

**IN THE COURT OF APPEALS**  
**CASES REPORTED WITH PUBLISHED OPINIONS**  
**(FILED 7 JUNE 2011)**  
**(MANDATE 27 JUNE 2011)**

Docket #	Title	County	Judge
10-1089-1	Singletery v P and A Investments, Inc., et al (Civil) <b>Decision:</b> Reversed	Anson	Beasley
10-1304-1	State v Merrell (Criminal) <b>Decision:</b> Reversed in part and remanded	Carteret	Bryant
10-767-1	Ray v Greer, et al (Civil) <b>Decision:</b> Dismissed in part; affirmed in part	Catawba	Beasley
10-551-1	State v Taylor (Criminal) <b>Decision:</b> No Error At Trial; Denial of Motion for Appropriate Relief Affirmed	Cleveland	Ervin, IV
09-1704-1	Jessee v Jessee (Civil) <b>Decision:</b> Affirmed	Forsyth	Ervin, IV Donna Stroud (c) in result only by separate opinion
10-196-1	Branch Banking and Trust Company v Chicago Title Insurance Company (Civil) <b>Decision:</b> Affirmed	Forsyth	McGee
10-653-1	Graham Cty. Bd. Of Elections v Graham Cty. Bd. of Comm'r, et al (Civil) <b>Decision:</b> Affirmed in Part and Reversed in Part	Graham	Hunter, Jr.
10-646-1	Dougherty Equipment Company, Inc. v M.C. Precast Concrete, Inc. (Civil) <b>Decision:</b> Reversed and Remanded	Guilford	Stroud
10-480-1	Orr, et al v Calvert (Civil) <b>Decision:</b> Affirmed	Henderson	McGee Robert Hunter, Jr.(c)(d)
10-959-1	Lake Colony Construction, Inc. v Boyd, et al (Civil) <b>Decision:</b> Affirmed	Jackson	Geer
10-846-1	State v Petty (Criminal) <b>Decision:</b> Reversed and Remanded	Mecklenburg	Ervin, IV
10-1299-1	Evonik Energy Services Gmbh v Ebinger, et al (Civil) <b>Decision:</b> Reversed	Mecklenburg	Stephens
10-1382-1	Metz v Metz (Civil) <b>Decision:</b> Affirmed	Mecklenburg	Martin
10-1519-1	In The Matter Of: P.D.R., L.S.R., J.K.R. (Juvenile - 3.1) <b>Decision:</b> Vacated and Remanded	Mecklenburg	Geer
10-905-1	Newnam v New Hanover Regional Medical Center, et al (Civil) <b>Decision:</b> Affirmed in Part and Reversed in Part	N.C. Industrial Commission	Calabria Judge Robert N. Hunter, Jr. (c) (d)

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10-1136-1	James v Carolina Power And Light, et al (Civil) <b>Decision:</b> Affirmed in Part, Reversed in Part and Remanded	N.C. Industrial Commission	Beasley
10-1440-1	Johnson v Covil Corp. (Civil) <b>Decision:</b> Reversed and Remanded	N.C. Industrial Commission	McCullough
10-1521-1	Gregory v W.A. Brown & Sons, et al (Civil) <b>Decision:</b> Affirmed	N.C. Industrial Commission	McCullough
10-1306-1	State v Hayden (Criminal) <b>Decision:</b> Reversed	Onslow	Elmore
10-906-1	State v Adams and Sowell (Criminal) <b>Decision:</b> New Trial	Rowan	Elmore
10-1285-1	Variety Wholesalers, Inc. v Salem Logistics Traffic Services, et al (Civil) <b>Decision:</b> Affirmed in Part and Reversed in Part	Vance	McCullough
10-315-1	Brown, et al v NC Dept. of Environment, et al (Civil) <b>Decision:</b> Reversed	Wake	Bryant
10-593-1	Inland American Winston Hotels, Inc. v Crockett, et al (Civil) <b>Decision:</b> Affirmed	Wake	Stroud
10-693-1	Vitela, et al v Richardson (Civil) <b>Decision:</b> Affirmed	Wake	Elmore
10-883-1	State v Williamson (Criminal) <b>Decision:</b> Vacated and Remanded	Yancey	Hunter, Jr.

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Docket #	Title	County	Judge
10-789-1	State v Ballard (Criminal) <b>Decision:</b> Affirmed	Brunswick 08CRS3640-41	Bryant
10-1071-1	State v House (Criminal) <b>Decision:</b> Affirmed in part, reversed and remanded in part.	Brunswick 08CRS6990	Calabria
10-514-1	Dillingham v Dillingham (Civil) <b>Decision:</b> Affirmed	Buncombe 04CVD3124	McGee
10-867-1	State v Stepp (Criminal)  <b>Decision:</b> Affirmed	Buncombe 09CRS15216 09CRS60984-88 09CRS60991 09CRS61772-73 09CRS662 09CRS706185-86 09CRS706188 09CRS706190	Ervin, IV
10-868-1	State v Murray (Criminal) <b>Decision:</b> Affirmed	Buncombe 07CRS51491-94	Geer
10-1548-1	In The Matter Of: T.J., T.J., M.J. (Juvenile - 3.1) <b>Decision:</b> Affirmed	Buncombe 06J463-464 08JT375	McGee
10-993-1	Church v Decker (Civil) <b>Decision:</b> Affirmed in part; Remanded in part; Dismissed in part.	Caldwell 01CVD1391	Ervin, IV
11-76-1	In Re: J.S.G. and G.D.J.G. (Juvenile - 3.1) <b>Decision:</b> Affirmed	Catawba 09JT110-111	Hunter, Jr.
10-813-1	State v Benoy (Criminal) <b>Decision:</b> No Error	Cleveland 08CRS835 10CRS1	Hunter, Jr.
10-1289-1	State v Sanders (Criminal) <b>Decision:</b> No Prejudicial Error	Cleveland 08CRS4270 08CRS55457	Hunter
10-1266-1	State v Knotts (Criminal) <b>Decision:</b> No Error	Columbus 08CRS53710	Calabria
10-1520-1	In The Matter Of: M.M. (Juvenile - 3.1) <b>Decision:</b> Reversed and Remanded	Cumberland 07JA505	Hunter, Jr.
10-1518-1	In The Matter Of: Midgett (Civil) <b>Decision:</b> Reversed and Remanded	Dare 08CVS372	Beasley
10-1200-1	NC State Bar v Badgett (Civil) <b>Decision:</b> Affirmed	Disciplinary Hearing Commission 09DHC6	Beasley

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10-1322-1	State v Dickens (Criminal) <b>Decision:</b> No Error	Edgecombe 09CRS53031	Calabria
10-1605-1	State v Battle (Criminal) <b>Decision:</b> No Error	Edgecombe 09CRS54195	McCullough
10-851-1	Diaz v Diaz (Civil) <b>Decision:</b> Dismissed	Forsyth 08CVD8976	Per Curiam
10-1056-1	State v Tilley (Criminal) <b>Decision:</b> Affirmed	Forsyth 07CRS14180 07CRS14182-83	Calabria
11-3-1	Ward v Buckeye Homeowners Association (Civil) <b>Decision:</b> Affirmed	Forsyth 09CVS1829	Calabria
10-983-1	Durand v Krispy Kreme Doughnuts, Inc. (Civil) <b>Decision:</b> Affirmed	Gaston 09CVS6317	Beasley
10-886-1	Moorefield v Moorefield (Civil) <b>Decision:</b> Affirmed	Guilford 09CVD11346	Ervin, IV
10-938-1	State v Tucker (Criminal) <b>Decision:</b> No Error	Guilford 08CRS24677 08CRS24708 08CRS80410 09CRS24677	Steelman
10-1181-1	High Point Bank and Trust Company v Hoffman Builders, Inc., et al (Civil) <b>Decision:</b> Dismissed	Guilford 09CVS1555	Thigpen, Jr.
10-1218-1	State v Clark (Criminal) <b>Decision:</b> Affirmed	Guilford 08CRS25046	Beasley
10-1427-1	State v Moore (Criminal) <b>Decision:</b> No Error	Guilford 09CRS82349-50 09CRS82352	Calabria
10-1504-1	State v Hill (Criminal) <b>Decision:</b> No Error	Guilford 09CRS79065-66 09CRS79068-72	Beasley
10-1468-1	State v Watson (Criminal) <b>Decision:</b> Affirmed	Halifax 07CRS1080 07CRS50954 07CRS56290-91	Stephens
10-948-1	Sander v Sander (Civil) <b>Decision:</b> Dismissed	Henderson 09CVD593	Per Curiam
10-997-1	State v Frasier (Criminal)	Johnston 09CRS3072 09CRS52441	Hunter, Jr.

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	<b>Decision:</b> No Error		
10-1317-1	State v Mangum (Criminal)	Johnston 09CR6300-6301	Stephens
	<b>Decision:</b> Dismissed		
10-1347-1	State v Griffin (Criminal)	Lee 07CRS53539	Calabria
	<b>Decision:</b> Affirmed		
10-1525-1	State v French (Criminal)	Lee 08CRS53912 08CRS53913-16 09CRS1499	Calabria
	<b>Decision:</b> New trial in part, no error in part, judgments vacated and remanded for resentencing.		
10-825-1	State v Tucci-Casselli (Criminal)	Macon 08CRS50409 09CRS1286	Geer
	<b>Decision:</b> No Error		
10-743-1	State v Massey (Criminal)	Mecklenburg 04CRS233667 04CRS233669-670	Steelman
	<b>Decision:</b> Other, No Error as to 04 CRS 233667, 233670; Appeal Dismissed as to 04 CRS 237424, 235113; Reversed and Remanded as to 04 CRS 233669.		
10-1006-1	State v Ketter (Criminal)	Mecklenburg 07CRS231422-24	Ervin, IV
	<b>Decision:</b> No Error		
10-1049-1	Aetna Health of the Carolinas, et al v Piedmont Endocrinology, et al (Civil)	Mecklenburg 09CVS25800	Ervin, IV
	<b>Decision:</b> Affirmed		
10-1082-1	State v Franklin (Criminal)	Mecklenburg 09CRS234697 09CRS61932	Beasley
	<b>Decision:</b> No Error		
10-1109-1	State v Wells (Criminal)	Mecklenburg 08CRS232500	Beasley
	<b>Decision:</b> No Error		
10-1126-1	State v Stover (Criminal)	Mecklenburg 08CRS974	Beasley
	<b>Decision:</b> No Error		
10-1220-1	STB Of Charlotte, Inc. v The Zoning Board of Adjustment, et al (Civil)	Mecklenburg 10CVS5401	Beasley
	<b>Decision:</b> Affirmed		
10-1358-1	State v Young (Criminal)	Mecklenburg 08CRS228809	Beasley
	<b>Decision:</b> No Error		
10-1416-1	State v Morgan (Criminal)	Mecklenburg 08CRS238547-48	Calabria
	<b>Decision:</b> No Error		
10-1125-1	State v Hinton (Criminal)	Mitchell 09CRS304 09CRS50347	Beasley
	<b>Decision:</b> Dismissed		
10-548-1	Tincher v Adecco, et al (Civil)	N.C. Industrial Commission 712483	McGee

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	<b>Decision:</b> Dismissed in part; affirmed in part; reversed and remanded in part		
10-812-1	Everhart v Norandal USA, Inc., et al (Civil)	N.C. Industrial Commission 078061	Hunter, Jr.
	<b>Decision:</b> Reversed		
10-1168-1	Stevenson v N.C. Department of Correction (Civil)	N.C. Industrial Commission TA-20589 TA-20590 TA-20591	Beasley
	<b>Decision:</b> Affirmed		
10-1253-1	Campbell v National Pipe And Plastics, Inc., et al (Civil)	N.C. Industrial Commission 883751	Martin
	<b>Decision:</b> Affirmed		
10-1292-1	Casstevens v Wake Forest University, et al (Civil)	N.C. Industrial Commission 885245	Beasley
	<b>Decision:</b> Dismissed		
10-1434-1	Minor v United Health Services, Inc., et al (Civil)	N.C. Industrial Commission 765713	Beasley
	<b>Decision:</b> Reversed and Remanded		
10-1000-1	State v Barnhill (Criminal)	New Hanover 08CRS18736	Steelman
	<b>Decision:</b> No Error		
10-1259-1	Royal Palms MHP, LLC, et al v City of Wilmington (Civil)	New Hanover 09CVS3086	Steelman
	<b>Decision:</b> Affirmed		
10-1362-1	State v Miller (Criminal)	New Hanover 09CRS54036	Calabria
	<b>Decision:</b> No Error		
10-1268-1	Mace v LaPrade (Civil)	Orange 10CVD885	Stephens
	<b>Decision:</b> Affirmed		
10-1439-1	Rioux v Accurate Home Inspection, Inc., et al (Civil)	Orange 09CVS1720	Calabria
	<b>Decision:</b> Dismissed		
11-13-1	In The Matter Of: R.H. and M.H. (Juvenile - 3.1)	Pitt 09JA12-13	Geer
	<b>Decision:</b> Affirmed		
10-605-1	Blair v Randolph County Board of Education, et al (Civil)	Randolph 09CVS3185	Bryant
	<b>Decision:</b> Affirmed		
10-1207-1	State v Tucker (Criminal)	Randolph 08CRS53470	Beasley
	<b>Decision:</b> No Error		
10-1272-1	State v Wood (Criminal)	Randolph 06CRS57124	Beasley
	<b>Decision:</b> No error in part; vacated and remanded in part		
10-1310-1	State v Jacobs (Criminal)	Robeson 05CRS9189	Calabria
	<b>Decision:</b> Reversed and Remanded		

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10-1025-1	State v Southern (Criminal) <b>Decision:</b> No Error	Rockingham 08CRS3974	Beasley
10-1085-1	State v Williams (Criminal) <b>Decision:</b> No Error	Rockingham 09CRS51701	Hunter
10-1166-1	State v McClarty (Criminal) <b>Decision:</b> Reversed and Remanded	Rowan 08CRS53569	Beasley
10-1378-1	State v Cromartie (Criminal) <b>Decision:</b> No Error	Sampson 08CRS52332 08CRS52336	Calabria
10-1222-1	State v Franklin (Criminal) <b>Decision:</b> No Error	Scotland 09CRS50035	Beasley
10-1583-1	State v Pratt (Criminal) <b>Decision:</b> No error in part; no prejudicial error in part; dismissed in part	Stokes 09CRS52221-22 09CRS52224	Stephens
10-1379-1	In Re: K.J.B-L. (Juvenile - 3.1) <b>Decision:</b> Affirmed	Surry 09JT104	McGee
10-1330-1	State v Greer (Criminal) <b>Decision:</b> No prejudicial error	Transylvania 08CRS52668	Beasley
10-1250-1	State v Jennings (Criminal) <b>Decision:</b> No Error	Wake 09CRS14056	Beasley
10-1260-1	Pete Fortner, PLLC v Koonce Wooten And Haywood, LLP v Norris (Civil) <b>Decision:</b> Affirmed	Wake 08CVS14338	Thigpen, Jr.
10-1465-1	State v Goree (Criminal) <b>Decision:</b> No error in part; vacated and remanded in part	Wake 09CRS26618	Stephens
10-1140-1	State v Russell (Criminal) <b>Decision:</b> No Error	Wayne 08CRS58126	Beasley
10-1343-1	State v Williams (Criminal) <b>Decision:</b> Reversed	Wayne 06CRS53563	Beasley
10-888-1	State v Anderson (Criminal) <b>Decision:</b> No Error	Wilson 09CRS54098	Elmore Sanford Steelman (c)
10-1346-1	State v Ellis (Criminal) <b>Decision:</b> No error in part, reversed and remanded with instructions in part	Wilson 09CRS53718	McCullough
10-1508-1	State v Williams (Criminal) <b>Decision:</b> No Error	Wilson 08CRS54559 08CRS55111	McCullough