

**IN THE COURT OF APPEALS**  
**CASES REPORTED WITH PUBLISHED OPINIONS**  
**(FILED 6 JULY 2010)**  
**(MANDATE 26 JULY 2010)**

Docket #	Title	County	Judge
09-1192-1	State v Goble (Criminal) <b>Decision:</b> No Error	Caldwell	Beasley
09-505-1	Lowd v Reynolds (Civil) <b>Decision:</b> Affirmed	Carteret	Jackson
09-732-1	Littleton v Willis (Civil) <b>Decision:</b> new trial	Carteret	Stephens
10-250-1	In The Matter Of: D.W.C. and J.A.C. (Juvenile - 3.1) <b>Decision:</b> Affirmed	Cleveland	Hunter, Jr.
07-171-2	State v Maready (Criminal) <b>Decision:</b> No prejudicial error in part, new trial in part	Durham	McGee Samuel J. Ervin, IV(c)
09-1306-1	In The Matter Of: L.I. (Juvenile - Criminal) <b>Decision:</b> Reversed and Remanded	Durham	Hunter
09-179-1	Kelley v Agnoli (Civil) <b>Decision:</b> Affirmed in part; remanded in part	Forsyth	Geer
09-1211-1	State v Hopper (Criminal) <b>Decision:</b> Affirmed	Forsyth	Hunter
09-1137-1	State of NC Dept. of Health v Thompkins (Civil) <b>Decision:</b> Affirmed	Guilford	Ervin, IV
09-1193-1	State v Miller (Criminal) <b>Decision:</b> Affirmed	Guilford	Elmore
10-12-1	In The Matter Of: J.H.K. and J.D.K. (Juvenile - 3.1) <b>Decision:</b> Reversed and Remanded	Guilford	Hunter, Jr.
09-934-1	Gupton v Son-Lan Development Co., et al (Civil) <b>Decision:</b> Affirmed	Harnett	Martin
09-1609-1	In Re: A.J.M.P. (Juvenile - 3.1) <b>Decision:</b> Affirmed	Harnett	Hunter, Jr.
10-73-1	Matthews v Food Lion, LLC (Civil) <b>Decision:</b> Affirmed	Harnett	Beasley
09-1696-1	Mathis, et al v Daly, et al (Civil) <b>Decision:</b> Dismissed	Haywood	Calabria James A. Wynn(c)
09-1461-1	Lyons-Hart v Hart (Civil) <b>Decision:</b> Reversed and Remanded	Hyde	Hunter

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09-1155-1	Hanson v Legasus of NC (Civil) <b>Decision:</b> Affirmed	Jackson	Stroud
09-1602-1	State v McLean (Criminal) <b>Decision:</b> No Error	Lee	Steelman
09-1381-1	State v Fair (Criminal) <b>Decision:</b> Remanded for resentencing	Lincoln	Steelman
09-326-1	Rice v Coholan (Civil) <b>Decision:</b> Reversed	Mecklenburg	McGee
10-14-1	In The Matter Of: Y.Y.E.T. (Juvenile - 3.1) <b>Decision:</b> Affirmed	Mecklenburg	Stephens
08-1478-1	Mission Hospitals, Inc. v NC Radiation (Civil) <b>Decision:</b> Affirmed	N.C. Dept. of Health & Human Svcs	Stephens
09-1447-1	Woodliff v Fitzpatrick, et al (Civil) <b>Decision:</b> Affirmed	N.C. Industrial Commission	Beasley
09-777-1	Four Seasons v Town of Wrightsville (Civil) <b>Decision:</b> Affirmed	New Hanover	Ervin, IV
10-32-1	Ellis-Walker Builders, Inc. v Don Reynolds Properties, LLC, et al (Civil) <b>Decision:</b> Reversed and Remanded	New Hanover	Bryant
09-644-1	State v Dallas (Criminal) <b>Decision:</b> No error as to trial; vacated as to restitution	Perquimans	Geer
10-31-1	In The Matter Of: J.C. (Juvenile - Criminal) <b>Decision:</b> Affirmed	Robeson	Martin
09-1722-1	State v Blymer (Criminal) <b>Decision:</b> No error at trial, judgment arrested as to the conviction for robbery with a dangerous weapon	Rowan	Bryant
09-1441-1	State v Owens (Criminal) <b>Decision:</b> 08CRS53517-Possession of implements of housebreaking-No error. 08CRS53518-Felonious Breaking or Entering-No error. 08CRS53518-Felonious Larceny-No error. 08CRS53519-Resisting a public officer-No error. 08CRS53520-First degree Trespassing-Judgment arrested.	Sampson	Martin
09-1158-1	Mugno v Mugno (Civil) <b>Decision:</b> Vacated in part, affirmed in part, and remanded	Wake	Hunter, Jr.
09-1291-1	State v Covington (Criminal) <b>Decision:</b> No Error	Wake	Jackson Donna Stroud(c)
09-1413-1	Frank, et al v Savage, et al (Civil) <b>Decision:</b> Affirmed in Part and Reversed in Part	Yancey	Wynn, Jr.

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09-848-1	State v Stikeleather (Criminal) <b>Decision:</b> No Error	Alexander 06CRS51263	Elmore
09-1431-1	State v Cromartie (Criminal) <b>Decision:</b> Dismissed in part; no error in part	Bladen 07CRS51375	Hunter
09-1590-1	State v Brooks (Criminal) <b>Decision:</b> Dismissed	Brunswick 08CRS55873	Steelman
09-313-1	Cordell v Doyle (Civil) <b>Decision:</b> Affirmed	Buncombe 03CVD460	Elmore
09-1338-1	State v O'Kelley (Criminal) <b>Decision:</b> No prejudicial error	Buncombe 09CRS29,08CRS63336	Ervin, IV
10-109-1	In The Matter Of: A.L.B., B.J.R., B.L.R., J.E.B. (Juvenile - 3.1) <b>Decision:</b> 07JT213:modified and affirmed; remanded for modification of judgment. 08JT361,08JT362,08JT363: affirmed	Buncombe 07JT213,08JT361-363	Beasley
09-1686-1	State v Rucker (Criminal) <b>Decision:</b> new trial	Cabarrus 08CRS53941,08CRS53935	Wynn, Jr.
09-1359-1	State v Harrell (Criminal) <b>Decision:</b> No Error	Carteret 07CRS2298,07CRS2291-95	Beasley
10-127-1	In The Matter Of: A.B.E. and B.N.E. (Juvenile - 3.1) <b>Decision:</b> Affirmed	Chatham 08JT1,06JT16	Hunter
09-760-1	In The Matter Of: Webber (Civil) <b>Decision:</b> Affirmed	Cleveland 07SPC207	Geer
09-1439-1	State v Smith (Criminal) <b>Decision:</b> Dismissed	Cleveland 07CRS55414	Steelman
10-24-1	State v Bramlett (Criminal) <b>Decision:</b> No Error	Cleveland 08CRS5297	Steelman
10-185-1	In The Matter Of: H.L.B., H.V.B., A.W., A.W. (Juvenile - 3.1) <b>Decision:</b> Affirmed	Cleveland 07JT2,07JT188,05JT216-217	Hunter, Jr.
09-1261-1	State v Dupree (Criminal) <b>Decision:</b> No Error	Edgecombe 07CRS53328	Bryant
09-940-1	State v Messick (Criminal) <b>Decision:</b> Affirmed	Forsyth 08crs62344	Stephens
09-1346-1	State v Jackson (Criminal)	Forsyth 08CRS53233	Ervin, IV

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	<b>Decision:</b> Reversed		
09-1483-1	State v Robertson (Criminal)	Forsyth 05CRS63257	Beasley
	<b>Decision:</b> Affirmed		
09-1648-1	State v Mabe (Criminal)	Forsyth 08CRS62666,08CRS628-89,08CRS62664	Jackson
	<b>Decision:</b> No Error		
09-1683-1	Ward v Buckeye Homeowners Association (Civil)	Forsyth 09CVS1829	Steelman
	<b>Decision:</b> Dismissed		
10-173-1	In The Matter Of: A.P. and A.P. (Juvenile - 3.1)	Gaston 08JA186-187	Beasley
	<b>Decision:</b> Affirmed		
10-214-1	In The Matters Of: A.D.T. and D.R.T., III (Juvenile - 3.1)	Gaston 05JT157-158	Martin
	<b>Decision:</b> Reversed		
09-1262-1	State v Crisp (Criminal)	Graham 08CRS322	Ervin, IV
	<b>Decision:</b> No Error		
09-1436-1	State v Riley (Criminal)	Granville 08CRS2206-2209	Ervin, IV
	<b>Decision:</b> Affirmed; Remanded for correction of clerical error		
09-1608-1	Cherry v Thomas (Civil)	Guilford 02CVD11379	Steelman
	<b>Decision:</b> Affirmed		
10-1-1	State v Pierce (Criminal)	Guilford 07CRS104653	Hunter
	<b>Decision:</b> No Error		
09-1594-1	State v Sledge (Criminal)	Halifax 07CRS56621	Beasley
	<b>Decision:</b> Reversed		
09-1698-1	State v Philipscheck (Criminal)	Henderson 09CR52206-08	Steelman
	<b>Decision:</b> Affirmed		
09-1428-1	State v Ford (Criminal)	Hoke 07CRS51626-27	Beasley
	<b>Decision:</b> Affirmed		
09-1347-1	State v Jenkins (Criminal)	Johnston 07CR56032	Ervin, IV
	<b>Decision:</b> Appeal dismissed		
09-1550-1	State v Wooten (Criminal)	Lenoir 08CRS51637	Bryant
	<b>Decision:</b> new trial		
09-1650-1	State v Wiggins (Criminal)	Martin 08CRS50137-39	Wynn, Jr.
	<b>Decision:</b> Dismissed in part; no error in part		
09-232-1	State v Johnson (Criminal)	McDowell 02CRS50619	Geer Samuel J. Ervin, IV(c)
	<b>Decision:</b> No Error		

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09-1319-1	Hensley v McDowell County, et al (Civil) <b>Decision:</b> Affirmed	McDowell 07CVS175	Hunter, Jr.
09-904-1	Helms v Landry (Civil) <b>Decision:</b> Affirmed	Mecklenburg 01CVD13214	McGee
09-1034-1	Rice, et al v Coholan, et al (Civil) <b>Decision:</b> Affirmed	Mecklenburg 06CVS22261	McGee
09-1339-1	State v Bombo (Criminal) <b>Decision:</b> No Error	Mecklenburg 05CRS251273	Beasley
09-1354-1	In The Matter Of: M.L.A. (Juvenile - Criminal) <b>Decision:</b> Affirmed	Mecklenburg 05J1248	Martin
09-1437-1	State v Burns (Criminal) <b>Decision:</b> Affirmed	Mecklenburg 08CRS82400	Ervin, IV
09-1474-1	State v McVay (Criminal) <b>Decision:</b> Affirmed	Mecklenburg 05CRS243073 05CRS254196	Beasley
09-1488-1	State v Jones (Criminal) <b>Decision:</b> No Error	Mecklenburg 07CRS241669-71	Beasley
09-1547-1	State v Carter (Criminal) <b>Decision:</b> Affirmed	Mecklenburg 08CRS208540	Beasley
09-1604-1	State v Harper (Criminal) <b>Decision:</b> No Error	Moore 08CRS53977-79	Steelman
09-571-1	Dubose v N.C. Dept. of Correction (Civil) <b>Decision:</b> Affirmed	N.C. Industrial Commission TA18758	Elmore
09-1555-1	Shupe v City of Charlotte (Civil) <b>Decision:</b> Affirmed	N.C. Industrial Commission 388253	Steelman
10-18-1	Langdon v American Vinyl, et al (Civil) <b>Decision:</b> Dismissed	N.C. Industrial Commission 860398	Hunter
09-1509-1	State v Wood (Criminal) <b>Decision:</b> Reversed	Nash 05CRS53809-10	Beasley
09-990-1	State v Alston (Criminal) <b>Decision:</b> No error in part; vacated and remanded in part	New Hanover 07crs60349	Hunter, Jr.
10-148-1	In Re: P.C.H. (Juvenile - 3.1) <b>Decision:</b> Affirmed	New Hanover 00JT297	Wynn, Jr.

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09-1257-1	Barnes v Barnes (Civil) <b>Decision:</b> Appeal dismissed	Northampton 99CVD506	Ervin, IV
09-1440-1	State v Shoemaker (Criminal) <b>Decision:</b> Dismissed	Onslow 04CRS61940	Beasley
09-1546-1	State v Wolfe (Criminal) <b>Decision:</b> No Error	Onslow 07CRS52556	Hunter
09-1424-1	State v Jackson (Criminal) <b>Decision:</b> Reversed	Orange 03CRS55666	Ervin, IV
09-1209-1	In The Matter Of: Sutton (Criminal) <b>Decision:</b> Reversed	Pitt 09CRS5244	Beasley
09-1480-1	State v Chapman (Criminal) <b>Decision:</b> No Error	Pitt 08CRS53890	Steelman
09-1489-1	State v Shivers (Criminal) <b>Decision:</b> No prejudicial error	Pitt 08CRS54179-80	Beasley
09-506-1	State v Santiano (Criminal) <b>Decision:</b> No Error	Randolph 06CRS55684,06CRS55683	Geer
10-106-1	State v Shehan (Criminal) <b>Decision:</b> Affirmed	Randolph 08CRS7885-86	Steelman
10-147-1	In The Matter Of: M.B.L. and K.R.L. (Juvenile - 3.1) <b>Decision:</b> Affirmed	Rockingham 07JT103-104	Martin
09-1109-1	Gonzales v Gonzales (Civil) <b>Decision:</b> Affirmed in part, reversed and remanded in part	Rowan 06CVD264	McGee
09-1605-1	U.S. Bank, ex rel v Cuthbertson, et al (Civil) <b>Decision:</b> Affirmed	Rowan 09CVS1700	Hunter
10-175-1	In The Matter Of: I.M.L., A.M., C.M., P.M., A.M. (Juvenile - 3.1) <b>Decision:</b> Affirmed	Rowan 09JA169-172,09JA192	Hunter
09-1565-1	In The Matter Of: Z.D.A. (Juvenile - Criminal) <b>Decision:</b> Reversed and Remanded	Sampson 08JB78	Steelman
09-1549-1	State v Smith (Criminal) <b>Decision:</b> No Error	Scotland 08CRS1890-91	Steelman
09-859-1	State v Dumas and Parks (Criminal)	Stanly 07CRS54179,07CRS541-77,07CRS54180,07CRS54178 07CRS54202,07CRS542-03,07CRS54201,07CRS54204	Ervin, IV

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	<b>Decision:</b> No Error		
09-1632-1	State v Puckett (Criminal)	Surry 07CRS53756-57	Bryant
	<b>Decision:</b> No Error		
09-1353-1	Marsh v Union County Board (Civil)	Union 09CVS30	Jackson
	<b>Decision:</b> Affirmed		
09-1510-1	State v Thompson (Criminal)	Union 08CRS4459,08CRS54626	Ervin, IV
	<b>Decision:</b> No Error		
09-1419-1	State v Griffin (Criminal)	Wake 07CRS79153	Beasley
	<b>Decision:</b> No Error		
09-1623-1	In The Matter Of: McCray (Civil)	Wake 08SPC1271	Wynn, Jr.
	<b>Decision:</b> Reversed		
10-179-1	In The Matter Of: T.H., J.S., B.W. (Juvenile - 3.1)	Wayne 09JA51-53	Wynn, Jr.
	<b>Decision:</b> Affirmed		
09-617-1	State v Ebersole (Criminal)	Wilkes 08CRS458,07CRS50932,- 08CRS1850,07CRS5093- 3,07CRS50906	Geer
	<b>Decision:</b> No Error		