

**IN THE COURT OF APPEALS**  
**CASES REPORTED WITH PUBLISHED OPINIONS**  
**(FILED 4 AUGUST 2009)**  
**(MANDATE 24 AUGUST 2009)**

Docket #	Title	County	Judge
08-1033-1	Wein II, LLC v Porter, et al (Civil) <b>Decision:</b> Affirmed in Part and Reversed in Part	Buncombe	Beasley
09-85-1	State v Hargrave (Criminal) <b>Decision:</b> No Error	Cabarrus	Hunter
08-1518-1	Town of Maiden v Lincoln County (Civil) <b>Decision:</b> Reversed and Remanded	Catawba	Wynn, Jr.
09-92-1	Jennings v City of Fayetteville (Civil) <b>Decision:</b> Affirmed	Cumberland	Elmore
08-458-1	Worthy v Ivy Community Center, et al (Civil) <b>Decision:</b> Reversed	Durham	Geer
08-1377-1	State v Hunt (Criminal) <b>Decision:</b> No Error	Durham	Beasley
08-1358-1	Greene, ex rel v Barrick, et al (Civil) <b>Decision:</b> Affirmed	Franklin	Jackson
08-1158-1	Plummer v Plummer (Civil) <b>Decision:</b> Remanded	Gaston	Jackson
08-1110-1	State v Watterson (Criminal) <b>Decision:</b> No Error	Guilford	Geer
08-585-1	State v Rawlinson (Criminal) <b>Decision:</b> No Error	Iredell	McGee
08-1398-1	State v Potter (Criminal) <b>Decision:</b> Dismissed	Iredell	Bryant Geer(c)
08-557-1	Wiggins v Bright (Civil) <b>Decision:</b> Affirmed	Lenoir	Geer
08-860-1	Battle v Sabates (Civil) <b>Decision:</b> Affirmed	Mecklenburg	Ervin, IV
08-1275-1	State v Davis (Criminal) <b>Decision:</b> No error in part; remanded in part	Mecklenburg	Beasley
08-1515-1	State v Bohler (Criminal) <b>Decision:</b> Affirmed	Moore	Ervin, IV
08-1238-1	D'Aquisto v Mission St. Joseph's Health (Civil) <b>Decision:</b> Affirmed	N.C. Industrial Commission	Hunter, Jr.
08-1348-1	Moore v Sullbark Builders, Inc. (Civil) <b>Decision:</b> Affirmed	N.C. Industrial Commission	Bryant

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08-1373-1	Pigg v NC Department of Correction (Civil) <b>Decision:</b> Affirmed	N.C. Industrial Commission	Beasley
08-1381-1	Cannizzaro v Food Lion (Civil) <b>Decision:</b> Affirmed	N.C. Industrial Commission	Bryant
08-967-1	State v Keller (Criminal) <b>Decision:</b> Vacated and remanded	Nash	Geer
08-845-1	State v Lowry (Criminal) <b>Decision:</b> No Error	Pasquotank	Geer
09-426-1	In The Matter Of: S.F. (Juvenile - 3.1) <b>Decision:</b> Affirmed	Polk	Wynn, Jr.
08-1466-1	State v Rainey (Criminal) <b>Decision:</b> No Error	Rowan	Hunter
09-368-1	In The Matter Of: S.C.R. (Juvenile - 3.1) <b>Decision:</b> Affirmed	Stokes	Bryant Wynn(c)
08-597-1	Fussell v NC Farm Bureau, et al (Civil) <b>Decision:</b> Reversed	Wake	Geer Bryant(d)
08-664-1	Transportation Services v Wake Co. Bd. (Civil) <b>Decision:</b> Reversed	Wake	Geer
08-679-1	Krueger v NC Criminal Justice Educ. (Civil) <b>Decision:</b> Reversed and Remanded	Wake	Geer
08-1269-1	Calabria v NC State Board of Elections (Civil) <b>Decision:</b> Affirmed	Wake	Martin
08-1371-1	Nolan v Cooke, et al (Civil) <b>Decision:</b> Reversed in part affirmed in part	Warren	Elmore

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09-29-1	State v Wood (Criminal) <b>Decision:</b> No error in part; new trial in part	Bertie 04CRS51119,06CRS1039	McGee
08-1258-1	State v Marlow (Criminal) <b>Decision:</b> No Error	Brunswick 06CRS57682,06CRS57683- ,06CRS57688	Calabria
08-1383-1	Professional Vending v Sifen (Civil) <b>Decision:</b> Reversed and Remanded	Brunswick 07CVD628	Ervin, IV
08-826-1	State v Murray (Criminal) <b>Decision:</b> Vacated and remanded in part; no error in part	Buncombe 07CRS51493,07CRS51494- ,07CRS51827,07CRS51828	Calabria
09-50-1	State v Parrish (Criminal) <b>Decision:</b> No Error	Buncombe 07CRS62347,08CRS4,08CRS5	Hunter
09-147-1	State v Holcombe (Criminal) <b>Decision:</b> No Error	Buncombe 07CRS64514,08CRS30,07- CRS64513	Calabria
08-927-1	State v Gettys (Criminal) <b>Decision:</b> No Error	Burke 05CRS9984	Calabria
08-1344-1	State v Rogers (Criminal) <b>Decision:</b> No Error	Cabarrus 06CRS6847,06CRS51826,- 06CRS51827	Beasley
09-172-1	State v Burgess (Criminal) <b>Decision:</b> Dismissed	Cabarrus 05CRS55073,03CRS11979- ,03CRS11980,03CRS11981- ,03CRS11982	Bryant
08-1468-1	Southern Furniture Company v Anderson (Civil) <b>Decision:</b> Dismissed	Catawba 07CVS1160	Geer
08-1503-1	In The Matter Of: Carter (Civil) <b>Decision:</b> Affirmed	Catawba 07SP492	Elmore
09-38-1	State v Briggs (Criminal) <b>Decision:</b> No Error	Columbus 06CRS54202,07CRS451	Bryant
09-347-1	In Re: K.N.M. and Y.M.M. (Juvenile - 3.1) <b>Decision:</b> Affirmed	Craven 07JT64,07JT65	Steelman
09-59-1	State v McLaurin (Criminal) <b>Decision:</b> No Error	Davidson 07CRS59608	Bryant
08-1182-1	State v Williams (Criminal)	Durham 05CRS53932	Bryant

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	<b>Decision:</b> No Error		
08-1340-1	Rigsbee v Special Flowers, Inc. (Civil)	Durham 07CVS2965	Stephens
	<b>Decision:</b> Affirmed		
09-255-1	In The Matter Of: Q.A.K. (Juvenile - 3.1)	Durham 08J26	Steelman
	<b>Decision:</b> Affirmed		
09-33-1	Gay v City of Rocky Mount (Civil)	Edgecombe 07CVS609	Stephens
	<b>Decision:</b> Affirmed		
08-1313-1	Milks v Mills (Civil)	Forsyth 07CVS2674	Stephens
	<b>Decision:</b> Affirmed		
08-1511-1	State v Cristobal (Criminal)	Forsyth 07CRS51427	Bryant
	<b>Decision:</b> No Error		
09-22-1	State v Reid (Criminal)	Forsyth 06CRS43619,06CRS60640	Bryant
	<b>Decision:</b> No Error		
08-1001-1	State v Brunson (Criminal)	Guilford 00CRS106373,00CRS106374	Calabria
	<b>Decision:</b> No Error		
08-1317-1	Pearman v Dennis (Civil)	Guilford 08CVS2938	Stroud
	<b>Decision:</b> Reversed and Remanded		
08-1545-1	State v Carter (Criminal)	Guilford 04CRS86217,05CRS24059	Beasley
	<b>Decision:</b> No Error		
09-319-1	In Re: T.S., et al (Juvenile - 3.1)	Harnett 07J13-19,07J139	Wynn, Jr.
	<b>Decision:</b> Dismissed in part; affirmed in part		
09-372-1	In Re: T.M.S., Z.S., T.S., S.S., R.M. (Juvenile - 3.1)	Harnett 07J13,07J15,07J16,07J17,- 07J139	Wynn, Jr.
	<b>Decision:</b> Affirmed		
09-68-1	Irwin, et al v Sutton, et al (Civil)	Haywood 07CVS1409	Steelman
	<b>Decision:</b> Affirmed		
09-157-1	State v Campbell (Criminal)	Haywood 08CRS51804	Bryant
	<b>Decision:</b> No Error		
08-1193-1	Streadwick v Warren (Civil)	Henderson 05CVS76	Hunter
	<b>Decision:</b> No error in judgment; order affirmed		
09-36-1	State v Johnson (Criminal)	Hoke 07CRS50741	Bryant
	<b>Decision:</b> Dismissed		
08-1483-1	Oliver v County Of Lenoir, et al (Civil)	Lenoir 08CVS650	Stephens
	<b>Decision:</b> Affirmed		

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08-1059-1	State v Simpson (Criminal)  <b>Decision:</b> No Error	Mecklenburg 07CRS226720,07CRS2267-21,07CRS226722,07CRS57598	Calabria
09-276-1	In The Matter: A.G., et al (Juvenile - 3.1)  <b>Decision:</b> Affirmed	Mecklenburg 06JT0505,06JT0506,06JT0-507,06JT0508,06JT0509	Bryant
09-283-1	In The Matter Of: R.D.F., et al (Juvenile - 3.1)  <b>Decision:</b> Affirmed	Mecklenburg 05JT175,06JT372,06JT373	Elmore
09-346-1	In The Matter Of: A.M. and X.M. (Juvenile - 3.1)  <b>Decision:</b> Affirmed	Mecklenburg 08J0407,08J0408	Steelman
08-947-1	State v Trombley (Criminal)  <b>Decision:</b> Reversed in part; no error in part	Mitchell 06CRS50150,06CRS50151-,06CRS50157	Geer
09-87-1	State v Collins (Criminal)  <b>Decision:</b> Affirmed	Montgomery 05CRS51494	Hunter, Jr.
08-1029-1	Phillips v NC State University (Civil)  <b>Decision:</b> Affirmed in part and remanded with instructions in part	N.C. Industrial Commission TA18680	Stephens
08-1299-1	State v Vlahakis (Criminal)  <b>Decision:</b> No Error	Onslow 06CRS61493	Hunter, Jr. Wynn(c)
08-796-1	Schaeffer v Town of Hillsborough (Civil)  <b>Decision:</b> Reversed and Remanded	Orange 07CVS1634	Calabria
08-1534-1	State v Bradshaw (Criminal)  <b>Decision:</b> Affirmed	Orange 07CRS53192	Stephens
08-1378-1	Michael v Michael (Civil)  <b>Decision:</b> Affirmed	Pasquotank 05CVD713	Elmore
09-144-1	State v Hayes (Criminal)  <b>Decision:</b> Appeal and petition for writ of certiorari dismissed without prejudice to defendant's right to raise the issue of ineffective assistance of counsel in a motion for appropriate relief filed in superior court	Richmond 06CRS4202	Bryant
08-1282-1	State v Rice (Criminal)  <b>Decision:</b> Affirmed	Rowan 00CRS1277,00CRS1278,0-0CRS4208	Hunter
09-51-1	In Re: D.R. (Juvenile - 3.1)  <b>Decision:</b> Affirmed	Rowan 07JT67	Elmore
09-64-1	State v Middleton (Criminal)  <b>Decision:</b> No Error	Wayne 07CRS50110,07CRS50111	Stephens
09-392-1	In The Matters Of: J.A.A. and G.Q.C. (Juvenile - 3.1)	Wilkes 07JA80,07JA81	Steelman

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	<b>Decision:</b> Affirmed		
09-41-1	State v Habana (Criminal)	Yadkin 07CRS52327	Bryant
	<b>Decision:</b> Affirmed		
09-349-1	In The Matter Of: D.S.A. (Juvenile - 3.1)	Yadkin 06J48	Wynn, Jr.
	<b>Decision:</b> Affirmed in part, reversed and remanded in part		