

**IN THE COURT OF APPEALS**  
**CASES REPORTED WITH PUBLISHED OPINIONS**  
**(FILED 6 SEPTEMBER 2011)**  
**(MANDATE 26 SEPTEMBER 2011)**

Docket #	Title	County	Judge
10-1553-1	State v McDowell (Criminal) <b>Decision:</b> No Error	Ashe	Ervin, IV
10-1569-1	Bodie Island Beach Club, et al v Wray, et al (Civil) <b>Decision:</b> Affirmed	Dare	Bryant
10-1580-1	Bobbitt v Eizenga (Civil) <b>Decision:</b> Reversed and Remanded	Davie	Thigpen, Jr.
10-1065-1	K2 Asia Ventures, et al v Trota, et al (Civil) <b>Decision:</b> Affirmed in part; dismissed in part	Forsyth	Stephens
10-1192-1	Unitrin Auto And Home Insurance v McNeill, et al (Civil) <b>Decision:</b> Reversed and Remanded	Forsyth	Elmore
10-1442-1	Hylton v Hanesbrands, Inc. (Civil) <b>Decision:</b> Affirmed	Forsyth	Stroud
11-4-1	Robinson, ex rel v NC Department of Health And Human Services (Civil) <b>Decision:</b> Reversed and Remanded	Gaston	Steelman
09-1449-2	Pete Wall Plumbing v Sandra Anderson Builders (Civil) <b>Decision:</b> Affirmed	Guilford	Calabria Sanford Steelman (c)
10-12-2	In The Matter Of: J.H.K. and J.D.K. (Juvenile - 3.1) <b>Decision:</b> Affirmed	Guilford	Hunter, Jr.
10-1178-1	State of NC, ex rel v Herbin (Civil) <b>Decision:</b> Affirmed	Guilford	Bryant
10-1133-1	State v Williams (Criminal) <b>Decision:</b> Remanded in part; no error in part	Johnston	Geer Wanda Bryant (c)(d)
10-1475-1	Moore v Proper, et al (Civil) <b>Decision:</b> Reversed and Remanded	Madison	Hunter, Jr. Linda Stephens (d)
11-167-1	Sartori v NC Department of Corrections, et al (Civil) <b>Decision:</b> Affirmed	Mitchell	Steelman
10-1022-1	Powe v Centerpoint Human Services, et al (Civil) <b>Decision:</b> Reversed and Remanded	N.C. Industrial Commission	Geer
11-116-1	Tillet, et al v Onslow Memorial Hospital, Inc. (Civil) <b>Decision:</b> Affirmed	Onslow	Calabria
10-1566-1	State v Jackson (Criminal) <b>Decision:</b> No Error	Orange	Thigpen, Jr.

Docket #	Title	County	Judge
11-43-1	Carsanaro v Colvin (Civil) <b>Decision:</b> Reversed; cross-appeal dismissed.	Orange	Calabria
10-1296-1	State v Richmond (Criminal) <b>Decision:</b> Affirmed	Person	Stroud
10-1273-1	State v Howard (Criminal) <b>Decision:</b> No Error	Randolph	Steelman
10-725-1	State v Oates (Criminal) <b>Decision:</b> Dismissed	Sampson	Stroud
08-1135-2	Bumpers v Community Bank (Civil) <b>Decision:</b> Affirmed in Part, Reversed, and Vacated, in Part	Wake	Steelman
10-1122-1	Marion Partners, LLC, et al v Weatherspoon And Voltz, et al (Civil) <b>Decision:</b> Affirmed	Wake	Elmore
10-1160-1	Barton v Barton (Civil) <b>Decision:</b> Affirmed in part; reversed in part; and remanded	Wake	Bryant
10-1204-1	Arrington v Martinez, et al (Civil) <b>Decision:</b> Reversed and Remanded	Wake	Stroud
10-1349-1	Federated Financial Corporation v Jenkins (Civil) <b>Decision:</b> Affirmed	Wake	Thigpen, Jr.
10-1488-1	Best v Gallup (Civil) <b>Decision:</b> Reversed and Remanded	Wake	Stroud
11-102-1	McAdams v N.C. DOT (Civil) <b>Decision:</b> Affirmed	Wake	Ervin, IV
11-117-1	Cobb v Pennsylvania Life Insurance Company, et al (Civil) <b>Decision:</b> Affirmed	Wake	Hunter, Jr.

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10-1284-1	State v Martin (Criminal) <b>Decision:</b> No Error	Alamance 10CRS3371,10CRS50245	Geer
11-32-1	State v Little (Criminal) <b>Decision:</b> No Error	Anson 08CRS51033	Calabria
10-1607-1	Oakes v Oakes, et al (Civil) <b>Decision:</b> Reversed and Remanded	Brunswick 09CVS2087	Ervin, IV
11-366-1	State v Chaney (Criminal) <b>Decision:</b> Dismissed	Brunswick 10CRS52649	Martin
10-372-1	State v Wood (Criminal) <b>Decision:</b> Affirmed	Buncombe 09CRS53938-40	Elmore
11-206-1	State v Lawson (Criminal) <b>Decision:</b> Affirmed	Buncombe 05CRS63479,05CRS6390-9,06CRS64414-17	Stroud
11-387-1	State v Messer (Criminal) <b>Decision:</b> No Error	Buncombe 09CRS417-418,09CRS438-09CRS58022,09CRS58023-29	Martin
11-131-1	State v McFadden (Criminal) <b>Decision:</b> Affirmed; Remanded for correction of clerical errors	Catawba 06CRS9157	Stroud
11-269-1	State v Hefner (Criminal) <b>Decision:</b> Affirmed	Catawba 07CRS2604,08CRS1090	Stroud
11-99-1	State v Dunn (Criminal) <b>Decision:</b> Dismissed as to case 08 CRS 55159 and New Trial as to case 08 CRS 55157	Cleveland 08CRS55157,08CRS55159	Steelman
11-232-1	In Re: N.S. (Juvenile - 3.1) <b>Decision:</b> Vacated and Remanded	Columbus 07CVD1232,08JA41	Ervin, IV
11-257-1	In The Matter Of: D.T.F. (Juvenile - Criminal) <b>Decision:</b> Vacated and remanded for new dispositional hearing	Columbus 09JB33	Martin
10-1562-1	Watford, et al v MidSouth Golf, LLC (Civil) <b>Decision:</b> Affirmed	Craven 07CVS1202,07CVS1536,0-7CVS1537,07CVS1539,07-CVS1541-43,07CVS1592,-07CVS1676,07CVS1677-7-8,07CVS1770,08CVS1861	Thigpen, Jr.
10-1595-1	State v McSwain (Criminal) <b>Decision:</b> Affirmed	Cumberland 08CRS53375-76	Elmore
11-161-1	State v Harding (Criminal)	Cumberland 08CRS68715	Martin

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	<b>Decision:</b> No error in part; reversed in part		
10-1257-1	Snider v Tulls Bay Colony Property (Civil)	Currituck 09CVS445	Elmore
	<b>Decision:</b> Reversed		
10-1491-1	State v Sauer (Criminal)	Dare 09CRS1258,09CRS50824	Elmore
	<b>Decision:</b> No Error		
10-1552-1	In The Matter Of: A.C.G. (Civil)	Davidson 05J199	Hunter, Jr.
	<b>Decision:</b> Affirmed in part, and vacated in part.		
10-1528-1	State v Bouknight (Criminal)	Durham 09CRS42966	Ervin, IV
	<b>Decision:</b> Affirmed; Remanded for Correction of Clerical Error.		
11-47-1	State v Jacobs (Criminal)	Durham 09CRS52613	Martin
	<b>Decision:</b> No Error		
11-66-1	In The Matter Of: D.B. (Juvenile - Criminal)	Durham 09JB269,09JB319	Geer
	<b>Decision:</b> Dismissed		
11-236-1	In The Matter Of: C.T., C.R., D.B., D.B. (Juvenile - 3.1)	Durham 08J22-25	Thigpen, Jr.
	<b>Decision:</b> Affirmed		
11-82-1	State v Brown (Criminal)	Edgecombe 09CRS53221	Stroud
	<b>Decision:</b> No Error		
10-1357-1	State v Griffin (Criminal)	Forsyth 09CRS53278,09CRS5328-5,09CRS8442	Hunter
	<b>Decision:</b> Dismissed		
11-86-1	State v Speaks (Criminal)	Forsyth 08CRS29803,08CRS59220	Stroud
	<b>Decision:</b> No Error		
10-1449-1	Goodwin v Century Care of Cherryville, Inc., et al (Civil)	Gaston 10CVS238	Hunter, Jr.
	<b>Decision:</b> Vacated and Remanded		
11-88-1	State v Sanders (Criminal)	Gaston 09CRS57022-23,09CRS57-029,10CRS2984,10CRS8273	Stroud
	<b>Decision:</b> Reversed and Remanded		
09-300-2	State v Mumford (Criminal)	Greene 07CRS50575,07CRS50574	Hunter, Jr.
	<b>Decision:</b> No Error		
11-458-1	In The Matter Of: M.S.H., Jr. (Juvenile - 3.1)	Greene 10JA27	Thigpen, Jr.
	<b>Decision:</b> Affirmed		
09-1448-2	Pegram-West v Sandra Anderson Builders, et al (Civil)	Guilford 08CVS10825	Calabria Sanford Steelman (c)
	<b>Decision:</b> Affirmed in part and dismissed in part.		

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10-1199-1	State v Burch (Criminal)  <b>Decision:</b> No Error	Guilford 08CRS111914,08CRS111916-21	Stroud
10-1437-1	State v Hayes (Criminal)  <b>Decision:</b> No Error	Guilford 10CRS24107-110	Martin
10-1614-1	State v Dumas (Criminal)  <b>Decision:</b> No Error	Guilford 09CRS84048-49,09CRS84-051-52,09CRS84055	McCullough
11-33-1	In The Matter Of: P.M. (Juvenile - Criminal)  <b>Decision:</b> Affirmed	Guilford 02JB386	Stroud
11-121-1	State v Miller (Criminal)  <b>Decision:</b> Affirmed	Guilford 08CRS78489	Stroud
11-123-1	State v Parker (Criminal)  <b>Decision:</b> No Error	Guilford 08CRS89735	Stroud
11-188-1	State v Davis (Criminal)  <b>Decision:</b> Affirmed	Henderson 05CRS6065-67	Stroud
11-130-1	State v Smalls (Criminal)  <b>Decision:</b> Dismissed	Hoke 10CRS50195	Martin
10-1480-1	In The Matter Of The Estate Of: Raney (Civil)  <b>Decision:</b> No Error	Iredell 08E694	Hunter, Jr.
10-1092-1	Lewis v Stanley (Civil)  <b>Decision:</b> Affirmed	Johnston 09CVS4486	Elmore
11-183-1	State v Williams (Criminal)  <b>Decision:</b> No Error	Johnston 08CRS56681,08CRS8632	Martin
11-280-1	State v McKoy (Criminal)  <b>Decision:</b> No Error	Johnston 08CRS51323	Martin
11-144-1	Moss v State (Civil)  <b>Decision:</b> Reversed	Lincoln 10CVS377	Thigpen, Jr.
10-1494-1	State v Washington (Criminal)  <b>Decision:</b> No Error	Mecklenburg 09CRS246128-29	Stroud
10-1568-1	State v Fulton (Criminal)  <b>Decision:</b> No Error	Mecklenburg 08CRS245726,08CRS245728	Stroud
10-1572-1	State v Morales (Criminal)  <b>Decision:</b> No Error	Mecklenburg 08CRS207208	Geer

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11-92-1	Jouma v Jouma (Civil) <b>Decision:</b> Affirmed	Mecklenburg 09CVD3119	Elmore
11-261-1	State v Weathers (Criminal) <b>Decision:</b> No Error	Mecklenburg 07CRS229819	Stroud
11-452-1	In The Matter Of: A.M.W. (Juvenile - 3.1) <b>Decision:</b> Affirmed	Mecklenburg 10JT79	Ervin, IV
10-1129-1	Wake Radiology, et al v NC DHHS, et al (Civil) <b>Decision:</b> Affirmed	N.C. Dept. of Health & Human Svcs 09DHR3473	Ervin, IV
10-1334-1	Franklin v Broyhill Furniture Industries, Inc., et al (Civil) <b>Decision:</b> Affirmed in part; reversed and remanded in part.	N.C. Industrial Commission 992243	Ervin, IV
10-1430-1	Baldwin v A Southern Season, Inc., et al (Civil) <b>Decision:</b> Affirmed	N.C. Industrial Commission 621178	Elmore
10-1527-1	Hatley v Continental General Tire, et al (Civil) <b>Decision:</b> Affirmed	N.C. Industrial Commission 569479	Steelman
10-1532-1	Belch v Delhaize America, Inc., et al (Civil) <b>Decision:</b> Affirmed	N.C. Industrial Commission 093568,793827	Thigpen, Jr.
11-140-1	In The Matter Of: B.E., C.C., L.C. (Juvenile - 3.1) <b>Decision:</b> Affirmed	New Hanover 08JT247-249	Martin
11-42-1	State v Taylor (Criminal) <b>Decision:</b> Affirmed	Pitt 08CRS11517,08CRS2357	Stroud
11-91-1	State v Thomas (Criminal) <b>Decision:</b> No Error	Pitt 08CRS59421-22	Thigpen, Jr.
11-69-1	State v Wilson-Lopez (Criminal) <b>Decision:</b> Affirmed; Remanded for correction of clerical errors	Randolph 09CRS86	Stroud
11-214-1	State v Jacobs (Criminal) <b>Decision:</b> Affirmed	Sampson 08CRS51113	Stroud
11-274-1	State v Autry (Criminal) <b>Decision:</b> No Error	Sampson 85CRS9027-9033,85CRS9- 458-60	Martin
10-1602-1	State v Bethea (Criminal) <b>Decision:</b> Affirmed	Scotland 10CRS1089	Stroud
10-1244-1	State v Barnes and Brooks (Criminal) <b>Decision:</b> No Error	Wake 08CRS77718-19,08CRS77- 720-21,08CRS77724,08C- RS79343,09CRS9469	Thigpen, Jr.

Docket #	Title	County	Judge
10-1298-1	West v NC DOT (Civil) <b>Decision:</b> Affirmed	Wake 09CVS17772	Stroud
10-1560-1	State v Robinson (Criminal) <b>Decision:</b> No Error	Wake 09CRS17080,09CRS31412	Ervin, IV
11-175-1	State v Floyd (Criminal) <b>Decision:</b> No Error	Wake 09CRS210668	Stroud
11-378-1	In The Matter Of: J.E. (Juvenile - 3.1) <b>Decision:</b> Affirmed	Wake 09JT124	Martin
11-84-1	State v Williams (Criminal) <b>Decision:</b> No Error	Washington 09CRS50267,09CRS700201	McCullough
11-100-1	In The Matter Of: R.F. (Juvenile - Criminal) <b>Decision:</b> Affirmed in part, Vacated in part and Remanded	Washington 10JB20	Stroud
10-1445-1	State v Bandy (Criminal) <b>Decision:</b> No Error	Wayne 06CRS52600,07CRS1250	Thigpen, Jr.
11-62-1	State v Sampson (Criminal) <b>Decision:</b> No Error	Wilson 10CRS50520	Stroud
11-115-1	Bynum v Wilson County, et al (Civil) <b>Decision:</b> Dismissed in Part; Withdrawn in Part.	Wilson 08CVS2443	Ervin, IV