

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

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

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| 09-1045-1 | Griffith v Keller (Civil)<br><b>Decision:</b> Affirmed                                                                 | Anson<br>09CVS386                                 | Hunter      |
| 09-829-1  | State v Greene (Criminal)<br><b>Decision:</b> No Error                                                                 | Buncombe<br>07CRS61722,08CRS1,07C-<br>RS61721     | Martin      |
| 09-1184-1 | In The Matter Of: A.D.E. and M.R.E. (Juvenile - 3.1)<br><b>Decision:</b> Affirmed                                      | Buncombe<br>09JT29-30                             | Wynn, Jr.   |
| 09-769-1  | State v Moody (Criminal)<br><b>Decision:</b> No Error                                                                  | Burke<br>06CRS6958,06CRS7185-8-<br>6,06CRS6956    | Geer        |
| 09-881-1  | State v Smith (Criminal)<br><b>Decision:</b> Reversed and Remanded                                                     | Cabarrus<br>08CRS6812                             | Geer        |
| 09-1051-1 | State v Halley (Criminal)<br><b>Decision:</b> No Error                                                                 | Cabarrus<br>07CRS53055                            | Martin      |
| 09-965-1  | Jarrett v Sain (Civil)<br><b>Decision:</b> Dismissed                                                                   | Catawba<br>07CVS004506-170                        | Jackson     |
| 09-1121-1 | In The Matter Of: T.C.N.M. (Juvenile - 3.1)<br><b>Decision:</b> Affirmed                                               | Cherokee<br>07JT03                                | Elmore      |
| 09-315-1  | State, ex rel v Hamrick (Civil)<br><b>Decision:</b> Affirmed                                                           | Cleveland<br>08CVS1919                            | Wynn, Jr.   |
| 09-866-1  | State v Hosch (Criminal)<br><b>Decision:</b> No Error                                                                  | Cleveland<br>06CRS6576                            | McGee       |
| 09-329-1  | In Re: Edwards (Civil)<br><b>Decision:</b> Affirmed                                                                    | Cumberland<br>04E585                              | Steelman    |
| 09-1086-1 | In The Matter Of: J.P. and J.C.C. (Juvenile - 3.1)<br><b>Decision:</b> Dismissed in part; vacated and remanded in part | Davidson<br>08J71-72                              | Martin      |
| 09-1341-1 | In The Matter Of: J.P. and J.C.C. (Juvenile - 3.1)<br><b>Decision:</b> Dismissed                                       | Davidson<br>08J71-72                              | Martin      |
| 09-722-1  | State v Hernandez (Criminal)<br><b>Decision:</b> No Error                                                              | Durham<br>07CRS54334,07CRS54333                   | Geer        |
| 09-660-1  | State v Arrington (Criminal)<br><b>Decision:</b> No Error                                                              | Edgecombe<br>07CRS53463,08CRS3237,-<br>07CRS53462 | Hunter, Jr. |
| 09-822-1  | State v Kimbrough (Criminal)                                                                                           | Forsyth<br>07CRS60374 07CRS46212                  | Geer        |

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|           | <b>Decision:</b> No Error                                                            |                                                                            |           |
| 09-590-1  | McKenzie v ESC (Civil)                                                               | Gaston<br>08CVS3447                                                        | Stephens  |
|           | <b>Decision:</b> Reversed                                                            |                                                                            |           |
| 09-834-1  | State v Lee (Criminal)                                                               | Guilford<br>07CRS107639<br>07CRS101911,07CRS1076-41,08CRS24772,07CRS107640 | Beasley   |
|           | <b>Decision:</b> Affirm                                                              |                                                                            |           |
| 09-560-1  | State v Brooks (Criminal)                                                            | Hertford<br>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<br>07JA40-42                                                       | Calabria  |
|           | <b>Decision:</b> Affirmed                                                            |                                                                            |           |
| 09-916-1  | State v Blackwell (Criminal)                                                         | Johnston<br>08CRS56711,08CRS56710                                          | Geer      |
|           | <b>Decision:</b> Affirmed                                                            |                                                                            |           |
| 09-928-1  | State v Stewart (Criminal)                                                           | Lincoln<br>02CRS848                                                        | Hunter    |
|           | <b>Decision:</b> Vacated in part, affirmed in part, remanded for further proceedings |                                                                            |           |
| 09-609-1  | State v Carter (Criminal)                                                            | Mecklenburg<br>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<br>08CVS2067                                                   | Beasley   |
|           | <b>Decision:</b> Reverse                                                             |                                                                            |           |
| 09-695-1  | McKyer v McKyer (Civil)                                                              | Mecklenburg<br>00CVD9237                                                   | McGee     |
|           | <b>Decision:</b> Affirmed                                                            |                                                                            |           |
| 09-729-1  | State v Ellerbee (Criminal)                                                          | Mecklenburg<br>06CRS216115,06CRS2161-56,06CRS216114                        | Beasley   |
|           | <b>Decision:</b> No Error                                                            |                                                                            |           |
| 09-853-1  | State v England (Criminal)                                                           | Mecklenburg<br>08CRS207490                                                 | Geer      |
|           | <b>Decision:</b> No Error                                                            |                                                                            |           |
| 09-1239-1 | In The Matter Of: J.N. (Juvenile - 3.1)                                              | Mecklenburg<br>99JT344                                                     | Steelman  |
|           | <b>Decision:</b> Affirmed                                                            |                                                                            |           |
| 09-382-1  | Plummer v Norandal USA, Inc. (Civil)                                                 | N.C. Industrial Commission<br>IC226564                                     | Ervin, IV |
|           | <b>Decision:</b> Affirmed                                                            |                                                                            |           |
| 09-383-1  | Pepper v Norandal USA, Inc. (Civil)                                                  | N.C. Industrial Commission<br>IC014133                                     | Ervin, IV |
|           | <b>Decision:</b> Affirmed                                                            |                                                                            |           |
| 09-384-1  | Bowles v Norandal USA, Inc. (Civil)                                                  | N.C. Industrial Commission<br>IC226563                                     | Ervin, IV |
|           | <b>Decision:</b> Affirmed                                                            |                                                                            |           |

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