

**IN THE COURT OF APPEALS**  
**CASES REPORTED WITH PUBLISHED OPINIONS**  
**(FILED 17 FEBRUARY 2009)**  
**(MANDATE 9 MARCH 2009)**

Docket #	Title	County	Judge
08-660-1	Burress v Burress (Civil) <b>Decision:</b> Reversed and Vacated	Caldwell	Steelman
07-1419-1	Gaines v Cumberland County Hospital (Civil) <b>Decision:</b> Affirmed	Cumberland	Steelman
08-675-1	Fulford, ex rel v Jenkins, et al (Civil) <b>Decision:</b> Affirmed	Duplin	McGee
08-216-1	DeHart v NC DOT (Civil) <b>Decision:</b> Affirmed	Graham	Geer
08-441-1	State v Hudgins (Criminal) <b>Decision:</b> Affirmed	Guilford	Steelman
08-474-1	State v Hodges (Criminal) <b>Decision:</b> Affirmed	Guilford	Hunter
08-712-1	Moses H. Cone Memorial v Hawley (Civil) <b>Decision:</b> Affirmed	Guilford	Wynn, Jr.
08-516-1	Sugar Creek v Charlotte-Mecklenburg Bd. (Civil) <b>Decision:</b> Affirmed in part, reversed and remanded in part	Mecklenburg	McGee
08-689-1	Timber Ridge v Caldwell (Civil) <b>Decision:</b> Reversed	Mecklenburg	Bryant
08-831-1	State v Massey (Criminal) <b>Decision:</b> No Error	Mecklenburg	Steelman
07-1479-1	Total Renal Care v NC Dept. of Health (Civil) <b>Decision:</b> Dismissed	N.C. Dept. of Health & Human Svcs	Stephens
08-711-1	Cooper v BHT Enterprises (Civil) <b>Decision:</b> Affirmed	N.C. Industrial Commission	Martin
08-771-1	Five C's, Inc. v County of Pasquotank (Civil) <b>Decision:</b> Reversed	Pasquotank	Hunter, Jr.
07-1376-1	State v Tyson (Criminal) <b>Decision:</b> New Trial	Pitt	Stephens
08-736-1	Hendrix v Advanced Metal Corporation (Civil) <b>Decision:</b> Reversed and Remanded	Pitt	Steelman

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Docket #	Title	County	Judge
08-410-1	State v Corbett (Criminal) <b>Decision:</b> No Error	Alamance 06CRS52325 06CRS52324	Geer
08-281-1	State v Bell (Criminal) <b>Decision:</b> Affirmed	Brunswick 03CRS2213 03CRS2215 03CRS2212 03CRS2216	Geer
08-1225-1	In The Matter Of: A.S., J.B., B.L.S. (Juvenile - 3.1) <b>Decision:</b> Affirmed in part; reversed and remanded in part	Brunswick 08J70A 07J127A128A	McGee
08-983-1	Stanton Barrett v Innovative Tech. (Civil) <b>Decision:</b> Affirmed	Cabarrus 07CVS284	Beasley
07-1493-1	D.E.F. Of Hickory, LLC v Honeycutt (Civil) <b>Decision:</b> Affirmed	Catawba 06CVS2612	Geer
08-817-1	State v Spencer (Criminal) <b>Decision:</b> Reversed and Remanded	Cleveland 06CRS53924 06CRS4758 06CRS53923	McGee
08-445-1	State v Freeman (Criminal) <b>Decision:</b> Affirmed	Columbus 04CRS53256	Wynn, Jr.
08-1025-1	In The Matter Of: C.T. (Juvenile - 3.1) <b>Decision:</b> Affirmed	Craven 06JT154	McGee
08-752-1	State v Clark (Criminal) <b>Decision:</b> Affirmed	Cumberland 07CRS5856	McGee
08-1167-1	In The Matter Of: B.A.N.T. (Juvenile - 3.1) <b>Decision:</b> Affirmed	Durham 06J58	Martin
08-428-1	State v Butler (Criminal) <b>Decision:</b> No Error	Forsyth 06CRS59305 07CRS3062 06CRS59306 07CRS3063 06CRS59304 07CRS3061	Hunter
08-467-1	State v Franklin (Criminal) <b>Decision:</b> Affirmed	Forsyth 07CRS26645 07CRS26644	Geer
08-575-1	State v Reid (Criminal) <b>Decision:</b> No error in part; harmless error in part; and dismissed in part	Forsyth 06CRS20432 06CRS55442	Bryant
08-354-1	State v Weaver (Criminal) <b>Decision:</b> Affirm in part; No Error in part	Gaston 04CRS69848	Jackson
08-759-1	State v Chitwood (Criminal) <b>Decision:</b> Affirmed	Gaston 03CRS25296	McGee
08-841-1	State v Rankins (Criminal)	Guilford 07CRS106698	McGee

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	<b>Decision:</b> No Error		
08-1014-1	In Re: N.L.O. (Juvenile - 3.1)	Guilford 06JT794	Wynn, Jr.
	<b>Decision:</b> Affirmed		
08-753-1	State v Rowland (Criminal)	Harnett 07CRS6932 06CRS57619	Hunter, Jr.
	<b>Decision:</b> No error in part; Vacated in part		
08-379-1	State v Cross (Criminal)	Iredell 05CRS53582 05CRS53581	Geer
	<b>Decision:</b> No error in part; judgment arrested as to 05CRS53582		
08-702-1	Jones v McLeod (Civil)	Johnston 07CVS1816	Elmore
	<b>Decision:</b> Affirmed		
08-583-1	Triton Industries, Inc. v Riverwalk (Civil)	Macon 08CVS21	Jackson
	<b>Decision:</b> Affirmed in part, reversed in part		
07-1316-1	State v Robinson (Criminal)	Mecklenburg 06CRS30579 06CRS30577	Geer
	<b>Decision:</b> No error in part and remanded in part		
08-552-1	In the Matter of: C.G. (Juvenile - Criminal)	Mecklenburg 01J430	Steelman
	<b>Decision:</b> Affirmed		
08-653-1	State v Orr (Criminal)	Mecklenburg 06CRS222929 06CRS222934 06CRS222930 06CRS222928 06CRS222932	McGee
	<b>Decision:</b> No Error in part, reversed in part and remanded for resentencing		
08-748-1	Dunstone Financial, L.L.C. v Simmons (Civil)	Mecklenburg 07CVD13568	McGee
	<b>Decision:</b> Dismissed		
08-749-1	Discover Bank v Altman (Civil)	Mecklenburg 07CVD13885	McGee
	<b>Decision:</b> Dismissed		
08-750-1	LVNV Funding, LLC v Aikens (Civil)	Mecklenburg 07CVD13571	McGee
	<b>Decision:</b> Dismissed		
08-751-1	Discover Bank v Sims (Civil)	Mecklenburg 07CVD13646	McGee
	<b>Decision:</b> Dismissed		
08-916-1	State v Brown (Criminal)	Mecklenburg 05CRS227672 05CRS227675 05CRS227673 05CRS227671 05CRS227674	Steelman
	<b>Decision:</b> No Error		
07-852-1	Allen v Care Focus, et al (Civil)	N.C. Industrial Commission IC355745 IC162649	Jackson
	<b>Decision:</b> affirmed		
08-610-1	Johnson v Thomasville Furniture (Civil)	N.C. Industrial Commission IC455846	Martin

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	<b>Decision:</b> Affirmed		
08-786-1	Collins v Citation Foundry, et al (Civil)	N.C. Industrial Commission IC545137	Stroud
	<b>Decision:</b> Affirmed		
08-835-1	Lane v American National Can Company (Civil)	N.C. Industrial Commission IC963599	Steelman
	<b>Decision:</b> Affirmed		
08-682-1	Faulkenbury v Faulkenbury (Civil)	New Hanover 02CVD301	Calabria
	<b>Decision:</b> Affirmed		
08-1089-1	In The Matter Of: R.M.H. and C.N.P. (Juvenile - 3.1)	New Hanover 06JT28 06JT27	Wynn, Jr.
	<b>Decision:</b> Affirmed		
08-1073-1	In The Matter Of: H.M. and N.M. (Juvenile - 3.1)	Pasquotank 08JT2 08JT1	Martin
	<b>Decision:</b> Affirmed		
08-348-1	State v Hilliker (Criminal)	Pitt 07CRS50246	Geer
	<b>Decision:</b> No Error		
08-1013-1	In Re: D.N. (Juvenile - 3.1)	Pitt 03JA209	Martin
	<b>Decision:</b> Dismissed		
08-361-1	State v Gary (Criminal)	Polk 07CRS50217	Geer
	<b>Decision:</b> No Error		
08-183-1	State v Casey (Criminal)	Randolph 06CRS50667 06CRS50668 06CRS50128	Geer
	<b>Decision:</b> No Error		
08-356-1	National Railroad v City of Hamlet (Civil)	Richmond 06CVS749	Jackson
	<b>Decision:</b> Affirmed		
08-163-1	State v Cummings (Criminal)	Robeson 05CRS56494 05CRS56495 05CRS56491	Geer
	<b>Decision:</b> No Error		
08-333-1	State v Braddy (Criminal)	Robeson 04CRS6107 04CRS5629	Geer
	<b>Decision:</b> No Error		
08-412-1	State v Pruitt (Criminal)	Rutherford 07CRS3312	Geer
	<b>Decision:</b> Affirmed		
08-695-1	State v Wesley (Criminal)	Rutherford 06CRS55240	Jackson
	<b>Decision:</b> No Error		
08-1324-1	In Re: A.R.S. and C.T.S. (Juvenile - 3.1)	Rutherford 066 061 069 064 067 062 0610 065 060 068 063	Calabria
	<b>Decision:</b> Affirmed		
08-462-1	State v Graham (Criminal)	Scotland 05CRS50578 05CRS50577	Geer

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	<b>Decision:</b> Affirmed		
08-6-1	State v Lynch (Civil)	Wake 04CRS74473	Geer
	<b>Decision:</b> Affirmed		
08-200-1	State v Harris (Criminal)	Wake 06CRS25593	Stephens
	<b>Decision:</b> New Trial		
08-328-1	State v Justice (Criminal)	Wake 06CRS46672 06CRS48045 06CRS46671	Geer
	<b>Decision:</b> No Error		
08-464-1	State v Durham (Criminal)	Wake 07CRS27554	Jackson
	<b>Decision:</b> No error in part, reversed and remanded in part		
08-541-1	WHD, L.P. v Mayflower Capital, et al (Civil)	Wake 03CVS4991	McGee
	<b>Decision:</b> Affirmed		
08-559-1	State v Smith (Criminal)	Wake 05CRS62018	Jackson
	<b>Decision:</b> No Error		
08-779-1	State of NC, ex rel v State Properties (Civil)	Wake 07CVS20574	Steelman
	<b>Decision:</b> Reversed		
08-800-1	State v Moore (Criminal)	Wake 07CRS75867	Per Curiam
	<b>Decision:</b> Dismissed		
08-901-1	In The Matter Of: A.N., A.W. and I.N. (Juvenile - 3.1)	Wake 06JT93 06JT94 06JT92	Martin
	<b>Decision:</b> Affirmed		
08-743-1	State v Baker (Criminal)	Wayne 06CRS8433 06CRS51809	Bryant
	<b>Decision:</b> No prejudicial error		
08-512-1	Broyhill v Broyhill (Civil)	Wilkes 06CVD711	McGee
	<b>Decision:</b> Vacated		
08-522-1	Batts v Batts v NC DOT (Civil)	Wilson 01CVS1375	Bryant
	<b>Decision:</b> Reversed		