

**IN THE COURT OF APPEALS**  
**CASES REPORTED WITH PUBLISHED OPINIONS**  
**(FILED 16 DECEMBER 2008)**  
**(MANDATE 5 JANUARY 2009)**

Docket #	Title	County	Judge
07-1507-1	State v Lawson (Criminal) <b>Decision:</b> No Error	Alamance	McCullough
08-221-1	State v Bare (Criminal) <b>Decision:</b> No Error	Alleghany	Arrowood
08-203-1	In The Matter Of The Estate Of: Severt (Civil) <b>Decision:</b> Reversed	Ashe	Jackson
08-613-1	State v English (Criminal) <b>Decision:</b> New Trial	Burke	Tyson
08-285-1	Ross v Ross (Civil) <b>Decision:</b> Dismissed	Carteret	McCullough
08-576-1	In The Matter Of: J.W.S. (Juvenile - 3.1) <b>Decision:</b> Reversed	Carteret	Stephens
08-246-1	Edmunds v Edmunds (Civil) <b>Decision:</b> Affirmed in part, Reversed in part, and Remanded	Columbus	Calabria
08-284-2	In The Matter Of: K.J.L. (Juvenile - 3.1) <b>Decision:</b> Vacated	Davidson	Stroud
08-622-1	In Re: I.T.P-L. (Juvenile - 3.1) <b>Decision:</b> Affirm in part and Vacate in part	Duplin	Stephens
07-1543-1	Hackos v Smith (Civil) <b>Decision:</b> Affirmed	Durham	Jackson
08-63-1	Hackos v Smith (Civil) <b>Decision:</b> Dismissed	Durham	Jackson
08-734-1	State v Wooten (Criminal) <b>Decision:</b> Affirmed	Greene	Calabria
08-242-1	Cambridge Homes v Hyundai Const., et al (Civil) <b>Decision:</b> Reversed and Remanded	Mecklenburg	Calabria
08-270-1	Town of Matthews v Wright (Civil) <b>Decision:</b> Reversed and Remanded	Mecklenburg	Bryant
08-478-1	State v Isenhour (Criminal) <b>Decision:</b> Affirmed	Mecklenburg	Hunter
08-56-1	Treat v Mecklenburg County (Civil) <b>Decision:</b> Affirmed	N.C. Industrial Commission	McGee
08-128-1	Huffman v Moore County (Civil) <b>Decision:</b> Reversed and Remanded	N.C. Industrial Commission	Arrowood

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08-439-1	Floyd v Executive Personnel Group (Civil) <b>Decision:</b> Affirmed	N.C. Industrial Commission	McCullough
08-620-1	State v Hussey (Criminal) <b>Decision:</b> No error	Nash	Calabria
08-457-1	Ventriglia v Deese (Civil) <b>Decision:</b> Affirmed	New Hanover	Arrowood
08-181-1	Wilkins v CSX Transportation, Inc. (Civil) <b>Decision:</b> No Error in part; reversed in part and remanded	Northampton	Calabria
05-1183-2	Jones v Harrelson & Smith (Civil) <b>Decision:</b> Affirmed in part, Reversed in part and Remanded	Pamlico	Geer
08-277-1	State v Ford (Criminal) <b>Decision:</b> Affirmed	Richmond	Bryant
08-470-1	State v Cowan (Criminal) <b>Decision:</b> No Prejudicial Error	Rowan	Stroud
07-647-1	Allred v Capital Area Soccer, et al (Civil) <b>Decision:</b> Reversed and Remanded	Wake	Steelman
07-1572-1	State v Philip Morris USA, Inc., et al (Civil) <b>Decision:</b> Reversed and Remanded	Wake	Tyson
08-248-1	Eakes v Eakes (Civil) <b>Decision:</b> Affirmed	Wake	Steelman
08-290-1	Eakes v Eakes (Civil) <b>Decision:</b> Vacated and remanded	Wake	Steelman
08-601-1	State v Charles (Criminal) <b>Decision:</b> No Error	Wake	McCullough
08-30-1	Helm v Appalachian State University (Civil) <b>Decision:</b> Affirmed	Watauga	Elmore
08-485-1	Cornett v Watauga Surgical Group (Civil) <b>Decision:</b> Affirmed	Watauga	Calabria
08-67-1	State v Anderson (Criminal) <b>Decision:</b> No Error	Wayne	McCullough
08-578-1	Wiggs v Peedin (Civil) <b>Decision:</b> Reversed and Remanded	Wayne	Tyson

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08-574-1	Cumbo v Cumbo (Civil) <b>Decision:</b> Affirmed	Beaufort 04CVD1174	Calabria
08-184-1	Emick v Sunset Beach & Twin Lakes, Inc. (Civil) <b>Decision:</b> Affirmed	Brunswick 03CVS2008	Elmore
08-303-1	State v Brewer (Criminal)  <b>Decision:</b> Affirmed	Buncombe 04CRS8969,04CRS8964,0- 4CRS8978,04CRS8973,04- CRS8967,04CRS8976,04C- RS8970,04CRS8965,04CR- S8983,04CRS8974,04CRS- 8968,04CRS8963,04CRS8- 977,04CRS8971,04CRS89- 66,04CRS52140,04CRS8975	Geer
08-661-1	State v Lewis (Criminal)  <b>Decision:</b> No Error	Buncombe 06CRS57491,06CRS57498- ,06CRS57494,06CRS9858,- 06CRS57496	Bryant
08-825-1	In The Matter Of: K.E., Jr. (Juvenile - 3.1)  <b>Decision:</b> Vacated	Buncombe 07JA454	Bryant
08-414-1	State v Davis (Criminal)  <b>Decision:</b> No Error	Burke 04CRS1324	Calabria
08-454-1	In Re: B.M.A. (Juvenile - 3.1)  <b>Decision:</b> Affirmed	Burke 05JT131	Wynn, Jr.
08-694-1	State v Wheeler (Criminal)  <b>Decision:</b> No Error	Cabarrus 07CRS8245,07CRS8244	Bryant
08-319-1	State v Sparks (Criminal)  <b>Decision:</b> Dismissed	Caldwell 04CRS8000,05CRS4231,0- 4CRS1202	Geer
08-814-1	In The Matter Of: J.T.F. and S.L.F. (Juvenile - 3.1)  <b>Decision:</b> Affirmed	Caldwell 06J137,06J135	Arrowood
07-1508-1	Moser v Smith (Civil)  <b>Decision:</b> Affirmed	Catawba 06CVS3386	Steelman
08-596-1	State v Woods (Criminal)  <b>Decision:</b> No Error	Catawba 06CRS1887	Bryant
08-263-1	Byrd Family v Cameron L. Smith & Son (Civil)  <b>Decision:</b> Affirmed	Columbus 07CVS667	Elmore
08-375-1	State v Wilds (Criminal)	Columbus 06CRS51617,06CRS51616	Wynn, Jr.

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	<b>Decision:</b> No Error		
08-878-1	State v Harlow (Criminal)	Columbus 07CRS50032	Arrowood
	<b>Decision:</b> No Error		
08-900-1	In The Matter Of: J.Y. and N.Y. (Juvenile - 3.1)	Cumberland 05JT689,05JT688	Arrowood
	<b>Decision:</b> Affirmed		
08-340-1	State v Goldston (Criminal)	Durham 04CRS50797	Arrowood
	<b>Decision:</b> No Error		
08-539-1	State v Coffin (Criminal)	Durham 01CRS50252	Calabria
	<b>Decision:</b> No Error		
08-208-1	State v Jones (Criminal)	Forsyth 06CRS31289,06CRS63871	Bryant
	<b>Decision:</b> No Error		
08-240-1	State v Wagner (Criminal)	Forsyth 06CRS57682,06CRS36461	Bryant
	<b>Decision:</b> No Error		
08-244-1	State v Villarreal (Criminal)	Forsyth 07CRS52285	Geer
	<b>Decision:</b> No Error		
08-330-1	State v Brito (Criminal)	Forsyth 03CRS57535,04CRS38529	Steelman
	<b>Decision:</b> No Error as to Trial. Remanded for resentencing on 04CRS38529		
08-377-1	State v House (Criminal)	Forsyth 06CRS37790,07CRS50562	Geer
	<b>Decision:</b> No Error		
08-502-1	State v Gamble (Criminal)	Forsyth 06CRS15967,06CRS60817	McCullough
	<b>Decision:</b> No Error		
08-590-1	State v Stephens (Criminal)	Forsyth 07CRS54983	Arrowood
	<b>Decision:</b> No Error		
08-393-1	State v Hicks (Criminal)	Gaston 05CRS3250,05CRS51705	Geer
	<b>Decision:</b> No Error		
08-934-1	In The Matter Of: V.M.C. (Juvenile - 3.1)	Gaston 05JT332	Arrowood
	<b>Decision:</b> Affirmed		
08-84-1	State v Grier (Criminal)	Granville 07IFS952	Geer
	<b>Decision:</b> No Error		
08-212-1	State v Caviness (Criminal)	Guilford 07CRS24697,07CRS77676- ,07CRS24696,07CRS77677	Geer
	<b>Decision:</b> No Error		
08-243-1	State v McKinney (Criminal)	Guilford 03CRS84998	Arrowood
	<b>Decision:</b> Affirmed		

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08-429-1	State v Wood (Criminal) <b>Decision:</b> No Error	Guilford 07CRS90977,07CRS90975	Bryant
08-808-1	In the Matter of: A.M. (Juvenile - 3.1) <b>Decision:</b> Affirmed	Guilford 08JA1	Geer
08-392-1	Citibank v Bowen (Civil) <b>Decision:</b> Affirmed	Harnett 07CVD497	Hunter
08-821-1	In Re: J.M.E. (Juvenile - 3.1) <b>Decision:</b> Affirmed	Harnett 05J39	Calabria
08-199-1	State v Patton (Criminal) <b>Decision:</b> Affirmed	Henderson 05CRS6240,05CRS6241,0-5CRS6239,05CRS6242	Calabria
08-607-1	State v Gatling (Criminal) <b>Decision:</b> Affirmed	Hertford 94CRS577	Bryant
08-566-1	State v Maysonet (Criminal) <b>Decision:</b> No Error	Iredell 06CRS57801,06CRS11619,-06CRS57799,06CRS57792-,06CRS57795,06CRS11618-,06CRS57798	Arrowood
08-866-1	State v Jones (Criminal) <b>Decision:</b> No Error in part; vacate in part; and remand	Iredell 06CRS61968	Arrowood
08-658-1	State v Harvey (Criminal) <b>Decision:</b> No Error	Johnston 04CRS55808	Arrowood
08-228-1	State v McNeill (Criminal) <b>Decision:</b> No error	Lee 07CRS51043	McGee
08-390-1	Evergreen Constr. v City of Kinston (Civil) <b>Decision:</b> Reversed and Remanded	Lenoir 07CVS1023	Bryant
08-202-1	Elder Broach Properties v McNeel (Civil) <b>Decision:</b> Affirmed in part, Reversed in part	Mecklenburg 05CVD6956	Wynn, Jr.
08-292-1	State v Grant (Criminal) <b>Decision:</b> No Error	Mecklenburg 05CRS244095,05CRS7634-2,05CRS244094	Geer
08-417-1	State v Hill (Criminal) <b>Decision:</b> No Error	Mecklenburg 07CRS210305	Bryant
08-606-1	State v Jones (Criminal) <b>Decision:</b> No Prejudicial Error	Mecklenburg 06CRS229547	Arrowood

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08-735-1	State v Ferguson (Criminal)  <b>Decision:</b> Remanded for new sentencing hearing	Mecklenburg 06CRS241687,06CRS2416-91,06CRS235798,07CRS214062	Arrowood
08-870-1	In The Matter Of: D.N. (Juvenile - 3.1)  <b>Decision:</b> Affirmed	Mecklenburg 06JT1247	Calabria
08-880-1	In The Matter Of: T.L.A., E.A., T.R.A. (Juvenile - 3.1)  <b>Decision:</b> Affirmed	Mecklenburg 06JT924,06JT1251,06JT923	Hunter
08-165-1	Stallings v NC Dept. Of The State (Civil)  <b>Decision:</b> Affirmed in part and Reversed in part	N.C. Industrial Commission TA18810	Calabria
08-355-1	Coston v Smithfield Packing, Inc. (Civil)  <b>Decision:</b> Affirmed	N.C. Industrial Commission IC605852	Wynn, Jr.
08-451-1	Jones v Food Lion (Civil)  <b>Decision:</b> Affirmed	N.C. Industrial Commission IC545151	Arrowood
08-538-1	Hinceman v Food Lion, et al (Civil)  <b>Decision:</b> Affirmed in part, Remanded in part	N.C. Industrial Commission IC391486	Calabria
08-548-1	Hamilton v Norton Doors, et al (Civil)  <b>Decision:</b> Affirmed	N.C. Industrial Commission IC589494	Calabria
08-447-1	State v Ingram (Criminal)  <b>Decision:</b> No Error	Nash 06CRS50725,06CRS50726-,06CRS50724	Stroud
08-218-1	Walker, et al v New Hanover Co. Bd. (Civil)  <b>Decision:</b> Affirmed	New Hanover 07CVS1116	Stephens
08-567-1	State v Bell (Criminal)  <b>Decision:</b> No Error	Onslow 06CRS53782,06CRS53781	Arrowood
08-291-1	State v Silver (Criminal)  <b>Decision:</b> No Error	Pitt 07CRS50226,07CRS2525	Geer
08-677-1	State v Cherry (Criminal)  <b>Decision:</b> Dismissed	Pitt 07CRS52628,07CRS52629-,07CRS52627	Stroud
08-350-1	State v Hammonds (Criminal)  <b>Decision:</b> Affirmed	Robeson 05CRS50312,05CRS50313-,05CRS50311	Geer
08-136-1	State v Coleman (Criminal)  <b>Decision:</b> No Prejudicial Error	Rowan 06CRS50585	McCullough

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08-726-1	State v Gladden (Criminal)  <b>Decision:</b> Affirmed	Rowan 05CRS53979,05CRS53980- ,05CRS53978,06CRS5010	Arrowood
08-545-1	State v Pegues (Criminal)  <b>Decision:</b> No Error	Sampson 07CRS50240	Bryant
08-494-1	Skerrett v Skerrett (Civil)  <b>Decision:</b> Affirmed	Transylvania 07CVD473	Wynn, Jr.
04-294-2	State v Hernandez-Madrid (Criminal)  <b>Decision:</b> No Error	Wake 02CRS51220,02CRS51222- ,02CRS209,02CRS51225	Wynn, Jr.
07-1345-1	State v Silva (Criminal)  <b>Decision:</b> No Error	Wake 05CRS101794,05CRS1017- 96,05CRS101793,05CRS101797	McCullough
08-160-1	State v Smith (Criminal)  <b>Decision:</b> No Error	Wake 05CRS9375,05CRS59140,- 05CRS9374,05CRS59141	Bryant
08-273-1	State v Kidd (Criminal)  <b>Decision:</b> No Error	Wake 06CRS62260	Elmore
08-311-1	N.C. Department of Labor v Sutton (Civil)  <b>Decision:</b> Affirmed	Wake 07CVS13159	Arrowood
08-389-1	State v Morris (Criminal)  <b>Decision:</b> No Prejudicial Error	Wake 05CRS35229,05CRS37632- ,05CRS35227	Stroud
08-455-1	State v Jackson (Criminal)  <b>Decision:</b> No Error	Wake 06CRS88878	Bryant
08-905-1	In The Matter Of: A.K., et al (Juvenile - 3.1)  <b>Decision:</b> Affirmed in part, Reversed and Remanded in part	Wilson 06JA119,08JA35,06JA120,- 06JA118,06JA121	Bryant