

**IN THE COURT OF APPEALS**  
**CASES REPORTED WITH PUBLISHED OPINIONS**  
**(FILED 16 AUGUST 2011)**  
**(MANDATE 6 SEPTEMBER 2011)**

Docket #	Title	County	Judge
10-1030-1	State v Khouri (Criminal) <b>Decision:</b> Vacated in part; No error in part	Avery	Stroud
10-384-1	Fairfield Harbour Property Owners Assoc., Inc. v MidSouth Golf, LLC (Civil) <b>Decision:</b> Affirmed	Craven	Beasley
10-1481-1	Havelock Yacht Club, Inc. v Crystal Lake Yacht Club, Inc. (Civil) <b>Decision:</b> Affirmed	Craven	Calabria Cressie H. Thigpen, Jr. (d)
10-1617-1	Point Intrepid, LLC, et al v Farley (Civil) <b>Decision:</b> Affirmed in Part and Reversed in Part	Cumberland	Hunter, Jr.
10-1476-1	In The Matter Of: D.B. (Juvenile - Criminal) <b>Decision:</b> Affirmed in part; vacated in part; reversed and remanded in part.	Durham	Geer
10-1500-1	Smith, et al v County of Durham (Civil) <b>Decision:</b> Affirmed	Durham	Ervin, IV
10-196-2	Branch Banking and Trust Company v Chicago Title Insurance Company (Civil) <b>Decision:</b> Affirmed	Forsyth	McGee
10-577-1	Health Management Associates, Inc., et al v Yerby, et al (Civil) <b>Decision:</b> Affirmed	Franklin	Steelman
10-927-1	Fisher, et al v Communication Workers Of America, et al (Civil) <b>Decision:</b> Affirmed	Gaston	Stroud
10-1134-1	State v Arrington (Criminal) <b>Decision:</b> No Error	Harnett	Elmore
10-738-1	State v Williams (Criminal) <b>Decision:</b> Affirmed	Iredell	Beasley Linda McGee (d)
10-967-1	Batesville Casket Company, Inc. v Wings Aviation, Inc. (Civil) <b>Decision:</b> Dismissed in part; Reversed in part	Jackson	Stroud
10-1477-1	Capps, et al v City of Kinston (Civil) <b>Decision:</b> Affirmed in part; remanded in part	Lenoir	McGee
10-1090-1	Barfield, et al v Matos (Civil) <b>Decision:</b> Affirmed	Mecklenburg	Stroud
10-1590-1	State v Louali (Criminal) <b>Decision:</b> No Error	Mecklenburg	Bryant

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11-7-1	State v Castaneda (Criminal) <b>Decision:</b> No Error	Mecklenburg	Hunter
10-1143-1	State v White (Criminal) <b>Decision:</b> Reversed	Moore	Hunter, Jr.
10-1044-1	State v Flaughner (Criminal) <b>Decision:</b> No Error	New Hanover	Geer
10-1610-1	Green, et al v Fishing Piers, Inc., et al (Civil) <b>Decision:</b> Affirmed	New Hanover	McGee
10-1410-1	State v Johnson (Criminal) <b>Decision:</b> No Error	Onslow	McGee
10-1159-1	Happ v Creek Pointe Homeowners Association (Civil) <b>Decision:</b> Affirmed	Pamlico	Hunter, Jr.
10-1578-1	State v Seymore (Criminal) <b>Decision:</b> New Trial	Pasquotank	Thigpen, Jr.
11-24-1	Johnson, et al v Antioch United Holy Church, Inc., et al (Civil) <b>Decision:</b> Reversed	Pender	Hunter, Jr.
10-1517-1	Wilson v Wilson (Civil) <b>Decision:</b> Affirmed in Part, Reversed in Part and Remanded	Pitt	Martin
10-900-1	Williams v Devere Construction Company, Inc., et al (Civil) <b>Decision:</b> Affirmed	Randolph	Bryant
10-1563-1	State v Salinas (Criminal) <b>Decision:</b> Reversed and Remanded	Rockingham	McGee Douglas McCullough (c) (d)
10-1225-1	State v Skipper (Criminal) <b>Decision:</b> Affirmed	Sampson	Elmore
10-1395-1	Alliance Mutual Insurance Company v Dove (Civil) <b>Decision:</b> Affirmed	Scotland	Steelman
11-52-1	State v Heien (Criminal) <b>Decision:</b> Reversed and vacated	Surry	McGee
10-710-1	Association For Home And Hospice Care v Division of Medical Assistance (Civil) <b>Decision:</b> Appeal Dismissed; Superior Court order vacated and remanded	Wake	Beasley
10-1316-1	Ridge Care, Inc., et al v NC Dept. of Health And Human Services, et al (Civil) <b>Decision:</b> Affirmed	Wake	Steelman
10-1325-1	In The Matter Of: D.A.Q. (Juvenile - Criminal) <b>Decision:</b> Reversed and Remanded	Wake	Geer
11-64-1	McKoy v McKoy (Civil) <b>Decision:</b> Vacated and Remanded	Wake	Hunter

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10-1573-1	State v Anderson (Criminal) <b>Decision:</b> New Trial	Wilson	Beasley Wanda Bryant (d)

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11-50-1	Downer v Wolfe (Civil) <b>Decision:</b> Affirmed	Anson 08CVS174	McGee
10-1466-1	State v Caudill (Criminal) <b>Decision:</b> Dismissed	Brunswick 07CRS54458 07CRS54460-61	Stroud
11-112-1	In The Matter Of: J.H-S. (Juvenile - 3.1) <b>Decision:</b> Affirmed	Buncombe 04JA231	Ervin, IV
11-35-1	In The Matter Of: Prest (Civil) <b>Decision:</b> Reversed	Carteret 10SP129	Bryant
10-1170-1	Stony Point Hardware And General Store, Inc., et al v Peoples Bank (Civil) <b>Decision:</b> Affirmed	Catawba 08CVS2806	McGee
11-114-1	In The Matter Of: D.D.D., D.D.D., K.A.D., K.D.D. (Juvenile - 3.1) <b>Decision:</b> Reversed and Remanded	Cherokee 02JT59-60 08JT38-39	Martin
10-461-1	State v Perry (Criminal) <b>Decision:</b> No Prejudicial Error	Durham 06CRS59110 06CRS59115 06CRS59049	Ervin, IV
10-1224-1	State v Ouaja (Criminal) <b>Decision:</b> No Error	Durham 09CRS45318	McGee
10-1473-1	State v Carroway (Criminal) <b>Decision:</b> No Error	Durham 07CRS45692	Ervin, IV
10-1484-1	State v Howard (Criminal) <b>Decision:</b> No Error	Durham 09CRS40895	Ervin, IV
10-1282-1	Group Health Plan v Integon National Insurance, et al (Civil) <b>Decision:</b> Affirmed	Edgecombe 09CVD559	McGee
10-1038-1	Wells Fargo Bank, et al v Winston-Salem Investors, LLC (Civil) <b>Decision:</b> Affirmed	Forsyth 09CVS9092	Stroud
11-40-1	State v Bell (Criminal) <b>Decision:</b> Vacated in Part, No Error in Part	Forsyth 09CRS57481 09CRS9616	Thigpen, Jr.
11-338-1	In Re: L.D.G. (Juvenile - 3.1) <b>Decision:</b> Affirmed	Gaston 09JT22	Martin
10-1384-1	State v Eason (Criminal) <b>Decision:</b> No prejudicial error	Harnett 09CRS56006 10CRS241	McGee

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10-1540-1	State v Williams (Criminal)  <b>Decision:</b> No error in part, dismissed without prejudice in part.	Harnett 09CRS53835 09CRS53869 10CRS526-527	Hunter, Jr.
10-1196-1	State v Galati (Criminal)  <b>Decision:</b> No Error	Iredell 08CRS53782	Steelman
10-1337-1	State v Smalls (Criminal)  <b>Decision:</b> Affirmed in Part; Remanded for Resentencing in Part.	Johnston 09CRS57013	Ervin, IV
10-1374-1	State v Black (Criminal)  <b>Decision:</b> No Error	Lenoir 99CRS8290	Geer
10-570-1	Consoli, et al v Global Supply And Logistics, Inc., et al (Civil)  <b>Decision:</b> Affirmed in part and reversed and remanded in part.	Mecklenburg 08CVS10480	Ervin, IV
10-1318-1	State v Kelly (Criminal)  <b>Decision:</b> Dismissed	Mecklenburg 09CRS205977 09CRS205978	Ervin, IV
10-1351-1	Chavis v Sietman (Civil)  <b>Decision:</b> Dismissed	Mecklenburg 08CVD24776	McGee
10-1408-1	Carter v Maximov, et al (Civil)  <b>Decision:</b> Affirmed	Mecklenburg 10SP3378 09CVS30047	Thigpen, Jr.
10-1574-1	State v Austin (Criminal)  <b>Decision:</b> No Error	Mecklenburg 06CRS257385	Hunter
11-54-1	Noel v Dickerson, et al (Civil)  <b>Decision:</b> Dismissed	Mecklenburg 08CVS2322	McGee
11-68-1	Town of Matthews v Wright (Civil)  <b>Decision:</b> Reversed and Remanded	Mecklenburg 07CVS7662	Bryant
11-286-1	In The Matter Of: H.M. (Juvenile - 3.1)  <b>Decision:</b> Affirmed in part; reversed and remanded in part.	Mecklenburg 10J484	Ervin, IV
11-83-1	In Re: J.R.L.S. (Juvenile - 3.1)  <b>Decision:</b> Affirmed	Moore 10JT25	Hunter
10-878-1	Polston v Ingles Markets (Civil)  <b>Decision:</b> Affirmed in Part, Reversed and remanded in Part	N.C. Industrial Commission 725935	Geer
10-1066-1	Blakeney v Blythe Construction, Inc., et al (Civil)  <b>Decision:</b> Affirmed	N.C. Industrial Commission 872311	Beasley

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10-1142-1	Thompson v Carolina Cabinet Company, et al (Civil)  <b>Decision:</b> Remanded	N.C. Industrial Commission 105742	Stroud
10-1238-1	Fuller v Best Services Group, et al (Civil)  <b>Decision:</b> Affirmed	N.C. Industrial Commission 793010	Bryant
10-1279-1	Torrence v Aeroquip, et al (Civil)  <b>Decision:</b> Affirmed	N.C. Industrial Commission 061152	Thigpen, Jr.
11-2-1	Tinajero v Balfour Beatty Infrastructure, Inc. (Civil)  <b>Decision:</b> Dismissed	N.C. Industrial Commission 091464	Beasley
11-51-1	Curtis v Gaines Motor Lines, Inc., et al (Civil)  <b>Decision:</b> Affirmed	N.C. Industrial Commission 792425	Hunter
10-1276-1	Sigmon v Johnston, et al (Civil)  <b>Decision:</b> Affirmed in part, vacated and remanded in part.	New Hanover 08CVS2619	Calabria
10-1291-1	State v Lofton (Criminal)  <b>Decision:</b> No Error	New Hanover 07CRS62600-02 07CRS62604 07CRS62606	Calabria
10-1567-1	Nasser v Dynamic Images Salon And Spa, Inc. (Civil)  <b>Decision:</b> Affirmed in part, Vacated in part and Remanded	New Hanover 09CVD2085	McGee
11-53-1	State v Lane (Criminal)  <b>Decision:</b> No Error	New Hanover 09CRS60412 09CRS60413 09CRS60414	Hunter
10-849-1	Dorwani v Dorwani (Civil)  <b>Decision:</b> Affirmed	Pasquotank 06CVD528	Stroud
10-1303-1	Orr v King (Civil)  <b>Decision:</b> Vacated and remanded	Pender 09CVS1311	McGee
10-1348-1	Countrywide Home Loans, et al v States Resources Corp, et al (Civil)  <b>Decision:</b> Affirmed	Pitt 10CVS122	McGee
10-842-1	Lyles v Turner (Civil)  <b>Decision:</b> Affirmed	Polk 08CVD131	Stroud
10-1433-1	Nicholson v Thom (Civil)  <b>Decision:</b> Affirmed	Robeson 08CVS1845	Ervin, IV
10-1405-1	State v Steele (Criminal)	Rowan 06CRS56792 09CRS574-75	Calabria

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	<b>Decision:</b> No Error		
10-1457-1	Romney v Romney (Civil)	Rutherford 05CVD975	Bryant
	<b>Decision:</b> Affirmed		
10-1555-1	State v Evans (Criminal)	Rutherford 09CRS199-200	McGee
	<b>Decision:</b> No prejudicial error		
11-419-1	In Re: P.C.H. (Juvenile - 3.1)	Rutherford 05JT80	Thigpen, Jr.
	<b>Decision:</b> Affirmed		
10-930-1	State v Edwards (Criminal)	Union 08CRS56473	Stroud
	<b>Decision:</b> No Error		
10-1359-1	State v Becton (Criminal)	Wake 09CRS38133 09CRS49109	Beasley
	<b>Decision:</b> No Error		
10-1456-1	Burgess v NC Criminal Justice Education (Civil)	Wake 09CVS13710	Hunter, Jr.
	<b>Decision:</b> Affirmed		
10-1604-1	State v Taylor (Criminal)	Wake 07CRS84551 07CRS87620 08CRS37510	Stroud
	<b>Decision:</b> Affirmed		
10-1615-1	State v Torres (Criminal)	Wake 09CRS203207	Hunter, Jr.
	<b>Decision:</b> No Error		
11-180-1	East Bay Company, Ltd. v Baxley Commercial Properties, LLC, et al (Civil)	Wake 08CVS14349	Hunter
	<b>Decision:</b> Dismissed in part and affirmed in part		
10-1493-1	Penick, et al v Go Postal In Boone, Inc. (Civil)	Watauga 10CVD313	Bryant
	<b>Decision:</b> Affirmed		
10-1252-1	State v Brinson (Criminal)	Wayne 07CRS50456-57	Ervin, IV
	<b>Decision:</b> New Trial		