

**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) <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) <b>Decision:</b> Reversed	Brunswick	Beasley Sanford Steelman (d) Robert Hunter, Jr. (c)
10-1111-1	Wayne Street Mobile Home Park, LLC v North Brunswick Sanitary District (Civil) <b>Decision:</b> Affirmed	Brunswick	McGee
10-957-1	Yost, et al v Yost (Civil) <b>Decision:</b> Affirmed in part; reversed and remanded in part	Buncombe	Elmore
10-1098-1	State v Floyd (Criminal) <b>Decision:</b> Vacated and Remanded	Buncombe	Elmore
10-1105-1	McKinnon v CV Industries, Inc. (Civil) <b>Decision:</b> Affirmed	Catawba	Hunter, Jr.
10-412-1	State v Wade and Young (Criminal) <b>Decision:</b> No prejudicial error	Cleveland	Stroud
10-1283-1	State v Whitley (Criminal) <b>Decision:</b> No Error	Durham	Stroud
10-838-1	State v Phillpott (Criminal) <b>Decision:</b> No Error	Edgecombe	Stroud Cheri Beasley(c)
10-1274-1	State v Griffin (Criminal) <b>Decision:</b> No Error	Forsyth	Steelman
10-1319-1	State v Stephenson (Criminal) <b>Decision:</b> Affirmed	Gaston	Elmore
10-1352-1	State v Stanley (Criminal) <b>Decision:</b> No Error	Greene	Hunter, Jr.
10-979-1	Liebes, et al v Guilford County Department of Public Health (Civil) <b>Decision:</b> Affirmed	Guilford	Beasley
10-932-1	State v Pope (Criminal) <b>Decision:</b> Reversed	Harnett	Steelman
10-943-1	Stephens v Stephens (Civil) <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) <b>Decision:</b> Vacated in part; remanded in part	Haywood	Stephens
10-689-1	Powers v Wagner (Civil) <b>Decision:</b> Vacated and Remanded	Johnston	Geer
10-935-1	State v Banks (Criminal) <b>Decision:</b> No Error	Johnston	Stroud
10-1385-1	State v Wingate (Criminal) <b>Decision:</b> Affirmed	Lincoln	Hunter
10-1335-1	State v Sorrow (Criminal) <b>Decision:</b> Vacated and Remanded	McDowell	Calabria
10-718-1	State v Mungo (Criminal) <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) <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) <b>Decision:</b> Affirmed	Mecklenburg	Stroud
10-1158-1	Wachovia Bank National, et al v Superior Construction Corp., et al (Civil) <b>Decision:</b> Reversed and Remanded	Mecklenburg	Ervin, IV
10-1470-1	State v Carrothers (Criminal) <b>Decision:</b> Affirmed	Mecklenburg	Beasley
10-1479-1	Braun v Trust Development Group, LLC, et al (Civil) <b>Decision:</b> Affirmed	Mecklenburg	Hunter
10-1175-1	Norman v Food Lion, et al (Civil) <b>Decision:</b> Reversed	N.C. Industrial Commission	Hunter, Jr.
10-1415-1	Lipscomb v Mayflower Vehicle Systems, et al (Civil) <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) <b>Decision:</b> Affirmed	N.C. Industrial Commission	Stephens
10-876-1	Herbert v Marcaccio, et al (Civil) <b>Decision:</b> Affirmed	Nash	Geer
10-814-1	State v Castillo (Criminal) <b>Decision:</b> No Error	Orange	McGee
11-118-1	Robinson, et al v Forest Creek Limited Partnership (Civil) <b>Decision:</b> Affirmed	Orange	Stephens

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

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

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11-158-1	In Re: N.R.D. (Juvenile - 3.1) <b>Decision:</b> Affirmed	Lee 08JT85	Calabria
11-27-1	State v LaSalle (Criminal) <b>Decision:</b> Affirmed	Lincoln 09CRS52063,09CRS5766	Bryant
11-74-1	State v Cook (Criminal) <b>Decision:</b> No Error	Lincoln 07CRS1	Ervin, IV
11-164-1	Williams v Chaney (Civil) <b>Decision:</b> Affirmed	Lincoln 08CVD1649	McCullough
10-1115-1	Melvin v Wachovia Bank, N.A. (Civil) <b>Decision:</b> Affirmed	Macon 10SP33	Geer
10-596-1	In Re: Fifth Third Bank (Civil) <b>Decision:</b> Dismissed	Mecklenburg 08CVS25531,08CVS25-533,09CVS9191	Calabria
10-1156-1	State v Davis (Criminal) <b>Decision:</b> No Error	Mecklenburg 06CRS228742-43	Thigpen, Jr.
10-1233-1	In Re: Fifth Third Bank (Civil) <b>Decision:</b> Dismissed	Mecklenburg 08CVS25531,08CVS25-533,08CVS7804,09CV-S4521,09CVS9191	Calabria
10-1307-1	State v Ortiz-Zape (Criminal) <b>Decision:</b> Reversed in part; Vacated	Mecklenburg 07CRS222314	Stroud
10-1413-1	State v Downey (Criminal) <b>Decision:</b> Affirmed	Mecklenburg 09CRS216106,09CRS-216118,09CRS42314	Steelman
11-38-1	In The Matter Of: W.G. (Juvenile - 3.1) <b>Decision:</b> Affirmed	Mecklenburg 08JT757	Elmore
10-770-1	Johnson v Southern Tire Sales And Service, Inc., et al (Civil) <b>Decision:</b> Affirmed	N.C. Industrial Commission 689047	McGee
10-1203-1	Cain v Ingersoll Rand, et al (Civil) <b>Decision:</b> Affirmed in part, vacated in part, and remanded.	N.C. Industrial Commission 194512	Hunter, Jr.
11-168-1	Leggett v AAA Cooper Transportation, et al (Civil) <b>Decision:</b> Affirmed	N.C. Industrial Commission 600560	McCullough
10-669-1	Edmondson, et al v The City of Rocky Mount (Civil) <b>Decision:</b> Affirmed	Nash 09CVS286	Calabria

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11-196-1	In The Matter Of: W.G.S. (Juvenile - 3.1) <b>Decision:</b> Affirmed	Nash 10JT83	McCullough
10-1386-1	State v Smith (Criminal) <b>Decision:</b> No Error	Onslow 09CRS54419	Thigpen, Jr.
10-1106-1	Derian v Derian (Civil) <b>Decision:</b> Dismissed	Orange 03CVD925	McGee
10-1240-1	State v Patterson (Criminal) <b>Decision:</b> Reversed	Richmond 09CRS521-522	McGee
11-185-1	In The Matter Of: J.D.S. (Juvenile - Criminal) <b>Decision:</b> Affirmed	Richmond 09JB72	Beasley
10-1526-1	State v Hunt (Criminal) <b>Decision:</b> No Error	Robeson 06CRS56449	Thigpen, Jr.
10-1575-1	State v Richardson (Criminal) <b>Decision:</b> No Error	Robeson 09CRS51919	Steelman
10-1311-1	Erie Insurance Exchange v Woodies Painting, Inc., et al (Civil) <b>Decision:</b> Affirmed	Rowan 08CVS3978	Steelman
10-1603-1	State v Nelson (Criminal) <b>Decision:</b> No Error	Rowan 07CRS52448	Stephens
11-163-1	In The Matter Of: R.L.T., Jr. (Juvenile - 3.1) <b>Decision:</b> Affirmed	Sampson 06JT52	Elmore
10-1420-1	Smith v Smith (Civil) <b>Decision:</b> Affirmed	Union 04CVD483	Stephens
11-171-1	State v Sloan (Criminal) <b>Decision:</b> Affirmed	Vance 06CRS52575	Hunter, Jr.
10-404-1	Martin v NC State University, et al (Civil) <b>Decision:</b> Dismissed	Wake 09CVS7829	Beasley
10-840-1	Harston v Tippet (Civil) <b>Decision:</b> Affirmed	Wake 08CVS4631	McGee
10-1234-1	State v Johnson (Criminal) <b>Decision:</b> No error in part; vacated in part; remanded in part.	Wake 08CRS13271-73,08CR- S13275-76,08CRS136- 74-79,08CRS3839	Hunter, Jr.
10-1507-1	State v Baker (Criminal) <b>Decision:</b> Affirmed	Wake 07CRS87923	Hunter, Jr.
10-1577-1	State v Gonzales (Criminal)	Wake 08CRS87609	Bryant

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