

**IN THE COURT OF APPEALS**  
**CASES REPORTED WITH PUBLISHED OPINIONS**  
**(FILED 8 DECEMBER 2009)**  
**(MANDATE 28 DECEMBER 2009)**

Docket #	Title	County	Judge
08-1563-1	Hewett v Weisser (Civil) <b>Decision:</b> Reversed	Brunswick	Stroud
09-520-1	Pike v D.A. Fiore Construction Services (Civil) <b>Decision:</b> Affirmed	Buncombe	Martin
09-485-1	State v Halley (Civil) <b>Decision:</b> Affirmed	Cabarrus	Martin
08-1488-1	In The Matter Of: Webber (Civil) <b>Decision:</b> Affirmed	Cleveland	Geer
09-63-1	State v Clark (Criminal) <b>Decision:</b> New trial in part; remanded with instructions in part	Cleveland	Geer
09-539-1	Van Dyke v CMI Terex Corporation (Civil) <b>Decision:</b> Dismissed	Cleveland	Bryant
09-90-1	State v Stitt (Criminal) <b>Decision:</b> No Error	Cumberland	Hunter
09-199-1	Cunningham v Selman (Civil) <b>Decision:</b> Affirmed	Davidson	Ervin, IV
09-222-1	State v Small (Criminal) <b>Decision:</b> No Error	Davidson	Hunter
09-212-1	State v Davison (Criminal) <b>Decision:</b> Vacated and remanded	Forsyth	McGee
08-1519-1	Bradley-Reid Corp. v NC Dept. of Health (Civil) <b>Decision:</b> Affirmed	Mecklenburg	Stroud
09-187-1	State v Belk (Criminal) <b>Decision:</b> new trial	Mecklenburg	Wynn, Jr.
08-1406-1	State v Whitaker (Criminal) <b>Decision:</b> Reversed in part and No Error in Part	Moore	Stroud Elmore(c)(d)
08-1309-1	Heflin, et al v G.R. Hammonds Roofing (Civil) <b>Decision:</b> Reversed and Remanded	N.C. Industrial Commission	Geer
09-357-1	In The Matter Of: D.K.L. (Juvenile - Criminal) <b>Decision:</b> Dismissed	Pamlico	Steelman
08-1514-1	In The Matter Of: IBM Credit Corp. (Civil) <b>Decision:</b> Reversed and Remanded	Property Tax Commission	Hunter, Jr.
09-234-1	In The Matter Of: Amusements (Civil) <b>Decision:</b> Affirmed	Property Tax Commission	Elmore

Docket #	Title	County	Judge
08-1584-1	Kinlaw v Harris (Civil) <b>Decision:</b> Affirmed in part, vacated in part	Robeson	McGee Ervin(c)(d)
09-566-1	State v Veazey (Criminal) <b>Decision:</b> Affirmed	Stokes	Bryant
09-35-1	Union Land Owners v County of Union (Civil) <b>Decision:</b> Reversed and Remanded	Union	Jackson
08-1080-1	Steinkrause v Tatum (Civil) <b>Decision:</b> Affirmed	Wake	Wynn, Jr. Hunter, Jr.(d)
08-1409-1	State v Henderson (Criminal) <b>Decision:</b> Remanded	Wake	Stroud
09-241-1	State v Shockley (Criminal) <b>Decision:</b> No Error	Wake	Wynn, Jr.
08-1578-1	State v Williams (Criminal) <b>Decision:</b> For the reasons stated, we must vacate defendant's conviction of assaulting K.L.A. inflicting serious injury in 06CSR57321, count 14; defendant's conviction of assaulting L.T. by strangulation in 06CSR57321, count 19; and defendant's conviction of assaulting K.N.J.W. inflicting serious bodily injury in 06CRS57025, count 3. Defendant's conviction of assaulting M.L. W. inflicting serious bodily injury in 06CSR57321, count 9 is reversed. Cases 06CSR57321, counts 17,18 and 20 are remanded for resentencing. As to all of the remaining counts, we find no error. 07CRS7397 1 No error. 06CSR57320 2 No error. 06CRS57025 3 Vacated. 06CRS57025 4 No error. 06CRS57320 5 No error. 06CRS57321 6-7 No error. 06CRS57321 8 No error. 06CRS57321 9 Reversed. 06CRS57321 10 No error. 06CRS57321 11 No error. 06CRS57321 13 No error. 06CRS57321 15 No error. 06CRS57321 16 No error. 06CRS57321 17 Remanded for resentencing. 06CRS57321 18 Remanded for resentencing. 06CRS57321 19 Vacated. 06CRS57321 20 Remanded for resentencing. 06CRS57321 21 No error.	Wayne	Martin

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Docket #	Title	County	Judge
09-75-1	State v Kerlin (Criminal)	Brunswick 06CRS55357 07CRS6015 06CRS55356	Steelman
	<b>Decision:</b> No Error		
09-521-1	State v Gause (Criminal)	Brunswick 07CRS50726 07CRS896	Steelman
	<b>Decision:</b> No Error		
09-408-1	State v McMahan (Criminal)	Buncombe 07CRS63711 08CRS288 07CRS63714	McGee
	<b>Decision:</b> No Error		
09-475-1	State v White (Criminal)	Buncombe 08CRS152 07CRS54836	McGee
	<b>Decision:</b> No Error		
09-838-1	In The Matters Of: M.K.M., et al (Juvenile - 3.1)	Caldwell 01J17 02J1 00J27	McGee
	<b>Decision:</b> Affirmed		
09-1017-1	In The Matters Of: C.P., A.P., T.P., and B.P. (Juvenile - 3.1)	Caldwell 08J59-62	Hunter, Jr.
	<b>Decision:</b> Affirmed		
09-854-1	In the Matter of: K.C. (Juvenile - 3.1)	Cleveland 07JT176	Hunter, Jr.
	<b>Decision:</b> Affirmed		
09-58-1	State v Short (Criminal)	Columbus 07CRS448	Ervin, IV
	<b>Decision:</b> No Error		
09-140-1	Barbour v Dinkel (Civil)	Cumberland 08CVS942	Calabria
	<b>Decision:</b> Affirmed		
09-1072-1	In The Matter Of: T.I., M.I., J.H., J.H., K.H. (Juvenile - 3.1)	Durham 07J3-7	Hunter, Jr.
	<b>Decision:</b> Affirmed		
08-1598-1	State v Thorne (Criminal)	Edgecombe 06CRS50562	Jackson
	<b>Decision:</b> No prejudicial error in part; Dismissed in part; No error in part		
09-297-1	State v Davis (Criminal)	Edgecombe 07CRS54106	Calabria
	<b>Decision:</b> No prejudicial error		
08-1399-1	State v Chaudhary (Criminal)	Forsyth 07CRS61388	Elmore
	<b>Decision:</b> Affirmed		
09-260-1	State v Allen (Criminal)	Forsyth 07CRS30156 07CRS56652	Calabria
	<b>Decision:</b> Affirmed		
09-296-1	State v Valvere-Liborio (Criminal)	Forsyth 06CRS50775	Wynn, Jr.
	<b>Decision:</b> No Error		
09-185-1	State v Tyson (Criminal)	Gaston 06CRS57448	Wynn, Jr.

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	<b>Decision:</b> No Error		
09-846-1	In Re: B.N.M. and T.M. (Juvenile - 3.1)	Gaston 08JA37 08JA36	Steelman
	<b>Decision:</b> Affirmed		
09-168-1	State v Ramirez (Criminal)	Guilford 06CRS102498	Elmore
	<b>Decision:</b> No prejudicial error		
09-323-1	State v Perry (Criminal)	Guilford 07CRS85592 07CRS24395	Wynn, Jr.
	<b>Decision:</b> No Error		
09-416-1	State v Graham (Criminal)	Guilford 07CRS24654	Calabria
	<b>Decision:</b> No Error		
09-453-1	State v Weatherly (Criminal)	Guilford 08CRS80244 08CRS80245 08CRS80243	Calabria
	<b>Decision:</b> Dismissed		
09-832-1	In The Matter Of: Z.D.H. (Juvenile - 3.1)	Guilford 08JT311	McGee
	<b>Decision:</b> Affirmed		
09-982-1	In Re: B.H. (Juvenile - 3.1)	Harnett 08J145	McGee
	<b>Decision:</b> Affirmed in part; reversed and remanded in part		
09-163-1	Blyth, et al v McCrary, et al (Civil)	Haywood 04CVS370	Steelman
	<b>Decision:</b> Dismissed		
09-290-1	State v Conn (Criminal)	Henderson 06CRS20062	Calabria
	<b>Decision:</b> No Error		
09-924-1	In The Matter Of: J.C.C. and J.N.K. (Juvenile - 3.1)	Henderson 07JT72 03JT47	Geer
	<b>Decision:</b> Affirmed		
09-176-1	State v Walls (Criminal)	Iredell 06CRS13966 06CRS54610	Calabria
	<b>Decision:</b> No Error		
09-436-1	In The Matter Of: Z.D.H. (Juvenile - Criminal)	Iredell 06JB36	Calabria
	<b>Decision:</b> Dismissed		
09-552-1	Brock And Scott Holdings v Bondurant (Civil)	Iredell 08CVD1025	Calabria
	<b>Decision:</b> Affirmed		
09-709-1	In Re: S.L.G. and D.K.G. (Juvenile - 3.1)	Iredell 05JT212 05JT211	Steelman
	<b>Decision:</b> Affirmed		
09-206-1	State v Avery (Criminal)	Johnston 06CRS54307 06CRS54308 06CRS54305	Calabria
	<b>Decision:</b> No error at trial. Remand for resentencing		

Docket #	Title	County	Judge
09-11-1	State v Moore (Criminal)	Mecklenburg 07CRS240086 07CRS240088 07CRS57597 07CRS240084	Ervin, IV
	<b>Decision:</b> No prejudicial error		
09-796-1	In The Matter Of: N.T. (Juvenile - 3.1)	Mecklenburg 06J1028	Wynn, Jr.
	<b>Decision:</b> Affirmed		
09-801-1	State v Moore (Criminal)	Mecklenburg 07CRS62016 07CRS233910	Jackson
	<b>Decision:</b> No Error		
09-273-1	State v Pore (Criminal)	Moore 06CRS55446 07CRS2190 06CRS55445	Calabria
	<b>Decision:</b> No Error		
08-1562-1	Locklear v Palm Harbor Homes, Inc. (Civil)	N.C. Industrial Commission IC665675 IC395486	Ervin, IV
	<b>Decision:</b> Affirmed		
09-401-1	Adcox v Clarkson Brothers Const. (Civil)	N.C. Industrial Commission IC963100	Stephens
	<b>Decision:</b> Affirmed		
09-435-1	Stottlemeyer v City of Charlotte (Civil)	N.C. Industrial Commission IC514648	Hunter
	<b>Decision:</b> Affirmed		
09-576-1	State v Claiborne (Criminal)	Person 08CRS441	Bryant
	<b>Decision:</b> No Error		
09-419-1	State v Bishop (Criminal)	Sampson 06CRS51636 06CRS51634 06CRS51643	Calabria
	<b>Decision:</b> No Error		
09-897-1	In the Matter of: M.L.B. (Juvenile - 3.1)	Surry 08JA127	McGee
	<b>Decision:</b> Vacated and Remanded		
09-122-1	Rivas v N.C. DOT (Civil)	Wake 07CVS18949	Hunter
	<b>Decision:</b> Reversed and Remanded		
09-892-1	In The Matter Of: A.K., et al (Juvenile - 3.1)	Wilson 06JA120 06JA121 06JA118 08JA35	Geer
	<b>Decision:</b> Affirmed		
09-905-1	In Re: D.S.A. (Juvenile - 3.1)	Yadkin 06J48	Hunter, Jr.
	<b>Decision:</b> Affirmed		