

**IN THE COURT OF APPEALS**  
**CASES REPORTED WITH PUBLISHED OPINIONS**  
**(FILED 7 SEPTEMBER 2010)**  
**(MANDATE 27 SEPTEMBER 2010)**

Docket #	Title	County	Judge
09-1620-1	Smith Architectural Metals v American Railing Systems (Civil) <b>Decision:</b> Reverse and remand	Alamance	Hunter
09-331-1	State v Biber (Criminal) <b>Decision:</b> new trial	Buncombe	McGee Sanford Steelman(d)
09-620-2	Waddell v Metropolitan Sewerage (Civil) <b>Decision:</b> Affirmed	Buncombe	Steelman
09-1454-1	Martin v Martin (Civil) <b>Decision:</b> Reversed in part, affirmed in part	Buncombe	Elmore
09-1085-1	Buchanan v Buchanan (Civil) <b>Decision:</b> Affirmed	Cabarrus	Stroud
09-1251-1	Peterson v Polk-Sullivan, LLC (Civil) <b>Decision:</b> Affirmed	Chatham	Stroud
09-629-1	State v Register (Criminal) <b>Decision:</b> No prejudicial error	Cumberland	Geer
09-1361-1	State v Van Pelt (Criminal) <b>Decision:</b> No Error	Durham	Stroud
09-1384-1	Haynie v Cobb, et al (Civil) <b>Decision:</b> Reversed	Forsyth	Stroud
09-1475-1	State v Williamson (Criminal) <b>Decision:</b> No error at trial. Affirmed.	Forsyth	Calabria James A. Wynn(d)
10-11-1	State v Williams (Criminal) <b>Decision:</b> No Error	Forsyth	Jackson
09-277-1	Mosteller v Duke Energy Corp. (Civil) <b>Decision:</b> Affirmed	Gaston	Stroud
09-820-1	DeRossett, et al v Duke Energy, et al (Civil) <b>Decision:</b> Affirmed	Graham	Ervin, IV
09-1409-1	Thermal Design, Inc. v M&M Builders, Inc. (Civil) <b>Decision:</b> Affirmed	Guilford	Hunter, Jr.
09-1458-1	Bodine, et al v Harris Village Property (Civil) <b>Decision:</b> Affirmed	Iredell	Hunter, Jr.
10-53-1	State v Effler (Criminal) <b>Decision:</b> No Error	McDowell	Hunter, Jr.

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10-47-1	Bauer v Douglas Aquatics, Inc., et al (Civil) <b>Decision:</b> Affirmed	Mecklenburg	Beasley
10-337-1	In The Matter Of: S.R. and N.R. (Juvenile - 3.1) <b>Decision:</b> Affirmed	Mecklenburg	Bryant
09-879-1	Total Renal Care v NC Dept. of Health (Civil) <b>Decision:</b> Affirmed	N.C. Dept. of Health & Human Svcs	Stroud
09-1305-1	Hedges v Wake County Public School, et al (Civil) <b>Decision:</b> Affirmed	N.C. Industrial Commission	McGee
09-1591-1	State v Forte (Criminal) <b>Decision:</b> No Error	Richmond	Stephens
10-204-1	In The Matter Of: P.O. (Juvenile - 3.1) <b>Decision:</b> Affirmed in part; Reversed and Remanded in part	Robeson	Stephens
09-1117-1	Nationwide Mutual v Burgdoff, et al (Civil) <b>Decision:</b> Reversed and Remanded	Rowan	Calabria
09-1414-1	State v Livengood (Criminal) <b>Decision:</b> No Error	Rowan	Steelman
09-1191-1	Caskey v Caskey (Civil) <b>Decision:</b> Reversed and remanded in part, vacated and remanded in part	Union	McGee
09-996-1	Harco National v Grant Thornton LLP (Civil) <b>Decision:</b> Affirmed in Part and Reversed in Part	Wake	Calabria
09-1345-1	State v Bettis (Criminal) <b>Decision:</b> No Error	Wake	Stroud

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Docket #	Title	County	Judge
09-1146-1	State v Owens (Criminal) <b>Decision:</b> Remanded	Brunswick 04CRS4211 04CRS4209	Stroud
09-1233-1	Mull v Mull (Civil) <b>Decision:</b> Reversed and Remanded	Buncombe 04CVD5107	Steelman
09-1340-1	In The Matter Of: J.D.R. (Juvenile - Criminal) <b>Decision:</b> Affirmed	Buncombe 08JB441	Ervin, IV
09-1597-1	State v Wingate (Criminal) <b>Decision:</b> No Error	Buncombe 08CRS58024	Hunter
09-1135-1	Peters, et al v Norwalk Furniture, et al (Civil) <b>Decision:</b> Affirmed	Burke 08CVS1773	Calabria
09-1327-1	State v Greene (Criminal) <b>Decision:</b> No prejudicial error	Cabarrus 06CRS50169-71	Hunter
09-1610-1	Craft Development v County of Cabarrus (Civil) <b>Decision:</b> Affirmed	Cabarrus 08CVS1951	Hunter, Jr.
09-1611-1	Mardan IV v County of Cabarrus (Civil) <b>Decision:</b> Affirmed	Cabarrus 08CVS1950	Hunter
09-1621-1	Lanvale Properties, et al v County of Cabarrus, et al (Civil) <b>Decision:</b> Affirmed	Cabarrus 08CVS1244	Hunter
10-158-1	State v Cornwell (Criminal) <b>Decision:</b> No Error	Cabarrus 08CRS11260 08CRS53931	Hunter
10-209-1	State v Parks (Criminal) <b>Decision:</b> No Error	Cabarrus 07CRS2152	Hunter
09-1133-1	State v Blackburn (Criminal) <b>Decision:</b> No error; remanded for correction of a clerical error	Catawba 08CRS10003	Calabria
10-154-1	State v Hawkins (Criminal) <b>Decision:</b> Affirmed	Craven 08CRS53782	Hunter
10-329-1	State v Pegues (Criminal) <b>Decision:</b> No Error	Davie 08CRS51083 08CRS1472	Hunter
09-1554-1	Speights v Forbes (Civil) <b>Decision:</b> Affirmed	Durham 09CVS2016	Elmore
10-22-1	State v Westrom (Criminal) <b>Decision:</b> No Error	Durham 08CRS47172	Calabria

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10-54-1	State v Rook (Criminal) <b>Decision:</b> Dismissed	Durham 08CRS1086 07CRS56213	Hunter
10-92-1	State v Justice (Criminal) <b>Decision:</b> Vacated	Durham 04CRS49709	Bryant
10-180-1	Southern Seeding Service v Martin (Civil) <b>Decision:</b> Affirmed in part and dismissed in part	Durham 07CVD1291 09CVD4437	Hunter, Jr.
09-1430-1	State v Chambers (Criminal) <b>Decision:</b> No Error	Forsyth 08CRS37918 08CRS58735	Hunter, Jr.
09-1336-1	State v Compton (Criminal) <b>Decision:</b> No Error	Gaston 07CRS68093	Hunter, Jr.
09-1596-1	State v Williams (Criminal) <b>Decision:</b> No Error	Guilford 06CRS24690 06CRS86416 08CRS110130-31	Steelman
09-1664-1	Agapion v The City of Greensboro (Civil) <b>Decision:</b> Affirmed	Guilford 08CVS9012	Elmore
10-72-1	State v Zuniga (Criminal) <b>Decision:</b> No error in 08CRS82360 and 82361. Remanded for determination and correction of clerical error in 08CRS82362	Guilford 08CRS82360-62	Bryant
10-272-1	In Re: J.M. (Juvenile - 3.1) <b>Decision:</b> Affirmed	Harnett 06J178	Stephens
09-1573-1	State v Marler (Criminal) <b>Decision:</b> No Error	Haywood 07CRS3974 07CRS3977 07CRS3971-72 07CRS54963	Elmore
09-912-1	Sander v Sander (Civil) <b>Decision:</b> Dismissed	Henderson 09CVD593	Per Curiam
10-130-1	State v Washington (Criminal) <b>Decision:</b> Affirmed	Hoke 06CRS53014	Bryant
10-208-1	State v Baldwin (Criminal) <b>Decision:</b> No Error	Hoke 09CRS50048-51 09CRS265	Hunter
09-1580-1	McMahon And Associates v Future Serenity, Inc. (Civil) <b>Decision:</b> Vacated in part, dismissed in part, affirmed in part	Iredell 07CVS2322	Steelman
09-1494-1	Stephenson, et al v Langdon, et al (Civil) <b>Decision:</b> Affirmed	Johnston 08CVS2451	Stephens

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09-1636-1	State v Spellman (Criminal) <b>Decision:</b> No Error	Johnston 07CRS56337	Stephens
09-467-2	State v Smith (Criminal) <b>Decision:</b> Affirmed	Mecklenburg 08CRS39546 08CRS39547 08CRS39545	Bryant
09-1485-1	State v Bowens (Criminal) <b>Decision:</b> Affirmed	Mecklenburg 08CR238168	Elmore
10-15-1	State v Brown (Criminal) <b>Decision:</b> No Error	Mecklenburg 08CRS71595 08CRS204997-99	Bryant
10-75-1	State v Sloan (Criminal) <b>Decision:</b> Dismissed	Mecklenburg 07CRS258537-38	Bryant
10-117-1	State v Elder (Criminal) <b>Decision:</b> No Error	Mecklenburg 09CRS212789-790	Hunter
10-144-1	State v Harris (Criminal) <b>Decision:</b> Dismissed	Mecklenburg 08CRS241972 08CRS241885	Bryant
10-181-1	State v Warmack (Criminal) <b>Decision:</b> Affirmed	Mecklenburg 08CRS201162	Hunter
10-237-1	State v Hammonds (Criminal) <b>Decision:</b> Affirmed	Mecklenburg 09CRS60268 09CRS57257	Hunter
09-1351-1	Jackson v Penton (Criminal) <b>Decision:</b> Affirmed in part; reversed and remanded in part	Moore 99CVD1242	Steelman
09-1418-1	State v McLaughlin (Criminal) <b>Decision:</b> No Error	Moore 06CRS54553 06CRS54575	Hunter, Jr.
10-248-1	State v McLeod (Criminal) <b>Decision:</b> Dismissed	Moore 08CRS6589 08CRS54496 08CRS54495	Hunter
09-1330-1	Draughon v City of Clinton (Civil) <b>Decision:</b> Dismissed	N.C. Industrial Commission 749775	Stroud
09-1407-1	Hunter v Citibank Cards (Civil) <b>Decision:</b> Dismissed	N.C. Industrial Commission 787369	Stroud
09-1269-1	The NC State Bar v Sossomon (Civil) <b>Decision:</b> Affirmed	N.C. State Bar 07DHC9	Elmore

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09-1584-1	Kintz v Amerlink, LTD., et al (Civil) <b>Decision:</b> Affirmed	Nash 08CVS2633	Elmore
10-226-1	State v Mott (Criminal) <b>Decision:</b> Reversed and Remanded	Nash 08CRS50795 08CRS54034 08CRS50783	Hunter
10-280-1	State v Lewis (Criminal) <b>Decision:</b> Affirmed	Nash 08CRS57966-67 09CRS50763-64	Hunter
10-254-1	State v Whitney (Criminal) <b>Decision:</b> Affirmed	Onslow 09CRS52382	Hunter
10-96-1	Magaro v Magaro (Civil) <b>Decision:</b> Because we reverse on these grounds, we do not address defendant's other assignments of error	Pasquotank 06CVD23	Elmore
09-1506-1	State v Thiam (Criminal) <b>Decision:</b> new trial	Pitt 08CRS56493-94	Hunter
09-1667-1	State v Lyons (Criminal) <b>Decision:</b> No Error	Pitt 08CRS60526	Bryant
08-1078-2	In The Matter of: D.S. (Juvenile - Criminal) <b>Decision:</b> Reversed and remanded for entry of order of dismissal	Robeson 02JB168	Beasley
09-1703-1	State v Starling (Criminal) <b>Decision:</b> No Error	Robeson 07CRS53733	Steelman
10-334-1	State v Williamson (Criminal) <b>Decision:</b> Affirmed and remanded in part for correction of the judgments revoking probation	Rockingham 09CRS411 09CRS410	Bryant
10-182-1	State v Robinson (Criminal) <b>Decision:</b> Dismissed	Rowan 04CRS54741	Hunter
10-124-1	State v Hill (Criminal) <b>Decision:</b> Vacated	Rutherford 07CRS3857	Hunter
10-62-1	State v Best (Criminal) <b>Decision:</b> Dismissed in part; vacated in part	Sampson 06CRS3715-17	Bryant
10-63-1	State v Darden (Criminal) <b>Decision:</b> No prejudicial error; remanded for correction of a clerical error	Sampson 08CRS52885-86	Hunter
10-448-1	In Re: S.R.H., G.E.H., I.G.H. (Juvenile - 3.1) <b>Decision:</b> Affirmed	Union 07JT40-42	Bryant
09-867-1	State v Ali (Criminal) <b>Decision:</b> No Error	Wake 07CRS31073	Stroud

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09-906-1	Harco National Ins. Co. v Grant Thornton (Civil) <b>Decision:</b> Dismissed	Wake 05CVS2500	Hunter, Jr.
09-1026-1	Ji v City of Raleigh, et al (Civil) <b>Decision:</b> Affirmed	Wake 08CVS4564	Ervin, IV
09-1077-1	Boatwright Distribution v North State (Civil) <b>Decision:</b> No Error	Wake 07CVS7889	Elmore
09-1128-1	Rekechinsky v Griffiths (Civil) <b>Decision:</b> Reversed and Remanded	Wake 08CVS5168	Elmore
09-1367-1	Haas v NC Dept. of Crime Control (Civil) <b>Decision:</b> Reversed and Remanded	Wake 08CVS7523	Calabria
10-396-1	In The Matter Of: E.G.K. (Juvenile - 3.1) <b>Decision:</b> Affirmed	Wake 08JT248	McGee
09-1103-1	Strickland v Strickland, et al (Civil) <b>Decision:</b> Affirmed	Wilson 06E506	Jackson