

IN THE COURT OF APPEALS
CASES REPORTED WITH PUBLISHED OPINIONS
(FILED 7 JULY 2009)
(MANDATE 27 JULY 2009)

| Docket # | Title | County | Judge |
|-----------|--|-------------|------------------------|
| 08-1172-1 | Fairway Outdoor Advertising v Edwards (Civil) Decision: Affirmed | Cabarrus | Stroud |
| 09-44-1 | State v Cloer (Criminal) Decision: Dismissed | Caldwell | Ervin, IV |
| 08-1432-1 | State, Ex. Rel. v Eason (Civil) Decision: Affirmed | Camden | Martin |
| 08-1551-1 | In The Matter Of: C.M. and M.H.M. (Juvenile - 3.1) Decision: Affirmed and remanded | Cumberland | Hunter, Jr. |
| 08-961-1 | State v Streater (Criminal) Decision: No error in part; new trial in part; and remanded for resentencing | Davidson | Hunter, Jr. |
| 08-1314-1 | State v Hubbard (Criminal) Decision: Affirmed | Forsyth | Stephens |
| 08-1318-1 | State v Davis (Criminal) Decision: No error in part; Dismissed in part | Gaston | Jackson |
| 08-1410-1 | Yurek v Shaffer (Civil) Decision: Affirmed | Granville | Martin |
| 08-1251-1 | Lang v Lang (Civil) Decision: Affirmed | Guilford | Stroud |
| 08-1556-1 | Woods v Moses Cone Health System (Civil) Decision: Affirmed in part; reversed and remanded in part | Guilford | McGee |
| 08-1027-1 | Leggett v AAA Cooper Transportation (Civil) Decision: Affirmed | Halifax | Stephens |
| 08-1405-1 | State v Davis (Criminal) Decision: No Error | Halifax | Elmore |
| 08-1329-1 | State v Ray (Criminal) Decision: Reversed and remanded for new trial | Hoke | Beasley |
| 08-1042-1 | State v Rivens (Criminal) Decision: No Error | Mecklenburg | Jackson |
| 08-1180-1 | State v Black (Criminal) Decision: No error | Mecklenburg | Stroud |
| 08-1445-1 | Carolina Forest Assoc. v White (Civil) Decision: Affirmed | Mecklenburg | Ervin, IV Stroud(d) |

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| 08-1497-1 | State v Porter (Criminal) Decision: No Error | Mecklenburg | Steelman |
| 08-1185-1 | State v Yarborough (Criminal) Decision: Reversed in part, no error in part | Nash | Beasley |
| 08-1352-1 | Rowell v Bowling (Civil) Decision: Affirmed | New Hanover | Hunter, Jr. Jackson(d) |
| 08-896-1 | Town of Oriental v Henry (Civil) Decision: Reversed and Remanded | Pamlico | Stephens |
| 08-1286-1 | Smart v State of NC (Civil) Decision: Affirmed | Pasquotank | Stroud |
| 08-602-1 | State v Madures (Criminal) Decision: No error in part; Dismissed in part | Rowan | Jackson |
| 08-1530-1 | State v Miller (Criminal) Decision: No Error | Rutherford | Jackson |
| 08-1239-1 | State v Lark (Criminal) Decision: No error; remanded for correction of clerical errors | Stokes | McGee |
| 09-213-1 | In The Matter Of: J.V. and M.V. (Juvenile - 3.1) Decision: Vacated and remanded for additional findings | Stokes | Ervin, IV |
| 08-898-1 | NC Farm Bureau v Simpson (Civil) Decision: Reversed and remanded | Wake | Steelman |
| 08-992-1 | Granger v University of NC (Civil) Decision: Affirmed | Wake | McGee |
| 08-1127-1 | Martini v Companion Property (Civil) Decision: Affirmed in part; reversed and remanded in part | Wake | Elmore Steelman(c)(d) |
| 09-136-1 | State v McLeod (Criminal) Decision: Affirmed in part and remanded for new trial | Wake | Bryant |
| 09-143-1 | In The Matter Of: T.P., M.P., K.P. (Juvenile - 3.1) Decision: Reversed and Remanded | Warren | Beasley |
| 09-102-1 | State v McClary (Criminal) Decision: No Error | Wayne | Steelman |
| 08-1523-1 | State v Anderson (Criminal) Decision: No Error | Wilkes | McGee |
| 08-1208-1 | FMB, Inc. v Creech, et al (Civil) Decision: Dismissed | Wilson | Steelman |
| 09-320-1 | In The Matter of: D.B.J. (Juvenile - 3.1) Decision: Affirmed | Yadkin | Beasley |

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| 09-200-1 | State v Graves (Criminal) Decision: No error in part; restitution order vacated and remanded for resentencing on the issue of restitution; remanded for correction of judgment | Alamance 06CRS55350 | Martin |
| 09-266-1 | State v Richardson (Criminal) Decision: Affirmed | Alleghany 07CRS50123 07CRS50124 | Martin |
| 08-1571-1 | State v Patterson (Criminal) Decision: No Error | Anson 05CRS51676 05CRS51679 | Bryant |
| 08-911-1 | Seagle v Cross (Civil) Decision: Affirmed | Buncombe 07CVS2009 | Ervin, IV |
| 09-218-1 | In The Matter Of: N.M. (Juvenile - 3.1) Decision: Affirmed | Buncombe 08JT217 | Beasley |
| 09-340-1 | In The Matter Of: K.P.M., et al (Juvenile - 3.1) Decision: Affirmed | Buncombe 08JT0101 08JT0102 08JT0103 | Hunter |
| 08-1290-1 | State v Tomlinson (Criminal) Decision: No Error | Burke 03CRS2068 03CRS2069 03CRS5088 | Elmore |
| 08-1330-1 | State v Rhinehardt (Criminal) Decision: No Error | Cabarrus 07CRS52876 | Bryant |
| 08-1049-1 | Siquar USA v Wang, et al (Civil) Decision: Affirmed | Catawba 07CVS4383 | Calabria |
| 08-1170-1 | State v Biggs (Criminal) Decision: No Error | Chowan 05CRS50466 05CRS50467 | Martin |
| 09-14-1 | State v Boswell (Criminal) Decision: No error in part, vacated in part as to 08CRS2524 and remanded for resentencing | Columbus 07CRS50109 08CRS2522 08CRS2523 08CRS2524 | Martin |
| 08-1388-1 | State v Freeland (Criminal) Decision: No Error | Cumberland 06CRS56389 | Bryant |
| 08-1035-1 | Grafton v Washington Mutual Bank (Civil) Decision: Affirmed | Durham 06CVS5277 | Bryant |
| 08-1095-1 | State v Brown (Criminal) Decision: No error | Edgecombe 07CRS52812 | Martin |
| 08-1292-1 | State v Vines (Criminal) Decision: Dismissed | Edgecombe 07CRS51898 07CRS51903 | McGee |

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| 08-1112-1 | State v Hernandez (Criminal) | Forsyth 05CRS37287 05CRS63189 05CRS63190 05CRS63191 05CRS63193 05CRS63304 05CRS63306 08CRS3580 | Elmore |
| | Decision: No Error | | |
| 08-1114-1 | State v Laurel (Criminal) | Forsyth 07CRS53297 | Jackson |
| | Decision: No Error | | |
| 08-1264-1 | State v Young (Criminal) | Forsyth 06CRS30099 06CRS58869 | Hunter |
| | Decision: No Error | | |
| 08-1437-1 | Twin Tower Erection v Beatty (Civil) | Forsyth 07CVS2448 | Hunter |
| | Decision: Affirmed | | |
| 08-1521-1 | State v Brewington (Criminal) | Forsyth 07CRS51901 | Bryant |
| | Decision: Affirmed | | |
| 09-78-1 | State v Durham (Criminal) | Forsyth 07CRS58234 | Elmore |
| | Decision: No error | | |
| 09-113-1 | State v Gamble (Criminal) | Forsyth 05CRS64753 | Martin |
| | Decision: No Error | | |
| 09-146-1 | State v Johnson (Criminal) | Forsyth 07CRS13176 07CRS52511 | Martin |
| | Decision: No error | | |
| 09-20-1 | State v Jones (Criminal) | Gaston 05CRS57404 | Bryant |
| | Decision: No Error | | |
| 09-103-1 | State v McNair (Criminal) | Gaston 07CRS8234 | Martin |
| | Decision: Dismissed | | |
| 08-1046-1 | State v Graham (Criminal) | Guilford 06CRS96123 | Hunter |
| | Decision: No error | | |
| 08-1484-1 | State v McQueen (Criminal) | Guilford 07CRS98092 | Martin |
| | Decision: No error | | |
| 08-1574-1 | State v Smalls (Criminal) | Guilford 07CRS23163 07CRS23164 | Elmore |
| | Decision: No error | | |
| 09-26-1 | MacDonald v Bank of America Corp. (Civil) | Guilford 07CVS9274 | McGee |
| | Decision: Affirmed | | |
| 09-66-1 | State v Miller (Criminal) | Guilford 08CRS78489 | Elmore |
| | Decision: Appeal dismissed; petition for Writ of Certiorari denied | | |
| 09-295-1 | In The Matter Of: C.M.W. (Juvenile - 3.1) | Guilford 06JT427 | Martin |
| | Decision: Affirmed | | |

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| 09-186-1 | In Re: S.J.F.P. (Juvenile - 3.1) Decision: Affirmed | Harnett 06J141 | Martin |
| 09-243-1 | In Re: S.C. (Juvenile - 3.1) Decision: Affirmed | Harnett 07J157 | Hunter |
| 09-244-1 | In Re: I.H. and E.H. (Juvenile - 3.1) Decision: Affirmed | Harnett 06J224 06J225 | Ervin, IV |
| 08-1568-1 | State v Ferguson (Criminal) Decision: Dismissed | Haywood 06CRS054323 06CRS054326 | Bryant |
| 08-1570-1 | State v Williams (Criminal) Decision: No error | Henderson 07CRS1985 07CRS1986 | Elmore |
| 09-134-1 | In The Matter Of: Q.T.H. and W.L.R. (Juvenile - 3.1) Decision: Affirmed | Iredell 05JT209 05JT210 | Hunter, Jr. |
| 09-405-1 | In The Matter Of: K.H. (Juvenile - 3.1) Decision: Affirmed | Johnston 08J190 | Elmore |
| 08-1067-1 | Keal v Keal (Civil) Decision: Vacated and remanded | Mecklenburg 05CVD12700 | McGee |
| 08-1276-1 | State v Moore (Criminal) Decision: No Error | Mecklenburg 05CRS206901 | Elmore |
| 08-1550-1 | State v Dixon (Criminal) Decision: No Error | Mecklenburg 07CRS221179 | Bryant |
| 09-45-1 | State v Jones (Criminal) Decision: No error | Mecklenburg 06CRS246080 06CRS246083 06CRS246084 | Elmore |
| 09-76-1 | State v Turner (Criminal) Decision: No error | Mecklenburg 08CRS260100 08CRS26099 08CRS2610 08CRS26099 08CRS26100 08CRS46153 08CRS46155 | Elmore |
| 08-827-1 | State v Christian (Criminal) Decision: No Error | Montgomery 03CRS50646 03CRS50647 03CRS50648 | Wynn, Jr. |
| 09-151-1 | State v Justice (Criminal) Decision: No error | Moore 08CRS3765 08CRS50911 | Martin |
| 08-1077-1 | Gesel v Miller Orthopaedic Clinic, Inc. (Civil) Decision: No Error | N.C. Industrial Commission IC263168 | Elmore |

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| 08-1148-1 | Lassiter v Town of Selma (Civil) Decision: Affirmed | N.C. Industrial Commission IC589062 | Steelman |
| 08-1281-1 | Goodson v Affiliated Computer Services (Civil) Decision: Affirmed | N.C. Industrial Commission IC668784 | Stephens |
| 08-1600-1 | Ricks v Davis (Civil) Decision: Dismissed | Nash 08CVD179 | Elmore |
| 08-1050-1 | State v Rose (Criminal) Decision: No error | New Hanover 06CRS10370 06CRS10371 | Stroud |
| 08-1341-1 | Souther v Souther (Civil) Decision: Affirmed | New Hanover 07CVD1263 | Elmore |
| 08-855-1 | La Costa Dev. v Town of North Topsail (Civil) Decision: Reversed | Onslow 07CVS4412 | Elmore |
| 08-1331-1 | State v Dunn (Criminal) Decision: No Error | Onslow 07CRS51780 | Elmore |
| 09-91-1 | State v Hansley (Criminal) Decision: Reversed and remanded | Pender 08CRS2080 08CRS2081 08CRS2082 | Martin |
| 09-258-1 | In The Matter Of: F.A.C. (Juvenile - 3.1) Decision: Affirmed | Randolph 06JA237 | Elmore |
| 07-296-2 | Lawson v White, et al (Civil) Decision: Dismissed | Sampson 05CVS964 | Stroud |
| 09-233-1 | In Re: S.D.B. (Juvenile - 3.1) Decision: Reversed | Stokes 06J100A | Hunter, Jr. |
| 08-1370-1 | State v Brown (Criminal) Decision: No prejudicial error | Surry 04CRS52862 07CRS2826 | Bryant |
| 08-1284-1 | State v McNeil (Criminal) Decision: No error | Union 06CRS50297 06CRS13455 | Elmore |
| 08-1516-1 | State v Ogburn (Criminal) Decision: No Error | Union 05CRS57656 07CRS7145 07CRS7146 07CRS7147 07CRS7148 07CRS7149 07CRS7150 07CRS7151 | Bryant |
| 09-117-1 | In Re: C.M.R., L.C.R., B.G.R. (Juvenile - 3.1) Decision: Vacated and remanded | Union 07JT0206 07JT0207 07JT0208 | Hunter, Jr. |
| 08-1098-1 | State v Cooper (Criminal) | Wake 05CRS73427 05CRS73428 | Hunter |

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| | Decision: No prejudicial error | | |
| 08-1212-1 | Bennett v News and Observer (Civil) | Wake 06CVS14229 | Jackson |
| | Decision: Affirmed in part, reversed and remanded in part | | |
| 08-1266-1 | Ford v Rodriguez (Civil) | Wake 05CVD16847 | Stephens |
| | Decision: Affirmed | | |
| 08-1479-1 | State v Johnson (Criminal) | Wake 05CRS19786 05CRS29472 | Elmore |
| | Decision: No error | | |
| 08-1457-1 | State v Basnight (Criminal) | Washington 08CRS50070 | Martin |
| | Decision: No error | | |
| 08-1464-1 | State v Traub (Criminal) | Watauga 06CRS52202 | Bryant |
| | Decision: Affirmed | | |
| 08-1178-1 | Sutton v Sutton (Civil) | Wayne 07CVS1886 | Hunter, Jr. |
| | Decision: Affirmed | | |