

**IN THE COURT OF APPEALS**  
**CASES REPORTED WITH PUBLISHED OPINIONS**  
**(FILED 19 JANUARY 2010)**  
**(MANDATE 8 FEBRUARY 2010)**

Docket #	Title	County	Judge
08-1549-1	Asheville Jet, Inc. v City of Asheville (Civil) <b>Decision:</b> Dismissed	Buncombe	McGee Jackson(c)
09-585-1	State v Simonovich (Criminal) <b>Decision:</b> No Error	Buncombe	McGee
09-1087-1	In The Matter Of: D.Y., B.M.T., J.T. (Juvenile - 3.1) <b>Decision:</b> Reversed and Remanded	Cumberland	Stephens
09-582-1	Burton v Williams (Civil) <b>Decision:</b> Affirmed	Durham	Hunter
09-412-1	State v Neville (Criminal) <b>Decision:</b> No Error	Edgecombe	Beasley
09-504-1	State v Salvetti (Criminal) <b>Decision:</b> No Error	Forsyth	Hunter, Jr.
09-236-1	Scheerer, et al v Fisher, et al (Civil) <b>Decision:</b> Reversed	Haywood	Calabria
09-586-1	State v Rahaman (Criminal) <b>Decision:</b> No Error	Lee	Hunter
09-467-1	State v Smith (Criminal) <b>Decision:</b> Vacated	Mecklenburg	Bryant
09-926-1	State v Fletcher (Criminal) <b>Decision:</b> Affirmed	Moore	Jackson
09-549-1	Barfield v N.C. Dept. of Crime Control (Civil) <b>Decision:</b> Dismissed	N.C. Industrial Commission	Hunter
09-768-1	State v Wheeler (Criminal) <b>Decision:</b> No error in part, remanded in part	Pitt	Stephens
04-541-3	State v Jacobs & McMillian (Criminal) <b>Decision:</b> Remanded for a new sentencing hearing	Robeson	Bryant
09-341-1	NC State Bd. of Dental Examiner v Woods (Civil) <b>Decision:</b> Dismissed in part, affirmed in part	Wake	Steelman
09-398-1	Pentecostal Pilgrims v Connor, et al (Civil) <b>Decision:</b> Dismissed	Wake	Hunter, Jr.
09-370-1	Lee v Gore (Civil) <b>Decision:</b> Vacated and remanded	Wilkes	McGee

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09-648-1	State v Stadler (Criminal) <b>Decision:</b> No prejudicial error	Alamance 08CRS52590	McGee
09-153-1	Kluttz v Next Safety, Inc. (Civil) <b>Decision:</b> Affirmed	Ashe 07CVS443	Wynn, Jr.
09-1127-1	In The Matter Of: E.G. and M.G. (Juvenile - 3.1) <b>Decision:</b> Affirmed	Avery 07J22-23	Stroud
09-627-1	State v Millsap (Criminal) <b>Decision:</b> Affirmed; remanded for correction of judgments	Buncombe 07CRS59234,07CRS5923-5,07CRS59233	McGee
09-751-1	State v Jacoby (Criminal) <b>Decision:</b> Affirmed; remanded for correction of judgments	Buncombe 02CRS64479,02CRS6465-8,02CRS64478,02CRS64659	McGee
09-602-1	State v White (Criminal) <b>Decision:</b> No error in part, dismissed in part	Catawba 08CRS52130	McGee
09-141-1	Davis v Cook (Civil) <b>Decision:</b> Affirmed	Cherokee 08CVS34	Elmore
09-583-1	State v Hosch (Criminal) <b>Decision:</b> No Error	Cleveland 08CRS2257,07CRS55884	Hunter
09-735-1	State v Gatling (Criminal) <b>Decision:</b> No Error	Durham 07CRS52277	McGee
09-189-1	Snow v Wake Forest University (Civil) <b>Decision:</b> Affirmed	Forsyth 07CVS7931	Wynn, Jr.
09-589-1	State v Dewalt (Criminal) <b>Decision:</b> Affirmed	Forsyth 08CRS12958	McGee
09-673-1	State v Jones (Criminal) <b>Decision:</b> No error in part, judgment arrested in part	Forsyth 08CRS17227,08CRS5519-7,08CRS55206	McGee
09-824-1	State v Whitlock (Criminal) <b>Decision:</b> No Error	Forsyth 08CRS55353	Bryant
09-872-1	In The Matter Of: Gregory (Civil) <b>Decision:</b> Dismissed	Forsyth 06SP82	Wynn, Jr.
09-914-1	State v Richardson (Criminal) <b>Decision:</b> Reversed	Forsyth 08CRS58553	Bryant
09-1015-1	In The Matter Of: M.J.P. (Juvenile - 3.1)	Forsyth 06J196	Stephens

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	<b>Decision:</b> Reversed and Remanded		
09-237-1	Fairbanks, et al v Brewington, et al (Civil)	Guilford 07CVS10064	Wynn, Jr.
	<b>Decision:</b> Affirmed		
09-565-1	State v Smith (Criminal)	Guilford 05CRS100044	McGee
	<b>Decision:</b> No Error		
09-1028-1	In The Matter Of: E.L. (Juvenile - Criminal)	Guilford 08J166	McGee
	<b>Decision:</b> Affirmed		
09-615-1	State v Murdock (Criminal)	Iredell 08CRS2142	Hunter
	<b>Decision:</b> Affirmed		
09-94-1	Baltzell v Dowdy (Civil)	Mecklenburg 07CVS12352	Steelman
	<b>Decision:</b> Dismissed		
09-468-1	State v Baker (Criminal)	Mecklenburg 07CRS211946,07CRS211- 948,07CRS211945,07CRS- 211949	McGee
	<b>Decision:</b> No Error		
09-686-1	State v Gainey (Criminal)	Mecklenburg 07CRS26,06CRS253067	Stephens
	<b>Decision:</b> Harmless error in part; no error in part		
09-708-1	State v Smith (Criminal)	Mecklenburg 06CRS244862,06CRS244861	Stephens
	<b>Decision:</b> No Error		
09-766-1	State v Morgan (Criminal)	Mecklenburg 07CRS228052,07CRS228- 053,07CRS228054,07CR- S228808	McGee
	<b>Decision:</b> No Error		
09-428-1	State v Alvarado (Criminal)	Montgomery 05CRS51959	Wynn, Jr.
	<b>Decision:</b> No Error		
08-1396-1	Feierstein v N.C. Dept. of Environment (Civil)	N.C. Industrial Commission TA18276	Elmore
	<b>Decision:</b> Affirmed in part, reversed and remanded in part		
09-281-1	Pope v Johns Manville (Civil)	N.C. Industrial Commission IC532319	Ervin, IV
	<b>Decision:</b> Affirmed		
09-314-1	Bricker v Rhoney Furniture House (Civil)	N.C. Industrial Commission IC987125,IC144263	Hunter, Jr.
	<b>Decision:</b> Affirmed		
09-391-1	Sperry v Koury Corporation (Civil)	N.C. Industrial Commission IC396280	Ervin, IV
	<b>Decision:</b> Affirmed		
09-411-1	Husketh v NC Dept. of Correction (Civil)	N.C. Industrial Commission TA19402	McGee
	<b>Decision:</b> Reversed and Remanded		

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09-385-1	State v Dexter (Criminal)  <b>Decision:</b> Affirmed	Pamlico 05CRS476,05CRS483,05- CRS472	Beasley
09-37-1	Joint Redevelopment v Jackson-Heard (Civil)  <b>Decision:</b> Affirmed	Pasquotank 00CVS641	Ervin, IV
09-1079-1	In The Matter Of: P.P. and M.P. (Juvenile - 3.1)  <b>Decision:</b> Affirmed	Pitt 00JT206-207	Calabria
09-690-1	State v Wells (Criminal)  <b>Decision:</b> No prejudicial error	Randolph 06CRS55467,06CRS55466	McGee
09-456-1	State v Conley (Criminal)  <b>Decision:</b> No Error	Robeson 06CRS52305	Hunter, Jr.
09-380-1	State v Revels (Criminal)  <b>Decision:</b> No error in part; Reversed and remanded in part	Scotland 08CRS486,07CRS52533	Ervin, IV
09-399-1	Holland v Horne (Civil)  <b>Decision:</b> Affirmed	Scotland 06CVS1057	Wynn, Jr.
08-1126-1	Hudson v Lail (Civil)  <b>Decision:</b> Affirmed	Transylvania 06CVD43,98CVD292	Jackson
09-482-1	Callanan v Walsh (Civil)  <b>Decision:</b> Dismissed	Transylvania 01CVD129	Stephens
09-608-1	State v Berrio (Criminal)  <b>Decision:</b> No Error	Union 07CRS52535,07CRS5252- 8,07CRS52538,07CRS52- 533,07CRS52536,07CRS- 52531,07CRS52534,07CR- S52523,07CRS52537,07C- RS52532	Calabria
09-131-1	Rieper v Pearce (Civil)  <b>Decision:</b> Affirmed	Wake 07CV10365	Wynn, Jr.
09-214-1	Garner v Cheek (Civil)  <b>Decision:</b> Affirmed	Wake 07CVD3401	Beasley
09-491-1	Kucmierz v Four Oaks Bank & Trust (Civil)  <b>Decision:</b> Affirmed	Wake 08CVS15947	Martin
09-1031-1	In The Matter Of: M.C.S. and K.R.S. (Juvenile - 3.1)  <b>Decision:</b> Affirmed	Wake 07JT832-833	Stroud
09-980-1	In The Matters Of: H.A.G.S. and E.M.C.S. (Juvenile - 3.1)  <b>Decision:</b> Reversed	Wilkes 09JA34-35	Calabria