

**IN THE COURT OF APPEALS**  
**CASES REPORTED WITH PUBLISHED OPINIONS**  
**(FILED 19 JULY 2011)**  
**(MANDATE 8 AUGUST 2011)**

| Docket #  | Title   | County    | Judge  |
|-----------|---|-----------|--|
| 10-386-1  | State v Ellison and Treadway (Criminal)<br><b>Decision:</b> No Error; Remand to Correct Clerical Error.     | Ashe      | Ervin, IV  |
| 10-275-1  | In The Matter Of: T.A.S. (Juvenile - Criminal)<br><b>Decision:</b> Reversed                                 | Brunswick | Beasley<br>Sanford Steelman (d) Robert Hunter, Jr. (c) |
| 10-1111-1 | Wayne Street Mobile Home Park, LLC v North Brunswick Sanitary District (Civil)<br><b>Decision:</b> Affirmed | Brunswick | McGee  |
| 10-957-1  | Yost, et al v Yost (Civil)<br><b>Decision:</b> Affirmed in part; reversed and remanded in part              | Buncombe  | Elmore   |
| 10-1098-1 | State v Floyd (Criminal)<br><b>Decision:</b> Vacated and Remanded   | Buncombe  | Elmore   |
| 10-1105-1 | McKinnon v CV Industries, Inc. (Civil)<br><b>Decision:</b> Affirmed   | Catawba   | Hunter, Jr.  |
| 10-412-1  | State v Wade and Young (Criminal)<br><b>Decision:</b> No prejudicial error                                  | Cleveland | Stroud   |
| 10-1283-1 | State v Whitley (Criminal)<br><b>Decision:</b> No Error   | Durham    | Stroud   |
| 10-838-1  | State v Phillpott (Criminal)<br><b>Decision:</b> No Error   | Edgecombe | Stroud<br>Cheri Beasley(c)                             |
| 10-1274-1 | State v Griffin (Criminal)<br><b>Decision:</b> No Error   | Forsyth   | Steelman   |
| 10-1319-1 | State v Stephenson (Criminal)<br><b>Decision:</b> Affirmed  | Gaston    | Elmore   |
| 10-1352-1 | State v Stanley (Criminal)<br><b>Decision:</b> No Error   | Greene    | Hunter, Jr.  |
| 10-979-1  | Liebes, et al v Guilford County Department of Public Health (Civil)<br><b>Decision:</b> Affirmed            | Guilford  | Beasley  |
| 10-932-1  | State v Pope (Criminal)<br><b>Decision:</b> Reversed  | Harnett   | Steelman   |
| 10-943-1  | Stephens v Stephens (Civil)<br><b>Decision:</b> Affirmed  | Harnett   | Hunter, Jr.  |

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| 10-1498-1 | Danny's Towing, et al v NC Department of Crime Control, et al (Civil)<br><b>Decision:</b> Vacated in part; remanded in part                 | Haywood                    | Stephens    |
| 10-689-1  | Powers v Wagner (Civil)<br><b>Decision:</b> Vacated and Remanded  | Johnston                   | Geer        |
| 10-935-1  | State v Banks (Criminal)<br><b>Decision:</b> No Error   | Johnston                   | Stroud      |
| 10-1385-1 | State v Wingate (Criminal)<br><b>Decision:</b> Affirmed   | Lincoln                    | Hunter      |
| 10-1335-1 | State v Sorrow (Criminal)<br><b>Decision:</b> Vacated and Remanded  | McDowell                   | Calabria    |
| 10-718-1  | State v Mungo (Criminal)<br><b>Decision:</b> No error in part; Dismissed in part  | Mecklenburg                | Stroud      |
| 10-863-1  | Premier Plastic Surgery Center, PLLC, et al v The Board of Adjustment (Civil)<br><b>Decision:</b> Reversed, in part, and remanded, in part. | Mecklenburg                | Hunter, Jr. |
| 10-865-1  | Steiner v Windrow Estates Home Owners Association, Inc. (Civil)<br><b>Decision:</b> Affirmed  | Mecklenburg                | Stroud      |
| 10-1158-1 | Wachovia Bank National, et al v Superior Construction Corp., et al (Civil)<br><b>Decision:</b> Reversed and Remanded                        | Mecklenburg                | Ervin, IV   |
| 10-1470-1 | State v Carrothers (Criminal)<br><b>Decision:</b> Affirmed  | Mecklenburg                | Beasley     |
| 10-1479-1 | Braun v Trust Development Group, LLC, et al (Civil)<br><b>Decision:</b> Affirmed  | Mecklenburg                | Hunter      |
| 10-1175-1 | Norman v Food Lion, et al (Civil)<br><b>Decision:</b> Reversed  | N.C. Industrial Commission | Hunter, Jr. |
| 10-1415-1 | Lipscomb v Mayflower Vehicle Systems, et al (Civil)<br><b>Decision:</b> Reversed in part, vacated and remanded in part, affirmed in part.   | N.C. Industrial Commission | Calabria    |
| 10-1589-1 | Strickland v The University of NC at Wilmington, et al (Civil)<br><b>Decision:</b> Affirmed   | N.C. Industrial Commission | Stephens    |
| 10-876-1  | Herbert v Marcaccio, et al (Civil)<br><b>Decision:</b> Affirmed   | Nash                       | Geer        |
| 10-814-1  | State v Castillo (Criminal)<br><b>Decision:</b> No Error  | Orange                     | McGee       |
| 11-118-1  | Robinson, et al v Forest Creek Limited Partnership (Civil)<br><b>Decision:</b> Affirmed   | Orange                     | Stephens    |

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| 10-697-1  | Town of Apex v Whitehurst, et al (Civil)<br><b>Decision:</b> Dismissed                | Wake   | Stroud     |
| 10-1387-1 | State v Leonard (Criminal)<br><b>Decision:</b> No Error                               | Wake   | Martin     |
| 10-920-1  | State v Brown (Criminal)<br><b>Decision:</b> No Error                                 | Wayne  | Stroud     |
| 10-1263-1 | State v Lee (Criminal)<br><b>Decision:</b> No Error                                   | Wayne  | Steelman   |
| 10-1586-1 | Vanwijk v Professional Nursing Services, Inc.<br>(Civil)<br><b>Decision:</b> Affirmed | Wayne  | McCullough |

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| 10-1194-1 | RS&M Appraisal Services, Inc. v Alamance County, et al (Civil)<br><b>Decision:</b> Affirmed in Part; Dismissed in Part | Alamance<br>09CVS1961              | Steelman<br>Cheri Beasley(c)  |
| 10-1019-1 | Childress v Concord Hospitality Associates, et al (Civil)<br><b>Decision:</b> Affirmed in Part and Reversed in Part    | Cabarrus<br>09CVS5351              | Steelman                      |
| 10-1515-1 | In The Matter Of The Adoption Of: S.K.N. (Civil)<br><b>Decision:</b> Vacated   | Catawba<br>09SP714                 | Elmore                        |
| 10-1619-1 | In The Matter Of: L.N.H. and L.M.H. (Juvenile - 3.1)<br><b>Decision:</b> Affirmed                                      | Catawba<br>10JT55-56               | Calabria                      |
| 10-1014-1 | Bost Construction Company v Blondy (Civil)<br><b>Decision:</b> Dismissed   | Chatham<br>09CVS79                 | McGee                         |
| 11-26-1   | In The Matter Of: B.E. and B.E. (Juvenile - 3.1)<br><b>Decision:</b> Affirmed  | Chatham<br>03JT23 03JT24           | Elmore                        |
| 10-936-1  | State v Patterson (Criminal)<br><b>Decision:</b> Vacated and Remanded  | Durham<br>09CRS44052               | Stroud                        |
| 10-1594-1 | In The Matter Of: D.O.B. (Juvenile - Criminal)<br><b>Decision:</b> Affirmed; Remanded for correction of clerical error | Durham<br>09JB227                  | Beasley                       |
| 11-253-1  | In The Matter Of: T.L.L. (Juvenile - 3.1)<br><b>Decision:</b> Affirmed   | Durham<br>07J126                   | McCullough                    |
| 10-862-1  | The Travelers Indemnity Company v Triple S Marketing Group, Inc. (Civil)<br><b>Decision:</b> Reversed                  | Forsyth<br>06CVS5561               | Elmore<br>Samuel Ervin, IV(c) |
| 10-1443-1 | Merrill Lynch Commercial Finance Corp. v Rush Industries, Inc. (Civil)<br><b>Decision:</b> Affirmed                    | Forsyth<br>09CVS3257               | McGee                         |
| 10-1267-1 | State v Grier (Criminal)<br><b>Decision:</b> No Error  | Gaston<br>08CRS12489<br>08CRS60755 | Hunter                        |
| 10-1367-1 | Herrin v Herrin (Civil)<br><b>Decision:</b> Affirmed   | Gaston<br>09CVD6679                | Calabria                      |
| 10-894-1  | Davis v Green, et al (Civil)<br><b>Decision:</b> Affirmed  | Iredell<br>07CVS2959               | Steelman                      |
| 10-1514-1 | Sartori v Patterson (Civil)<br><b>Decision:</b> Dismissed  | Jackson<br>09CVD285                | Hunter, Jr.                   |
| 10-1295-1 | State v Barnes (Criminal)<br><b>Decision:</b> Reversed and vacated.  | Johnston<br>09CRS53341             | Steelman                      |

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| 11-158-1  | In Re: N.R.D. (Juvenile - 3.1)<br><b>Decision:</b> Affirmed   | Lee<br>08JT85  | Calabria     |
| 11-27-1   | State v LaSalle (Criminal)<br><b>Decision:</b> Affirmed   | Lincoln<br>09CRS52063<br>09CRS5766   | Bryant       |
| 11-74-1   | State v Cook (Criminal)<br><b>Decision:</b> No Error  | Lincoln<br>07CRS1  | Ervin, IV    |
| 11-164-1  | Williams v Chaney (Civil)<br><b>Decision:</b> Affirmed  | Lincoln<br>08CVD1649   | McCullough   |
| 10-1115-1 | Melvin v Wachovia Bank, N.A. (Civil)<br><b>Decision:</b> Affirmed   | Macon<br>10SP33  | Geer         |
| 10-596-1  | In Re: Fifth Third Bank (Civil)<br><b>Decision:</b> Dismissed   | Mecklenburg<br>08CVS25531<br>08CVS25533<br>09CVS9191                           | Calabria     |
| 10-1156-1 | State v Davis (Criminal)<br><b>Decision:</b> No Error   | Mecklenburg<br>06CRS228742-43  | Thigpen, Jr. |
| 10-1233-1 | In Re: Fifth Third Bank (Civil)<br><b>Decision:</b> Dismissed   | Mecklenburg<br>08CVS25531<br>08CVS25533<br>08CVS7804<br>09CVS4521<br>09CVS9191 | Calabria     |
| 10-1307-1 | State v Ortiz-Zape (Criminal)<br><b>Decision:</b> Reversed in part; Vacated                               | Mecklenburg<br>07CRS222314   | Stroud       |
| 10-1413-1 | State v Downey (Criminal)<br><b>Decision:</b> Affirmed  | Mecklenburg<br>09CRS216106<br>09CRS216118<br>09CRS42314                        | Steelman     |
| 11-38-1   | In The Matter Of: W.G. (Juvenile - 3.1)<br><b>Decision:</b> Affirmed                                      | Mecklenburg<br>08JT757   | Elmore       |
| 10-770-1  | Johnson v Southern Tire Sales And Service, Inc., et al (Civil)<br><b>Decision:</b> Affirmed               | N.C. Industrial<br>Commission<br>689047  | McGee        |
| 10-1203-1 | Cain v Ingersoll Rand, et al (Civil)<br><b>Decision:</b> Affirmed in part, vacated in part, and remanded. | N.C. Industrial<br>Commission<br>194512  | Hunter, Jr.  |
| 11-168-1  | Leggett v AAA Cooper Transportation, et al (Civil)<br><b>Decision:</b> Affirmed                           | N.C. Industrial<br>Commission<br>600560  | McCullough   |

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| 10-669-1  | Edmondson, et al v The City of Rocky Mount (Civil)<br><b>Decision:</b> Affirmed                     | Nash<br>09CVS286   | Calabria     |
| 11-196-1  | In The Matter Of: W.G.S. (Juvenile - 3.1)<br><b>Decision:</b> Affirmed                              | Nash<br>10JT83   | McCullough   |
| 10-1386-1 | State v Smith (Criminal)<br><b>Decision:</b> No Error   | Onslow<br>09CRS54419   | Thigpen, Jr. |
| 10-1106-1 | Derian v Derian (Civil)<br><b>Decision:</b> Dismissed   | Orange<br>03CVD925   | McGee        |
| 10-1240-1 | State v Patterson (Criminal)<br><b>Decision:</b> Reversed   | Richmond<br>09CRS521-522   | McGee        |
| 11-185-1  | In The Matter Of: J.D.S. (Juvenile - Criminal)<br><b>Decision:</b> Affirmed                         | Richmond<br>09JB72   | Beasley      |
| 10-1526-1 | State v Hunt (Criminal)<br><b>Decision:</b> No Error  | Robeson<br>06CRS56449  | Thigpen, Jr. |
| 10-1575-1 | State v Richardson (Criminal)<br><b>Decision:</b> No Error  | Robeson<br>09CRS51919  | Steelman     |
| 10-1311-1 | Erie Insurance Exchange v Woodies Painting, Inc., et al (Civil)<br><b>Decision:</b> Affirmed        | Rowan<br>08CVS3978   | Steelman     |
| 10-1603-1 | State v Nelson (Criminal)<br><b>Decision:</b> No Error  | Rowan<br>07CRS52448  | Stephens     |
| 11-163-1  | In The Matter Of: R.L.T., Jr. (Juvenile - 3.1)<br><b>Decision:</b> Affirmed                         | Sampson<br>06JT52  | Elmore       |
| 10-1420-1 | Smith v Smith (Civil)<br><b>Decision:</b> Affirmed  | Union<br>04CVD483  | Stephens     |
| 11-171-1  | State v Sloan (Criminal)<br><b>Decision:</b> Affirmed   | Vance<br>06CRS52575  | Hunter, Jr.  |
| 10-404-1  | Martin v NC State University, et al (Civil)<br><b>Decision:</b> Dismissed                           | Wake<br>09CVS7829  | Beasley      |
| 10-840-1  | Harston v Tippet (Civil)<br><b>Decision:</b> Affirmed   | Wake<br>08CVS4631  | McGee        |
| 10-1234-1 | State v Johnson (Criminal)<br><b>Decision:</b> No error in part; vacated in part; remanded in part. | Wake<br>08CRS13271-73<br>08CRS13275-76<br>08CRS13674-79<br>08CRS3839 | Hunter, Jr.  |

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| 10-1507-1 | State v Baker (Criminal)<br><b>Decision:</b> Affirmed                                 | Wake<br>07CRS87923                | Hunter, Jr. |
| 10-1577-1 | State v Gonzales (Criminal)<br><b>Decision:</b> No Error                              | Wake<br>08CRS87609                | Bryant      |
| 10-1616-1 | Jones v Russell, et al (Civil)<br><b>Decision:</b> Affirmed                           | Wake<br>08CVD9460                 | Calabria    |
| 11-73-1   | State v Williams (Criminal)<br><b>Decision:</b> No prejudicial error                  | Wayne<br>08CRS54059<br>08CRS54068 | Stephens    |
| 10-1581-1 | In The Matters Of: H.G., A.H., and C.H. (Juvenile - 3.1)<br><b>Decision:</b> Affirmed | Yadkin<br>08J16-18                | Hunter      |
| 11-98-1   | In The Matters Of: C.L., D.L., and A.L. (Juvenile - 3.1)<br><b>Decision:</b> Reversed | Yadkin<br>10J66-68                | Hunter      |