress. NO ERROR as to the trial.		
06-1699-1	Oakes v Lincoln County Bd. of Elections (Civil)	Lincoln 06CVS838	Steelman
	<b>Decision:</b> Affirmed		
06-1494-1	State v Ewell (Criminal)	Martin 03CRS1674 03CRS1675 03CRS1673 03CRS1676	Geer
	<b>Decision:</b> No error		
06-1478-1	State v Memminger (Criminal)	Mecklenburg 04CRS246892 04CRS246891	Stroud
	<b>Decision:</b> Remanded for resentencing		
06-1688-1	State v Sullivan (Criminal)	Mecklenburg 04CRS253064 04CRS253065 04CRS253063	Steelman
	<b>Decision:</b> No error as to trial; Dismissed as to suppression issue		
07-62-1	State v Little (Criminal)	Mecklenburg 03CRS226102 03CRS226103 03CRS47465	Elmore
	<b>Decision:</b> No error; Motion for Appropriate Relief remanded		
07-619-1	In The Matter Of: S.M.S., P.J.S. (Juvenile - 3.1)	Mecklenburg 06JT448 06JT447	Geer
	<b>Decision:</b> Affirmed		
07-78-1	State v Mays (Criminal)	Moore 05CRS53231 05CRS7665 05CRS53399	Hunter
	<b>Decision:</b> No prejudicial error		
06-1641-1	Hospice at Greensboro v NC Dept. of DHR (Civil)	N.C. Dept. of Health & Human Svcs 05DHR1392	Stroud
	<b>Decision:</b> Affirmed		
06-1628-1	Baker v Graystone Construction (Civil)	N.C. Industrial Commission IC405357	Stephens
	<b>Decision:</b> Affirmed		
05-1478-2	Walsh v Wrightsville Beach (Civil)	New Hanover 05CVS210	Calabria
	<b>Decision:</b> Affirmed		
06-1579-1	Griner v Griner (Civil)	New Hanover 06CVD2342	Steelman
	<b>Decision:</b> Affirmed		

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07-387-1	State v George (Criminal) <b>Decision:</b> No error	New Hanover 06CRS1235 05CRS64024	Elmore
07-746-1	In The Matter Of: M.C., et al (Juvenile - 3.1) <b>Decision:</b> Affirmed in part; remanded in part	New Hanover 06J325 06J416 06J326 06J324 06J415	Geer
06-1687-1	State v Leskiw (Criminal) <b>Decision:</b> Reversed and remanded	Pitt 05CR52250	Calabria
07-264-1	State v Taft (Criminal) <b>Decision:</b> No error	Pitt 06CRS5474 06CRS5473	Wynn, Jr.
06-1448-1	Robertson v Robertson (Civil) <b>Decision:</b> Affirmed as to equitable distribution judgment; interim equitable distribution order VACATED	Stokes 02CVD147	Stroud
07-77-1	Brown v Robbins (Civil) <b>Decision:</b> Affirmed	Surry 06CVS471	Bryant
06-1607-1	Interlocal Risk Financing Fund v Ryals (Civil) <b>Decision:</b> Affirmed	Wake 05CVS14303	Stephens
06-1715-1	In The Matter Of: D.L.W. (Juvenile - 3.1) <b>Decision:</b> Affirmed and remanded with instructions	Wake 04JT487	Calabria
07-102-1	State v Lane (Criminal) <b>Decision:</b> No error	Wake 05CRS119261	McGee
07-124-1	Smith v Bennett, et al (Civil) <b>Decision:</b> Affirmed	Wake 05CVS17455	Bryant
07-292-1	In The Matter Of: H.H. (Juvenile - Criminal) <b>Decision:</b> Affirmed	Wake 06J66	Elmore
07-674-1	In the Matter of: J.G., D.B. (Juvenile - 3.1) <b>Decision:</b> Affirmed	Wake 05JT625	Calabria
06-1569-1	State v Edwards (Criminal) <b>Decision:</b> No error	Wilson 05CRS8760 05CRS52563	McGee
07-320-1	State v Carter (Criminal) <b>Decision:</b> We vacate case number 05CRS55743 and remand case numbers 05CRS56047 and 06CRS52399 for a new restitution award	Wilson 05CRS56047 06CRS52399 05CRS55743	Elmore