

**IN THE COURT OF APPEALS**  
**CASES REPORTED WITH PUBLISHED OPINIONS**  
**(FILED 7 DECEMBER 2010)**  
**(MANDATE 28 DECEMBER 2010)**

Docket #	Title	County	Judge
09-1714-1	In The Matter Of The Foreclosure Of: Vogler Realty, Inc. (Civil) <b>Decision:</b> Vacated	Alamance	McGee Robert Hunter, Jr.(d)
10-287-1	State v Treadway (Criminal) <b>Decision:</b> No prejudicial error in part; reversed and remanded in part	Alexander	Hunter
10-227-1	Goad, et al v Chase Home Finance, et al (Civil) <b>Decision:</b> Affirmed	Brunswick	Ervin, IV
10-388-1	State v Dobbs (Criminal) <b>Decision:</b> Remanded for correction of clerical error in part; dismissed in part	Brunswick	Steelman
09-1661-1	Edwards v Hill (Civil) <b>Decision:</b> Affirmed	Cleveland	Beasley
10-295-1	Gore, et al v Assurance Company of America, et al (Civil) <b>Decision:</b> Affirmed	Cumberland	Jackson
09-167-1	Haugh, et al v County of Durham, et al (Civil) <b>Decision:</b> Affirmed in Part; Reversed in Part	Durham	Jackson
10-267-1	Williams v American Eagle Airlines, Inc. (Civil) <b>Decision:</b> Vacated and remanded	Durham	Jackson
10-406-1	Kimball v Vernik (Civil) <b>Decision:</b> Affirmed	Durham	Stephens
10-439-1	State v Crandell (Criminal) <b>Decision:</b> No Error	Edgecombe	Steelman
09-954-1	Lovendahl v Wicker (Civil) <b>Decision:</b> Affirmed	Guilford	Geer
10-455-1	Rabon v Hopkins, et al (Civil) <b>Decision:</b> No Error	Guilford	Stephens
10-98-1	State v Baker (Criminal) <b>Decision:</b> Reversed and Remanded	Halifax	Jackson
10-213-1	State v Dubose (Criminal) <b>Decision:</b> No error in part; vacated and remanded in part	Johnston	Steelman
09-1264-1	State v Daniel (Criminal) <b>Decision:</b> Affirmed	Mecklenburg	Jackson Richard A. Elmore(d)
09-1284-1	Leiber v Arboretum Joint Venture, et al (Civil) <b>Decision:</b> Reversed	Mecklenburg	Beasley

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10-58-1	State v Williams (Criminal) <b>Decision:</b> new trial	Mecklenburg	Martin
10-417-1	State v Blackmon (Criminal) <b>Decision:</b> No Error	Mecklenburg	Jackson
10-516-1	State v Potts (Criminal) <b>Decision:</b> No Error	Mecklenburg	Elmore
10-149-1	Garner v Capital Area Transit, et al (Civil) <b>Decision:</b> Affirmed	N.C. Industrial Commission	Steelman
10-255-1	State v Bedford (Criminal) <b>Decision:</b> No Error	Onslow	Bryant
10-300-1	Domingue v Nehemiah II, Inc., et al (Civil) <b>Decision:</b> Reversed	Pasquotank	Hunter, Jr.
10-501-1	Smith v Heath (Civil) <b>Decision:</b> Dismissed	Pitt	Steelman
10-235-1	State v Clark (Criminal) <b>Decision:</b> No Error	Rockingham	Calabria
10-374-1	Richards, et al v Jolley, et al (Civil) <b>Decision:</b> Affirmed	Rutherford	Stroud
10-519-1	State v Johnson (Criminal) <b>Decision:</b> No error in part, reversed and vacated in part, remanded in part	Washington	Steelman
10-500-1	In The Matter Of: Louisiana Pacific Corporation (Civil) <b>Decision:</b> Reversed and Remanded	Wilkes	Elmore
09-1721-1	Bissette v Auto-Owners Insurance Company (Civil) <b>Decision:</b> Affirmed	Wilson	Stephens

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10-76-1	State v Graves (Criminal)  <b>Decision:</b> No Error	Alamance 08CRS9746-47 07CRS58631	McGee
10-783-1	In The Matter Of: O.J.C. and C.B.H. (Juvenile - 3.1)  <b>Decision:</b> Affirmed	Alleghany 06JT27-28	McGee
09-1692-1	State v Martin (Criminal)  <b>Decision:</b> No Error	Brunswick 07CRS54459 07CRS54456	Ervin, IV
10-488-1	State v Perry (Criminal)  <b>Decision:</b> No prejudicial error	Brunswick 07CRS55353 07CRS55339	Stephens
10-527-1	State v Edge (Criminal)  <b>Decision:</b> Affirmed	Brunswick 09CRS3500-3503	Elmore
10-135-1	State v Benavides (Criminal)  <b>Decision:</b> No Error	Buncombe 07CRS59698-99	Calabria
10-649-1	In The Matters Of: J.K., S.K., S.C. (Juvenile - 3.1)  <b>Decision:</b> Vacated	Burke 08J8-10	Thigpen, Jr.
10-360-1	State v Bartlett (Criminal)  <b>Decision:</b> No Error	Camden 09CRS14 08CRS50222-23	Beasley
09-1677-1	State v Hughes (Criminal)  <b>Decision:</b> No Error	Caswell 08CRS50814	Beasley
10-657-1	Carolina Orthopaedic Specialists, PA v Smith (Civil)  <b>Decision:</b> Reversed and Remanded	Catawba 08CVD4767	Calabria
10-485-1	State v Johnson (Criminal)  <b>Decision:</b> No Error	Cherokee 08CRS50976-79	Jackson
10-60-1	Gates Four Homeowners Assoc., et al v City of Fayetteville (Civil)  <b>Decision:</b> Affirmed	Cumberland 08CVS13276	Elmore
10-654-1	In The Matter Of: D.G., Rk.G., C.G., R.G., A.G., S.H. (Juvenile - 3.1)  <b>Decision:</b> Affirmed	Cumberland 97JA98 09JA231-235	Geer
09-1706-1	State v Robertson (Criminal)  <b>Decision:</b> No Error	Davie 08CRS50863	Geer
10-202-1	State v Newkirk (Criminal)  <b>Decision:</b> No Error	Duplin 08CRS50531	Elmore
10-547-1	State v Wooten (Criminal)	Durham 05CRS58018	Thigpen, Jr.

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	<b>Decision:</b> No Error		
10-303-1	State v Lynch (Criminal)	Edgecombe 08CRS52475	Elmore
	<b>Decision:</b> No Error		
10-487-1	State v Juarez (Criminal)	Forsyth 04CRS63144 04CRS63141	Thigpen, Jr.
	<b>Decision:</b> No Error		
10-261-1	State v Grant (Criminal)	Gaston 09CRS11251 09CRS11249	Hunter
	<b>Decision:</b> No Error		
10-815-1	In Re: S.D.D., S.L.B., D.L.D., M.L.D., S.D.D., S.L.B. (Juvenile - 3.1)	Gaston 08JT210-215	Hunter, Jr.
	<b>Decision:</b> Affirmed		
09-1422-1	State v Handy (Criminal)	Guilford 07CRS100171	Calabria
	<b>Decision:</b> No Error		
10-28-1	Wilkins v Farah, et al (Civil)	Guilford 08CVS3835	Jackson
	<b>Decision:</b> Dismissed		
10-409-1	State v Petty (Criminal)	Guilford 09CRS72034	Elmore
	<b>Decision:</b> No Error		
10-444-1	State v Hunter (Criminal)	Guilford 04CRS75420	Thigpen, Jr.
	<b>Decision:</b> Affirmed		
10-533-1	State v Tyson (Criminal)	Guilford 09CRS77885	Jackson
	<b>Decision:</b> Remanded		
10-704-1	In The Matter Of: N.M.J.I. (Juvenile - 3.1)	Guilford 08JT91	Hunter, Jr.
	<b>Decision:</b> Affirmed		
10-724-1	In The Matter Of: E.R. (Juvenile - 3.1)	Guilford 08JT615	Stroud
	<b>Decision:</b> Affirmed		
10-778-1	In The Matter Of: S.E.P. and L.U.E. (Juvenile - 3.1)	Iredell 02JT201 04JT7	Martin
	<b>Decision:</b> Affirmed		
10-502-1	State v Perry (Criminal)	Johnston 08CRS52307	Thigpen, Jr.
	<b>Decision:</b> No Error		
09-1271-1	Brown v Staten, et al (Civil)	Lenoir 08CVS10	Geer
	<b>Decision:</b> Affirmed in part; vacated and remanded in part		
10-705-1	In The Matter Of: P.W. (Juvenile - 3.1)	Lenoir 09JA78	McGee
	<b>Decision:</b> Reversed and Remanded		
09-1310-1	State v Carpenter (Criminal)	Lincoln 07CRS5396	Geer
	<b>Decision:</b> No Error		

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10-108-1	Howard, et al v Orthocarolina, P.A., et al (Civil) <b>Decision:</b> Dismissed	Mecklenburg 08CVS13045	Beasley
10-297-1	State v McClure (Criminal) <b>Decision:</b> Affirmed	Mecklenburg 05CRS257465	Elmore
10-486-1	State v Gosier (Criminal) <b>Decision:</b> No Error	Mecklenburg 07CRS203651-52	Elmore
10-684-1	In The Matter Of: Z.H. and T.H. (Juvenile - 3.1) <b>Decision:</b> Affirmed	Mecklenburg 08JT291 08JT293	Calabria
10-688-1	In The Matter Of: A.M., S.G., A.G., P.G., I.G., E.G. (Juvenile - 3.1) <b>Decision:</b> Affirmed	Mecklenburg 07JT354-358 07JT956	Martin
10-735-1	In The Matter Of: A.F., N.F., M.F. (Juvenile - 3.1) <b>Decision:</b> Affirmed	Mecklenburg 06JT805-807	Thigpen, Jr.
10-414-1	State v Butler (Criminal) <b>Decision:</b> Remanded	Montgomery 08CRS51716	Jackson
10-107-1	Hyatt v N.C. Department of Correction (Civil) <b>Decision:</b> Affirmed	N.C. Industrial Commission 672659	Calabria
10-161-1	Blake v Cree, Inc., et al (Civil) <b>Decision:</b> Reversed and Remanded	N.C. Industrial Commission 781740 773176	McGee
10-443-1	Smith, et al v Flatfoot Concrete Construction, et al (Civil) <b>Decision:</b> Affirmed	N.C. Industrial Commission 547707	Jackson
09-765-1	The NC State Bar v Erickson (Civil) <b>Decision:</b> Affirmed	N.C. State Bar 07DHC17	Geer
10-103-1	Crumpler, et al v Avenir Development, et al (Civil) <b>Decision:</b> Affirmed	New Hanover 08CVS2043 06CVS4983	Hunter
10-400-1	State v Smith (Criminal) <b>Decision:</b> No Error	New Hanover 07CRS65227	Elmore
10-252-1	State v Saeidifar (Criminal) <b>Decision:</b> No Error	Onslow 07CRS58179	Stephens
10-667-1	State v Mann (Civil) <b>Decision:</b> Affirmed	Pamlico 08CVD106	Thigpen, Jr.
10-907-1	In The Matter Of: D.L.M. (Juvenile - 3.1) <b>Decision:</b> Dismissed	Pasquotank 08JT86	Bryant

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10-338-1	State v Brown (Criminal) <b>Decision:</b> No Error	Pitt 08CRS59385	Elmore
10-771-1	In The Matter Of: K.B.,K.R.B.,J.W.B.,M.J.G.G. & J.G. (Juvenile - 3.1) <b>Decision:</b> Affirmed	Polk 06J15-19	Bryant
10-170-1	McQueen v City of Hamlet, et al (Civil) <b>Decision:</b> Affirmed	Richmond 09CVS664	Ervin, IV
09-1469-1	Owensby, et al v Phillips, et al (Civil) <b>Decision:</b> Affirmed	Rutherford 08CVD1731	Ervin, IV
10-364-1	State v Middleton (Criminal) <b>Decision:</b> No Error	Sampson 09CRS51888-89	Thigpen, Jr.
10-145-1	Bodie v Bodie (Civil) <b>Decision:</b> Dismissed	Transylvania 05CVD334	Geer
09-1678-1	Vintage Condominiums Assoc. v Richardson (Civil) <b>Decision:</b> Affirmed	Union 07CVS1890	Geer
09-1719-1	State v Trapp (Criminal) <b>Decision:</b> No error in 07CRS41352; new trial in 07CRS41353 and 07CRS41354	Wake 07CRS41352-54	McGee
10-132-1	State v Blackwell (Criminal) <b>Decision:</b> Reversed and Remanded	Wake 09CRS9885-86	Ervin, IV
10-236-1	State v Winters (Criminal) <b>Decision:</b> No Error	Wake 07CRS35133 07CRS75097 07CRS60468	Elmore
10-290-1	State v Royster (Criminal) <b>Decision:</b> new trial	Wake 07CRS36121 08CRS1738	Elmore
10-610-1	Wills Grove Homeowners Association, Inc. v Yaeckel (Civil) <b>Decision:</b> Affirmed	Wake 09CVD12359	Elmore
10-651-1	In The Matter Of: M.C., T.C., E.M. (Juvenile - 3.1) <b>Decision:</b> Affirmed	Wake 08JT615-617	Stroud
09-1681-1	Nationwide Mutual Insurance Company v Caudill (Civil) <b>Decision:</b> Affirmed	Wilkes 08CVS2282	Ervin, IV