

**IN THE COURT OF APPEALS**  
**CASES REPORTED WITH PUBLISHED OPINIONS**  
**(FILED 18 NOVEMBER 2008)**  
**(MANDATE 8 DECEMBER 2008)**

Docket #	Title	County	Judge
08-480-1	Weeks v Select Homes, Inc. (Civil) <b>Decision:</b> Affirmed	Alleghany	Tyson
08-466-1	State v Foster (Criminal) <b>Decision:</b> No error in part and dismissed without prejudice in part	Beaufort	Tyson
08-164-1	Linsenmayer v Omni Homes, Inc. (Civil) <b>Decision:</b> Affirmed	Gaston	Hunter
08-230-1	State v Alston (Criminal) <b>Decision:</b> No error	Guilford	Calabria
08-280-1	O'Connor v Zelinske (Civil) <b>Decision:</b> Affirmed in part, vacated in part	Lee	McGee
08-533-1	State v Smith (Criminal) <b>Decision:</b> Vacated and remanded	Lenoir	Tyson
07-1393-1	Wirth v Wirth (Civil) <b>Decision:</b> Reversed and Remanded in part; Affirmed in part	Mecklenburg	Steelman
08-52-1	Xiong v Marks (Civil) <b>Decision:</b> Affirmed	Montgomery	Stroud
08-279-1	Sprinkle v Lilly Industries, Inc. (Civil) <b>Decision:</b> Affirmed	N.C. Industrial Commission	Martin
08-476-1	Strickland v Martin Marietta Materials (Civil) <b>Decision:</b> Reversed and remanded	N.C. Industrial Commission	McCullough
08-217-1	State v Washington (Criminal) <b>Decision:</b> Affirmed	Onslow	Martin
07-1483-1	In The Matter Of: Fayette Place LLC (Civil) <b>Decision:</b> Affirmed	Property Tax Commission	McCullough
07-994-1	State v Ramos (Criminal) <b>Decision:</b> New trial	Wake	Geer
08-452-1	Egelhof v Szulik, et al (Civil) <b>Decision:</b> Affirmed in part and reversed in part	Wake	Tyson
08-122-1	State v Lee (Criminal) <b>Decision:</b> Remanded for resentencing	Wilkes	Hunter

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08-862-1	In The Matter Of: N.M.D. and L.M.D. (Juvenile - 3.1) <b>Decision:</b> Affirmed	Beaufort 06J83,06J82	Hunter
08-816-1	In The Matter Of: J.P., J.P., M.A. (Juvenile - 3.1) <b>Decision:</b> Affirmed	Brunswick 07J41,07J42,07J40	Steelman
08-99-1	State v Wolfe (Criminal) <b>Decision:</b> No error	Buncombe 07CRS62,07CRS63,06CRS-61315	McGee
08-537-1	In The Matter Of: M.R.M. (Juvenile - 3.1) <b>Decision:</b> Vacated and remanded	Buncombe 07JT327	Martin
08-384-1	State v Scott (Criminal) <b>Decision:</b> No error	Cabarrus 07CRS003702,07CRS50024	Tyson
08-738-1	In Re: J.N.H. (Juvenile - 3.1) <b>Decision:</b> Affirmed	Cabarrus 06JA140	Hunter
07-913-1	Taylor v Miller (Civil) <b>Decision:</b> Affirmed in part; remanded in part for further proceedings	Carteret 06CVS25	Geer
08-381-1	State v Cox (Criminal) <b>Decision:</b> No error	Cherokee 06CRS50182,07CRS3,07CRS1,07CRS4,06CRS819,07CRS2	Bryant
08-573-1	In the Matter of: B.C.S. (Juvenile - Criminal) <b>Decision:</b> Affirmed	Davidson 05JB189	Tyson
08-482-1	State v Booe (Criminal) <b>Decision:</b> No error	Davie 07CRS50434	Bryant
08-325-1	State v Neely (Criminal) <b>Decision:</b> No error	Forsyth 07CRS5024,07CRS50055	McGee
08-490-1	State v Nelson (Criminal) <b>Decision:</b> Affirmed	Forsyth 06CRS31286,06CRS54388	Tyson
08-11-1	State v Corry (Criminal) <b>Decision:</b> No error	Gaston 06CRS67314,06CRS67315,06CRS67313,06CRS67316	Hunter
07-1324-1	In The Matter Of: Nebenzahl (Civil) <b>Decision:</b> Dismissed	Guilford 07SP1235	McGee
08-367-1	State v Slade (Criminal) <b>Decision:</b> No error	Guilford 06CRS94355	Bryant

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08-461-1	State v Allison (Criminal)	Guilford 07CRS78657,07CRS78658- ,07CRS24316,07CRS78707	Bryant
	<b>Decision:</b> No error		
08-570-1	State v Monroe (Criminal)	Guilford 06CRS87067,06CRS87072- ,06CRS87066,06CRS87073	Bryant
	<b>Decision:</b> No error		
08-27-1	Oliphant Financial Corporation v Silver (Civil)	Halifax 06CVS316	McCullough
	<b>Decision:</b> Affirmed		
08-737-1	In Re: A.M., Ja.M., Jo.M. (Juvenile - 3.1)	Harnett 06J14,06J15,06J13	Elmore
	<b>Decision:</b> Affirmed		
08-264-1	State v Sullivan (Criminal)	Henderson 07CRS50139,07CRS50140- ,07CRS50138,07CRS50141	Tyson
	<b>Decision:</b> No error		
08-307-1	State v Bailey (Criminal)	Johnston 07CRS2443,07CRS2442	Bryant
	<b>Decision:</b> No error		
08-186-1	State v Webb (Criminal)	Macon 06CRS2122,06CRS80	Stephens
	<b>Decision:</b> No error		
08-359-1	State v Tallent (Criminal)	Macon 07CRS50276	Tyson
	<b>Decision:</b> Dismissed		
08-374-1	Duncan v Duncan (Civil)	Macon 05CVD338	Bryant
	<b>Decision:</b> Dismissed		
08-72-1	State v Bynum (Criminal)	Mecklenburg 06CRS246637	Calabria
	<b>Decision:</b> No error		
08-456-1	In the Matter of: J.J. (Juvenile - Criminal)	Mecklenburg 07J188	Tyson
	<b>Decision:</b> Affirmed		
08-495-1	In the Matter of: T.P. (Juvenile - Criminal)	Mecklenburg 07J820	Tyson
	<b>Decision:</b> Affirmed		
08-514-1	State v Brannon (Criminal)	Mecklenburg 07CRS216863,07CRS3402- 7,07CRS216861	Tyson
	<b>Decision:</b> No error		
07-1015-1	Barnard v N.C. DOT (Civil)	N.C. Industrial Commission TA18275	Geer
	<b>Decision:</b> Affirmed		
08-57-1	Robinson v Seto's Texaco, Inc. (Civil)	N.C. Industrial Commission IC534110	Bryant
	<b>Decision:</b> Affirmed		

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08-440-1	State v Pope (Criminal)  <b>Decision:</b> Vacated as to 05CRS59997,05CRS60305,05CRS60003. No Prejudicial Error as to Habitual Felon. Remaining Charges Remanded for Resentencing.	New Hanover 05CRS60305,05CRS60003- ,05CRS60010,06CRS714,0- 5CRS60006,05CRS60302,- 05CRS59997,05CRS60007	Steelman
08-294-1	State v Moody (Criminal)  <b>Decision:</b> No error	Northampton 06CRS56,05CRS51642	Bryant
08-260-1	Caldon v Caldon (Civil)  <b>Decision:</b> Reversed and remanded	Orange 93CVD178	McGee
08-598-1	State v Jennings (Criminal)  <b>Decision:</b> Affirmed in part and remanded in part for correction of clerical error	Orange 05CRS53413	Tyson
07-1471-1	State v Martin (Criminal)  <b>Decision:</b> New trial	Rutherford 05CRS52603,05CRS52604- ,05CRS52602	McGee
08-105-1	Snow v Snow (Civil)  <b>Decision:</b> Affirmed and remanded. Double costs of this appeal assessed against plaintiff's counsel	Surry 04CVD1312	Stephens
08-707-1	In the Matter of: S.R., et al (Juvenile - 3.1)  <b>Decision:</b> Affirmed	Surry 06J5,06J6,06J4,06J7	Martin
08-78-1	Smith v Smith (Civil)  <b>Decision:</b> Affirmed in part and remanded in part	Union 04CVD483	McGee
08-632-1	Hawkins v Williams (Civil)  <b>Decision:</b> Dismissed	Vance 07CVS1024	Bryant
07-1571-1	Holmes v CSX Transportation, et al (Civil)  <b>Decision:</b> Affirmed	Wake 07CVS4798	Steelman
08-262-1	State v Berry (Criminal)  <b>Decision:</b> No error	Wake 06CRS18115,06CRS18116,- 06CRS18114	Bryant
08-674-1	In Re: A.A.P., et al (Juvenile - 3.1)  <b>Decision:</b> Affirmed in part; Reversed and remanded in part	Wilkes 04JT158,04JT159,04JT157	Steelman