

**IN THE COURT OF APPEALS**  
**CASES REPORTED WITH PUBLISHED OPINIONS**  
**(FILED 2 MARCH 2010)**  
**(MANDATE 22 MARCH 2010)**

Docket #	Title	County	Judge
09-770-1	State v Barron (Criminal) <b>Decision:</b> Reversed in part; no error in part; remanded for resentencing	Cumberland	Stephens
09-1007-1	State v Breathette (Criminal) <b>Decision:</b> No Error	Forsyth	Hunter
09-440-1	Morris v City of Bessemer (Civil) <b>Decision:</b> Affirmed	Gaston	Calabria Hunter(d)
09-23-1	Hawkins v SSC Hendersonville (Civil) <b>Decision:</b> Reversed	Henderson	Bryant
09-439-1	State v Best (Criminal) <b>Decision:</b> No Error	Mecklenburg	Stroud
09-774-1	State v Freeman (Criminal) <b>Decision:</b> new trial	Mecklenburg	Steelman
09-790-1	State v Hough (Criminal) <b>Decision:</b> No Error	Mecklenburg	Hunter
09-1370-1	In The Matter Of: E.M. (Juvenile - 3.1) <b>Decision:</b> Remanded	Mecklenburg	Wynn, Jr.
09-306-1	Davis v Hospice & Palliative Care (Civil) <b>Decision:</b> Affirmed	N.C. Industrial Commission	Hunter, Jr.
09-542-1	Soder v Corvel Corporation (Civil) <b>Decision:</b> Affirmed	N.C. Industrial Commission	McGee
09-205-1	In The Matter Of: W.B.M. (Civil) <b>Decision:</b> Reversed	New Hanover	Stephens
09-784-1	State v Noel (Criminal) <b>Decision:</b> No Error	Onslow	Stephens
09-1349-1	In The Matter Of: D.W. (Juvenile - 3.1) <b>Decision:</b> Reversed	Orange	Wynn, Jr. Hunter, Jr.(c)
09-366-1	State v Batchelor (Criminal) <b>Decision:</b> No prejudicial error	Person	Stroud
09-394-1	Rockingham County DSS v Tate (Civil) <b>Decision:</b> Vacated	Rockingham	Stroud
09-696-1	State v Johnson (Criminal) <b>Decision:</b> No Error	Surry	Hunter, Jr.
09-961-1	Fifth Third Mortgage v Miller, et al (Civil) <b>Decision:</b> Affirmed	Union	Bryant

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09-465-1	Credigy Receivables v Whittington (Civil) <b>Decision:</b> Affirmed	Wayne	Hunter, Jr.
09-511-1	Latta v Rainey (Civil) <b>Decision:</b> No Error	Wilson	Hunter

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09-1045-1	Griffith v Keller (Civil) <b>Decision:</b> Affirmed	Anson 09CVS386	Hunter
09-829-1	State v Greene (Criminal) <b>Decision:</b> No Error	Buncombe 07CRS61722 08CRS1 07CRS61721	Martin
09-1184-1	In The Matter Of: A.D.E. and M.R.E. (Juvenile - 3.1) <b>Decision:</b> Affirmed	Buncombe 09JT29-30	Wynn, Jr.
09-769-1	State v Moody (Criminal) <b>Decision:</b> No Error	Burke 06CRS6958 06CRS7185-86 06CRS6956	Geer
09-881-1	State v Smith (Criminal) <b>Decision:</b> Reversed and Remanded	Cabarrus 08CRS6812	Geer
09-1051-1	State v Halley (Criminal) <b>Decision:</b> No Error	Cabarrus 07CRS53055	Martin
09-965-1	Jarrett v Sain (Civil) <b>Decision:</b> Dismissed	Catawba 07CVS4506	Jackson
09-1121-1	In The Matter Of: T.C.N.M. (Juvenile - 3.1) <b>Decision:</b> Affirmed	Cherokee 07JT03	Elmore
09-315-1	State, ex rel v Hamrick (Civil) <b>Decision:</b> Affirmed	Cleveland 08CVS1919	Wynn, Jr.
09-866-1	State v Hosch (Criminal) <b>Decision:</b> No Error	Cleveland 06CRS6576	McGee
09-329-1	In Re: Edwards (Civil) <b>Decision:</b> Affirmed	Cumberland 04E585	Steelman
09-1086-1	In The Matter Of: J.P. and J.C.C. (Juvenile - 3.1) <b>Decision:</b> Dismissed in part; vacated and remanded in part	Davidson 08J71-72	Martin
09-1341-1	In The Matter Of: J.P. and J.C.C. (Juvenile - 3.1) <b>Decision:</b> Dismissed	Davidson 08J71-72	Martin
09-722-1	State v Hernandez (Criminal) <b>Decision:</b> No Error	Durham 07CRS54334 07CRS54333	Geer
09-660-1	State v Arrington (Criminal) <b>Decision:</b> No Error	Edgecombe 07CRS53463 08CRS3237 07CRS53462	Hunter, Jr.
09-822-1	State v Kimbrough (Criminal)	Forsyth 07CRS60374 07CRS46212	Geer

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	<b>Decision:</b> No Error		
09-590-1	McKenzie v ESC (Civil)	Gaston 08CVS3447	Stephens
	<b>Decision:</b> Reversed		
09-834-1	State v Lee (Criminal)	Guilford 07CRS107639 07CRS101911 07CRS107641 08CRS24772 07CRS107640	Beasley
	<b>Decision:</b> Affirm		
09-560-1	State v Brooks (Criminal)	Hertford 07CRS3939 08CRS129	Geer
	<b>Decision:</b> No Error		
09-1033-1	In The Matters Of: D.B., H.B., F.B. (Juvenile - 3.1)	Jackson 07JA40-42	Calabria
	<b>Decision:</b> Affirmed		
09-916-1	State v Blackwell (Criminal)	Johnston 08CRS56711 08CRS56710	Geer
	<b>Decision:</b> Affirmed		
09-928-1	State v Stewart (Criminal)	Lincoln 02CRS848	Hunter
	<b>Decision:</b> Vacated in part, affirmed in part, remanded for further proceedings		
09-609-1	State v Carter (Criminal)	Mecklenburg 08CRS205486 08CRS24344	Ervin, IV
	<b>Decision:</b> No error in part; remanded for correction of judgment in part		
09-618-1	Short v Turner (Civil)	Mecklenburg 08CVS2067	Beasley
	<b>Decision:</b> Reverse		
09-695-1	McKyer v McKyer (Civil)	Mecklenburg 00CVD9237	McGee
	<b>Decision:</b> Affirmed		
09-729-1	State v Ellerbee (Criminal)	Mecklenburg 06CRS216115 06CRS216156 06CRS216114	Beasley
	<b>Decision:</b> No Error		
09-853-1	State v England (Criminal)	Mecklenburg 08CRS207490	Geer
	<b>Decision:</b> No Error		
09-1239-1	In The Matter Of: J.N. (Juvenile - 3.1)	Mecklenburg 99JT344	Steelman
	<b>Decision:</b> Affirmed		
09-382-1	Plummer v Norandal USA, Inc. (Civil)	N.C. Industrial Commission IC226564	Ervin, IV
	<b>Decision:</b> Affirmed		
09-383-1	Pepper v Norandal USA, Inc. (Civil)	N.C. Industrial Commission IC014133	Ervin, IV
	<b>Decision:</b> Affirmed		
09-384-1	Bowles v Norandal USA, Inc. (Civil)	N.C. Industrial Commission IC226563	Ervin, IV
	<b>Decision:</b> Affirmed		

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09-754-1	Brodie v Excel Staffing Services (Civil) <b>Decision:</b> Remanded for further proceedings as described herein	N.C. Industrial Commission 454421	Bryant
09-1049-1	Hallman v NC Dept. of Corrections (Civil) <b>Decision:</b> Affirmed	N.C. Industrial Commission 396614	Bryant
09-1002-1	State v Dukes (Criminal) <b>Decision:</b> No Error	Orange 07CRS53692 07CRS1220	Geer
09-840-1	State v Aghaei (Criminal) <b>Decision:</b> No Error	Pitt 07CRS61504	Jackson
09-932-1	Lyles v Turner (Civil) <b>Decision:</b> Dismissed	Polk 08CVD131	McGee
09-1183-1	In The Matter Of: A.S.S. (Juvenile - 3.1) <b>Decision:</b> Affirmed	Randolph 08JT117	Wynn, Jr.
09-907-1	State v Parker (Criminal) <b>Decision:</b> No Error	Sampson 07CRS50227	Martin
09-1457-1	In The Matter Of: R.L.T., Jr. (Juvenile - 3.1) <b>Decision:</b> Vacated and remanded	Sampson 06JT52	Hunter, Jr.
09-461-1	Giambelli v Hansen (Civil) <b>Decision:</b> Affirmed in part; dismissed in part	Wake 03CVD12165	Hunter, Jr.
09-745-1	State v Nance (Criminal) <b>Decision:</b> No Error	Wayne 07CRS57040	Geer
09-955-1	State v Mitchell (Criminal) <b>Decision:</b> No Error	Wayne 08crs52417	Geer
09-1167-1	In The Matter Of: G.I.W. (Juvenile - 3.1) <b>Decision:</b> Affirmed	Wilkes 08JA137	Steelman