

**IN THE COURT OF APPEALS**  
**CASES REPORTED WITH PUBLISHED OPINIONS**  
**(FILED 22 DECEMBER 2009)**  
**(MANDATE 11 JANUARY 2010)**

| Docket #  | Title  | County                     | Judge                  |
|-----------|--|----------------------------|------------------------|
| 09-620-1  | Waddell v Metropolitan Sewerage (Civil)<br><b>Decision:</b> Dismissed  | Buncombe                   | Steelman               |
| 09-845-1  | Obo v Steven B., & Sabine B. (Juvenile - 3.1)<br><b>Decision:</b> Vacated in part; remanded in part              | Carteret                   | Geer                   |
| 09-388-1  | State v Williams (Criminal)<br><b>Decision:</b> Reversed   | Forsyth                    | Stephens               |
| 09-311-1  | Miller v Miller (Civil)<br><b>Decision:</b> Affirmed   | Guilford                   | Bryant                 |
| 09-361-1  | State v Evans (Criminal)<br><b>Decision:</b> Affirmed  | Johnston                   | Bryant                 |
| 08-629-1  | Wachovia Bank, et al v Harbinger, et al (Civil)<br><b>Decision:</b> Affirmed                                     | Mecklenburg                | Hunter                 |
| 09-541-1  | Barrett v All Payment Services, Inc. (Civil)<br><b>Decision:</b> Affirmed in Part, Reversed in Part and Remanded | N.C. Industrial Commission | Bryant                 |
| 08-1444-1 | Keith v Wallerich (Civil)<br><b>Decision:</b> Vacated and Remanded   | New Hanover                | Steelman               |
| 08-929-1  | Northwest Property v Town of Carrboro (Civil)<br><b>Decision:</b> Reversed and Remanded                          | Orange                     | Ervin, IV<br>hnj(c)(d) |
| 09-705-1  | State v Sullivan (Criminal)<br><b>Decision:</b> No Error   | Pender                     | Calabria               |
| 09-959-1  | In The Matter Of: S'N.A.S., et al (Juvenile - 3.1)<br><b>Decision:</b> Affirmed                                  | Pitt                       | Jackson                |
| 07-1333-2 | Phoenix Ltd Partnership v Simpson (Civil)<br><b>Decision:</b> Affirmed   | Wake                       | Geer                   |
| 09-431-1  | McCracken and Amick Inc. v Perdue (Civil)<br><b>Decision:</b> Reversed   | Wake                       | Hunter                 |
| 09-450-1  | Boykin v Wilson Medical Center (Civil)<br><b>Decision:</b> Affirmed  | Wilson                     | Steelman               |

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|-----------|---|--|----------|
| 09-156-1  | Hutchinson v Fender (Civil)<br><b>Decision:</b> No Error  | Buncombe<br>06CVS5852                    | McGee    |
| 09-685-1  | State v Ligon (Criminal)<br><b>Decision:</b> No Error   | Buncombe<br>03CRS56382 03CRS56381        | Stroud   |
| 09-920-1  | In The Matter Of: D.A.H. (Juvenile - 3.1)<br><b>Decision:</b> Affirmed in Part, Reversed in Part and Remanded | Burke<br>07J146                          | Bryant   |
| 09-469-1  | State v Grice (Criminal)<br><b>Decision:</b> No prejudicial error   | Cabarrus<br>05CRS16818                   | Stroud   |
| 09-532-1  | In the Matter of: A.J.M.B. (Juvenile - Criminal)<br><b>Decision:</b> Affirmed                                 | Cabarrus<br>07JB168                      | Stroud   |
| 09-230-1  | LaValley v LaValley (Civil)<br><b>Decision:</b> Affirmed  | Carteret<br>01CVD875                     | Bryant   |
| 09-414-1  | State v McIntyre (Criminal)<br><b>Decision:</b> No Error  | Cumberland<br>07CRS18784                 | Bryant   |
| 09-1038-1 | In The Matter Of: M.L.J. (Juvenile - 3.1)<br><b>Decision:</b> Affirmed  | Davie<br>07J66                           | Geer     |
| 09-417-1  | State Employees' Credit Union v Hendryx (Civil)<br><b>Decision:</b> Affirmed                                  | Durham<br>07CVS1686                      | Stephens |
| 09-791-1  | State v Parham (Criminal)<br><b>Decision:</b> No prejudicial error  | Durham<br>06CRS49046 06CRS12864          | Bryant   |
| 09-1039-1 | In The Matter Of: A.S. (Juvenile - 3.1)<br><b>Decision:</b> Affirmed  | Durham<br>08J135                         | Jackson  |
| 09-358-1  | State v Brooks (Criminal)<br><b>Decision:</b> No Error  | Forsyth<br>08CRS7628 08CRS51715          | Stroud   |
| 09-484-1  | State v Laflora (Criminal)<br><b>Decision:</b> Affirmed   | Forsyth<br>04CRS52233 04CRS52219         | Stroud   |
| 09-519-1  | State v Satterwhite (Criminal)<br><b>Decision:</b> No Error   | Forsyth<br>07CRS57596 07CRS37922         | Calabria |
| 09-630-1  | State v Ciccolella (Criminal)<br><b>Decision:</b> No Error  | Forsyth<br>07CRS52925                    | Stroud   |
| 09-835-1  | In The Matter Of: T.H., C.H., K.B. (Juvenile - 3.1)<br><b>Decision:</b> Affirmed                              | Forsyth<br>06JT0304 06JT0305<br>06JT0303 | Jackson  |

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| 09-312-1  | State v Neal (Criminal)<br><b>Decision:</b> Affirmed  | Guilford<br>08CRS089310 51  | Elmore   |
| 09-624-1  | State v Brown (Criminal)<br><b>Decision:</b> Vacated in part and no error in part           | Halifax<br>08CRS51572 08CRS51583<br>08CRS51571  | Calabria |
| 09-246-1  | Morgan v Morgan (Civil)<br><b>Decision:</b> Affirmed in Part, Reversed in Part and Remanded | Henderson<br>03CVD1489  | McGee    |
| 09-257-1  | State v Conn (Criminal)<br><b>Decision:</b> No Error  | Henderson<br>07CRS54025   | Calabria |
| 09-508-1  | State v Redmond (Criminal)<br><b>Decision:</b> No prejudicial error                         | Henderson<br>08CRS3128 08CRS50375   | Stroud   |
| 09-517-1  | State v Roberts (Criminal)<br><b>Decision:</b> Affirmed                                     | Madison<br>04CRS2441 04CRS2440  | Stroud   |
| 09-535-1  | State v Fox (Criminal)<br><b>Decision:</b> No Error   | Madison<br>08CRS484 07CRS1525   | Calabria |
| 09-409-1  | State v Torres-Garcia (Criminal)<br><b>Decision:</b> Affirmed                               | Mecklenburg<br>07CRS237845<br>07CRS237844   | Calabria |
| 09-455-1  | State v Martinez (Criminal)<br><b>Decision:</b> Dismissed                                   | Mecklenburg<br>07CRS240071<br>07CRS240070   | Calabria |
| 09-473-1  | Helms v Landry (Civil)<br><b>Decision:</b> Affirmed   | Mecklenburg<br>01CVD13214   | Calabria |
| 09-710-1  | State v Simpson (Criminal)<br><b>Decision:</b> No error at trial; remanded for resentencing | Mecklenburg<br>07CRS201451<br>07CRS201444<br>07CRS201449<br>07CRS201452<br>07CRS201445<br>07CRS201450<br>07CRS201442<br>07CRS201446 | Calabria |
| 09-1022-1 | In The Matter Of: S.S.J. (Juvenile - 3.1)<br><b>Decision:</b> Affirmed                      | Mecklenburg<br>07JA441  | Hunter   |
| 09-497-1  | State v Parker (Criminal)<br><b>Decision:</b> No Error                                      | Nash<br>04CRS54096  | Calabria |
| 09-680-1  | State v Thorpe (Criminal)<br><b>Decision:</b> No Error                                      | Person<br>08CRS50354  | Stroud   |
| 09-225-1  | Herbert v Herbert (Civil)   | Pitt<br>05CVS396  | McGee    |

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|-----------|---|---|----------|
|           | <b>Decision:</b> Appeal dismissed   |   |          |
| 09-780-1  | Del-Rio v Clarendon America Ins. Co. (Civil)  | Pitt<br>08CVS179                            | Bryant   |
|           | <b>Decision:</b> Affirmed   |   |          |
| 09-856-1  | In Re: M.P.A. (Juvenile - 3.1)  | Polk<br>06J44                               | Hunter   |
|           | <b>Decision:</b> Dismissed  |   |          |
| 09-704-1  | In The Matter of: S.R.W. (Juvenile - 3.1)   | Rockingham<br>08JT96                        | Bryant   |
|           | <b>Decision:</b> Affirmed   |   |          |
| 09-454-1  | State v Banks (Criminal)  | Rowan<br>05CRS7832 05CRS54726<br>05CRS54174 | Martin   |
|           | <b>Decision:</b> No Error   |   |          |
| 09-613-1  | In Re: K.M.F. and J.K.F. (Juvenile - 3.1)   | Rowan<br>07JT0203 07JT0202                  | Hunter   |
|           | <b>Decision:</b> Reversed and Remanded  |   |          |
| 09-373-1  | State v Cruz (Criminal)   | Wake<br>07CRS60280 07CRS60281<br>07CRS60279 | Calabria |
|           | <b>Decision:</b> No Error   |   |          |
| 09-378-1  | State v Carbajal (Criminal)   | Wake<br>07CRS78457                          | Calabria |
|           | <b>Decision:</b> No Error   |   |          |
| 09-663-1  | State v Bolton (Criminal)   | Wake<br>07CRS12744                          | Stroud   |
|           | <b>Decision:</b> Affirmed   |   |          |
| 09-1009-1 | In The Matter Of: M.W. and J.W. (Juvenile - 3.1)  | Wake<br>07JT725-726                         | Jackson  |
|           | <b>Decision:</b> Affirmed   |   |          |
| 08-1024-2 | In the Matter of: R.A.E. (Juvenile - 3.1)   | Wilkes<br>02JT218                           | McGee    |
|           | <b>Decision:</b> Vacated  |   |          |
| 09-536-1  | State v Roughton (Criminal)   | Wilson<br>07CRS54973 07CRS54972             | Martin   |
|           | <b>Decision:</b> 07CRS054972 First Degree Rape-New Trial; 07CRS054972 Taking Indecent Liberties with a Child-No error; 07CRS054972 Order for Lifetime Satellite Based Monitoring-Vacated.<br>07CRS054973 First Degree Rape-New Trial; 07CRS054973 Taking Indecent Liberties with a child-No Error |   |          |