

**IN THE COURT OF APPEALS**  
**CASES REPORTED WITH PUBLISHED OPINIONS**  
**(FILED 20 JULY 2010)**  
**(MANDATE 9 AUGUST 2010)**

Docket #	Title	County	Judge
09-927-1	State v Miller (Criminal) <b>Decision:</b> Dismissed	Buncombe	McGee
09-942-1	Griffith v Curtis (Civil) <b>Decision:</b> Affirmed	Buncombe	Steelman
09-930-1	Carlton, et al v Melvin, et al (Civil) <b>Decision:</b> Affirmed	Catawba	Stephens
09-1138-1	State v Craven (Criminal) <b>Decision:</b> Vacated in part and no error in part; remanded	Chatham	Bryant
10-155-1	Kelley v CitiFinancial Services, Inc. (Civil) <b>Decision:</b> Reversed and Remanded	Davie	Wynn, Jr.
09-1468-1	State v Moses (Criminal) <b>Decision:</b> No error at trial; judgment vacated in part	Durham	Calabria
09-1544-1	In Re: The Adoption Of K.A.R. (Civil) <b>Decision:</b> Affirmed in part; Remanded	Durham	Bryant
10-69-1	Hodges v Moore (Civil) <b>Decision:</b> Affirmed	Forsyth	Steelman
10-97-1	Myers, et al v Baldwin, et al (Civil) <b>Decision:</b> Reversed	Forsyth	Calabria
09-1432-1	State v Pastuer (Criminal) <b>Decision:</b> Reversed	Franklin	Martin
09-792-1	Wright, et al v Gaston County, et al (Civil) <b>Decision:</b> Affirmed in Part and Reversed in Part	Gaston	Steelman
09-1024-1	Woodridge Homes v Gregory (Civil) <b>Decision:</b> Reversed and Remanded	Gaston	Ervin, IV
10-7-1	State v Cline (Criminal) <b>Decision:</b> Affirmed	Gaston	Stephens
09-365-1	State v Peterson (Criminal) <b>Decision:</b> No Error	Guilford	Geer
09-943-1	State v Mohamed (Criminal) <b>Decision:</b> No error; remand to correct clerical error	Guilford	Ervin, IV
09-1263-1	State v Stanley (Criminal) <b>Decision:</b> Reversed and Remanded	Guilford	Stroud

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10-51-1	State v Boyd (Criminal) <b>Decision:</b> Vacated and remanded for resentencing	Halifax	Ervin, IV
09-929-1	Owen v Haywood County, et al (Civil) <b>Decision:</b> Reversed	Haywood	Steelman
09-573-1	Day, et al v Brant, et al (Civil) <b>Decision:</b> Reversed	Iredell	Geer
09-654-1	State v Pinkerton (Criminal) <b>Decision:</b> Remanded for Resentencing	Johnston	Ervin, IV Robert C. Hunter(d)
09-1685-1	Dai Mai v Carolina Holdings, Inc. (Civil) <b>Decision:</b> Affirmed	Mecklenburg	Bryant
10-71-1	State v Medina (Criminal) <b>Decision:</b> Affirmed	Mecklenburg	Martin
09-869-1	State v Ellis (Criminal) <b>Decision:</b> No Error	Moore	Steelman
09-1490-1	Parkway Urology v NC Dept. of Health, et al (Civil) <b>Decision:</b> Affirmed	N.C. Dept. of Health & Human Svcs	Calabria
07-1389-1	Morales-Rodriguez v Carolina Quality (Civil) <b>Decision:</b> Affirmed in part; vacated in part	N.C. Industrial Commission	Martin
09-981-1	Price v Piggy Palace (Civil) <b>Decision:</b> Affirmed in part and remanded in part	N.C. Industrial Commission	Stephens
09-1561-1	Reaves v Industrial Pump Service, et al (Civil) <b>Decision:</b> Affirmed	N.C. Industrial Commission	Bryant
09-1587-1	Shay v Rowan Salisbury Schools (Civil) <b>Decision:</b> Reversed	N.C. Industrial Commission	Calabria James A. Wynn(d)
09-1144-1	State v Mills (Criminal) <b>Decision:</b> No Error	Nash	Hunter, Jr. Samuel J. Ervin, IV(c)
09-798-1	Cape Fear Public Utility v Costa (Civil) <b>Decision:</b> Affirmed	New Hanover	Stroud Cheri Beasley(d)
09-883-1	State v Guarascio (Criminal) <b>Decision:</b> No prejudicial error	New Hanover	Stephens
09-862-1	State v Simmons (Criminal) <b>Decision:</b> New trial in part, no error in part, remanded for resentencing in part	Pitt	Stephens
10-37-1	State v Haire (Criminal) <b>Decision:</b> No Error	Richmond	Hunter, Jr.
09-825-1	Burgess v Burgess (Civil) <b>Decision:</b> Affirmed in Part, Reversed in Part and Remanded	Rowan	Hunter, Jr. Donna Stroud(c)(d)

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09-993-1	In The Matter Of The Estate: Johnson (Civil) <b>Decision:</b> Affirmed	Sampson	Stroud
10-291-1	In The Matter Of: H.N.D. (Juvenile - 3.1) <b>Decision:</b> Reversed and Remanded	Sampson	Elmore James A. Wynn(d)
09-946-1	Stovall v Stovall (Civil) <b>Decision:</b> Affirmed	Stokes	Stroud
09-1238-1	McCraw, et al v Aux, et al (Civil) <b>Decision:</b> Vacated and Remanded	Wake	Stroud
09-1557-1	Whitlock v Triangle Grading Contractors (Civil) <b>Decision:</b> Reversed	Wake	Hunter

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09-1160-1	Armacell LLC v Bostic, et al (Civil) <b>Decision:</b> Affirmed	Alamance 08CVS224	McGee
10-192-1	McCann v Town of Sparta (Civil) <b>Decision:</b> Affirmed	Alleghany 09CVS100	Martin
09-1058-1	In The Matter Of: Church (Civil) <b>Decision:</b> Reversed	Ashe 07SPC162	Ervin, IV
09-1603-1	State v Landeta-Soto (Criminal) <b>Decision:</b> No Error	Brunswick 06CRS3819	Bryant
10-67-1	In The Matter Of: B.B., C.B., N.B., N.M., S.B., (Juvenile - 3.1) <b>Decision:</b> Dismissed in part; affirmed in part	Brunswick 09J27-31	Elmore
10-56-1	State v Long (Criminal) <b>Decision:</b> Affirmed	Cabarrus 09CRS8903	Bryant
09-1404-1	Repath v Dugger, et al (Civil) <b>Decision:</b> Dismissed	Catawba 08CVS2544	Hunter, Jr.
09-1194-1	State v Rodriguez (Criminal) <b>Decision:</b> No Error	Cumberland 08CRS59682	Hunter, Jr.
09-1279-1	Currituck Associates v Coastland Corp. (Civil) <b>Decision:</b> Affirmed	Currituck 04CVS97	Hunter
09-1326-1	State v Thompson (Criminal) <b>Decision:</b> No Error	Davidson 08CRS60846,08CRS608-49,09CRS571	Hunter, Jr.
09-1168-1	Adams v Kalmar (Civil) <b>Decision:</b> Dismissed	Duplin 06CVS695	Bryant
09-1298-1	NC Farm Bureau Mutual v Sutton (Civil) <b>Decision:</b> Affirmed	Durham 08CVS6393	Bryant Steelman(c)
10-190-1	In The Matter Of: J.W., D.W., D.W., D.W., K.W. (Juvenile - 3.1) <b>Decision:</b> Affirmed in part; remanded in part	Durham 08J212-216	Wynn, Jr.
09-1641-1	State v Draughn (Criminal) <b>Decision:</b> No Error	Edgecombe 08CRS54095	Bryant
09-890-1	Diggs v Forsyth Memorial Hospital, Inc. (Civil) <b>Decision:</b> Affirmed	Forsyth 02CVS7066	Stephens
09-951-1	In The Matter Of: Jones (Civil) <b>Decision:</b> Affirmed	Gaston 07E565	Stephens

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09-1383-1	In The Matter Of: J.T.H. (Juvenile - Criminal) <b>Decision:</b> Affirmed	Guilford 07JB615	Elmore
09-1665-1	Brown & Brown Enterprises v Brown (Civil) <b>Decision:</b> Affirmed	Martin 08CVS62	Calabria James A. Wynn(c)
09-1256-1	State v McGriff (Criminal) <b>Decision:</b> No Error	Mecklenburg 07CRS252803	McGee
09-1486-1	State v Lincoln (Criminal) <b>Decision:</b> Remanded for resentencing	Mecklenburg 08CRS40864	Bryant
09-1674-1	State v Wright (Criminal) <b>Decision:</b> No Error	Mecklenburg 08CRS54573,08CRS219683	Bryant
10-5-1	State v Forse (Criminal) <b>Decision:</b> Affirmed	Mecklenburg 06CRS251612-15	Bryant
09-1626-1	State v Smith (Criminal) <b>Decision:</b> No Error	Moore 08CRS6583,08CRS54799	Bryant
09-376-1	Berrier, et al v Recovery Const., et al (Civil) <b>Decision:</b> Dismissed	N.C. Industrial Commission IC599789,IC616555, IC478731	Elmore
09-377-1	Brattain v Nutri-Lawn, Inc. (Civil) <b>Decision:</b> Affirmed	N.C. Industrial Commission IC588981	Geer
09-944-1	Leggett v AAA Cooper Transportation (Civil) <b>Decision:</b> Affirmed in part; remanded in part	N.C. Industrial Commission 600560	Steelman
09-986-1	Bolejack v Mobilift of Burlington (Civil) <b>Decision:</b> Affirmed	N.C. Industrial Commission 655056	Steelman
09-991-1	Stevenson v N.C. Department of Correction (Civil) <b>Decision:</b> Dismissed	N.C. Industrial Commission TA-20236	Elmore
09-1125-1	Smith v Valley Proteins (Civil) <b>Decision:</b> Affirmed	N.C. Industrial Commission 763801	Steelman
09-1243-1	Moore v Sleepy Creek Farms, et al (Civil) <b>Decision:</b> Affirmed	N.C. Industrial Commission 675766	Stroud

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09-1376-1	Thames v NC Department of Correction (Civil) <b>Decision:</b> Affirmed	N.C. Industrial Commission TA-19451	McGee
09-1499-1	Watts v N.C. Department of Environmental (Civil) <b>Decision:</b> Affirmed in Part, Reversed in Part and Remanded	N.C. Industrial Commission TA-18068	Martin
09-1658-1	State v Isaac (Criminal) <b>Decision:</b> Affirmed	Person 09IFS700039	Hunter, Jr.
09-1472-1	State v Blaine (Criminal) <b>Decision:</b> No Error	Pitt 08CRS11925	Bryant
09-1680-1	State v Joyner (Criminal) <b>Decision:</b> No Error	Pitt 07CRS61341-43	Bryant
09-1113-1	McDowell, et al v Randolph County, et al (Civil) <b>Decision:</b> Dismissed	Randolph 08CVS3377	Bryant
09-870-1	State v Pait (Criminal) <b>Decision:</b> Affirmed in part and dismissed in part	Robeson 08CRS53860	Calabria
09-1044-1	State v Phillips (Criminal) <b>Decision:</b> Affirmed	Rutherford 08CR54482-85	Geer Linda Stephens(c)
09-1390-1	State v Mabry (Criminal) <b>Decision:</b> Judgment vacated and case remanded for resentencing	Stanly 07CRS563-565,07CRS50- 127-29,05CRS5906-13	McGee
09-1585-1	State v McNeill (Criminal) <b>Decision:</b> Judgment for conspiracy is reversed. Judgment imposed for habitual felon status is vacated	Vance 08CRS2793,08CRS50913	Calabria
09-596-1	MJM Investigations v Sjostedt (Civil) <b>Decision:</b> Reversed and Remanded	Wake 08CVS19165	McGee Sanford Steelman(c)
09-1396-1	State v Horton (Criminal) <b>Decision:</b> No Error	Wake 08CRS34312	Stephens
09-1429-1	State v Godwin (Criminal) <b>Decision:</b> Dismissed	Wake 08CRS85149,08CRS74099	Bryant
09-1502-1	State v Watkins (Criminal) <b>Decision:</b> Affirmed	Wake 08CRS85486,08CRS854- 87,08CRS85484,09CRS6924	Jackson
09-275-1	Frontier Leasing Corp. v Hunt (Civil) <b>Decision:</b> Affirmed	Wayne 08CVS1767	Geer