

**IN THE COURT OF APPEALS**  
**CASES REPORTED WITH PUBLISHED OPINIONS**  
**(FILED 15 NOVEMBER 2011)**  
**(MANDATE 5 DECEMBER 2011)**

Docket #	Title	County	Judge
11-756-1	In The Matter Of: S.H., W.L. III, E.L. (Juvenile - 3.1) <b>Decision:</b> Affirmed in Part; Remanded in Part	Caswell	Ervin, IV
10-1461-1	Williams, et al v Peabody, et al (Civil) <b>Decision:</b> Reversed and Remanded	Cumberland	Thigpen, Jr. Sam J. Ervin, IV (c)(d)
11-498-1	Emmanuel African Methodist Episcopal Church v Reynolds Constr., et al (Civil) <b>Decision:</b> Reversed and Remanded	Durham	Calabria
11-454-1	Jenkins, et al v Hearn Vascular Surgery, P.A., et al (Civil) <b>Decision:</b> REVERSED and REMANDED in part; DISMISSED in part.	Forsyth	Thigpen, Jr.
11-439-1	Green, et al v Kearney, et al (Civil) <b>Decision:</b> Affirmed	Franklin	Stroud
11-231-1	Davenport v D.M. Rental Properties, Inc. (Civil) <b>Decision:</b> Affirmed	Gaston	Stephens
11-331-1	Coastal Federal Credit Union v Falls, et al (Civil) <b>Decision:</b> Remanded	Gaston	Stroud
11-359-1	Arendas, et al v NC High School Athletic Association, Inc. (Civil) <b>Decision:</b> Affirmed	Guilford	Calabria
11-428-1	State v Surret (Criminal) <b>Decision:</b> As to Nos. 10CRS000686, 10CRS050601 and 10CRS050603 - No error. As to Nos. 10CRS000575 and 10CRS050602 - Arrest judgment. Remand for resentencing.	Haywood	McCullough
10-1214-1	Crocker, et al v Roethling, et al (Civil) <b>Decision:</b> Affirmed	Johnston	Beasley
11-119-1	Mauldin v A.C. Corporation, et al (Civil) <b>Decision:</b> Affirmed in part; reversed and remanded in part	N.C. Industrial Commission	Geer Cheri Beasley(c)(d)
11-448-1	Thompson v Fedex Ground/RPS, Inc. (Civil) <b>Decision:</b> Affirmed	N.C. Industrial Commission	Steelman
11-511-1	Salomon v The Oaks Of Carolina, et al (Civil) <b>Decision:</b> Affirmed in part; reversed and remanded in part.	N.C. Industrial Commission	Stephens
11-434-1	In The Matter Of: C.L. (Juvenile - Criminal) <b>Decision:</b> Affirmed	Onslow	Ervin, IV

Docket #	Title	County	Judge
11-575-1	In Re: J.L.H. (Juvenile - 3.1) <b>Decision:</b> Reversed and Remanded	Onslow	Bryant
11-506-1	Ginsberg v Board of Governors Of The University Of NC (Civil) <b>Decision:</b> Affirmed	Orange	Elmore
11-189-1	State v Otto (Criminal) <b>Decision:</b> Reversed	Pitt	Beasley Samuel J. Ervin, IV (d)
11-645-1	In Re: T.P. (Juvenile - 3.1) <b>Decision:</b> Affirmed	Richmond	Hunter
10-1564-1	State v Patel (Criminal) <b>Decision:</b> No Error	Wake	Geer
11-395-1	Baysden v State (Civil) <b>Decision:</b> Reversed and Remanded	Wake	Ervin, IV Cheri Beasley (d)
11-433-1	Andrews v Andrews (Civil) <b>Decision:</b> Reversed	Wake	Hunter
11-451-1	In The Matter Of: S.C.R. (Juvenile - 3.1) <b>Decision:</b> Reversed and Remanded	Watauga	Hunter

**IN THE  
COURT OF APPEALS**

**CASES REPORTED WITHOUT PUBLISHED OPINIONS**

**(FILED 15 NOVEMBER 2011)  
(MANDATE 5 DECEMBER 2011)**

Docket #	Title	County	Judge
11-415-1	State v Shipp (Criminal)	Alamance 10CRS53550 10CRS53552-53 10CRS53555-57 10CRS53589 10CRS53592-93	McGee
	<b>Decision:</b> No error in part; remanded in part for correction of clerical errors		
11-573-1	State v Thomas (Criminal)	Alamance 10CRS50563-65	Hunter, Jr.
	<b>Decision:</b> No Error		
11-408-1	State v Estes (Criminal)	Avery 05CRS50421	McCullough
	<b>Decision:</b> No Error		
11-195-1	Harmon v Eastern Dermatology and Pathology, P.A. (Civil)	Bertie 09CVS250	Steelman
	<b>Decision:</b> No Error		
11-361-1	Seidner v Town of Oak Island (Civil)	Brunswick 09CVS2496	Hunter, Jr.
	<b>Decision:</b> Affirmed in part. Vacated in part.		
11-384-1	State v Dail (Criminal)	Brunswick 10CRS50018 10CRS50019	Elmore
	<b>Decision:</b> Affirmed		
11-464-1	State v Wood (Criminal)	Buncombe 08CRS430 08CRS51137-38	McGee
	<b>Decision:</b> Affirmed		
11-371-1	State v Yuckel (Criminal)	Cabarrus 09CRS53476	Ervin, IV Cheri Beasley(c)
	<b>Decision:</b> No Error		
11-399-1	State v Johnson (Criminal)	Cabarrus 09CRS51863 09CRS8151 09CRS9763	McCullough
	<b>Decision:</b> No Error		
11-513-1	State v Solomon (Criminal)	Cabarrus 09CRS9699	McCullough
	<b>Decision:</b> Affirmed		
11-746-1	In Re: S.M.S. (Juvenile - 3.1)	Cabarrus 07JT62	Thigpen, Jr.
	<b>Decision:</b> Affirmed		
11-241-1	State v Surber (Criminal)	Caldwell 10CRS1030-31	McCullough
	<b>Decision:</b> No Error		
11-543-1	State v Ray (Criminal)	Caswell 10CRS421-422	McCullough
	<b>Decision:</b> No Error		
11-334-1	State v Canipe (Criminal)	Catawba 10CRS6495	McCullough
	<b>Decision:</b> Affirmed		
11-383-1	State v Carle (Criminal)	Catawba 09CRS52256-58	McCullough

Docket #	Title	County	Judge
	<b>Decision:</b> No Error		
11-544-1	State v Burke (Criminal)	Catawba 08CRS57419-20	McCullough
	<b>Decision:</b> Affirmed		
11-429-1	State v Lee (Criminal)	Cleveland 08CRS2088 09CRS1323	McGee
	<b>Decision:</b> No prejudicial error		
11-205-1	Fairfield Harbour Property Owners Association, Inc. v Drez, et al (Civil)	Craven 10CVS1349	Thigpen, Jr.
	<b>Decision:</b> Affirmed		
11-270-1	State v Murray (Criminal)	Cumberland 09CRS17300 09CRS54403	Ervin, IV
	<b>Decision:</b> No Error		
11-321-1	Evans v Neill, et al (Civil)	Cumberland 09CVS6428	Beasley
	<b>Decision:</b> Affirmed		
11-318-1	State v Steele (Criminal)	Durham 06CRS52356 07CRS41064	McCullough
	<b>Decision:</b> Dismissed		
11-441-1	State v Dowell (Criminal)	Forsyth 09CRS55665	Stroud
	<b>Decision:</b> No Error		
11-365-1	State v Page (Criminal)	Gaston 10CRS56755-57	Martin
	<b>Decision:</b> No Error		
11-278-1	State v Page (Criminal)	Guilford 09CRS92959-61 09CRS92963	Steelman
	<b>Decision:</b> Affirmed		
11-362-1	State v Smith (Criminal)	Guilford 09CRS95759 10CRS24016	McGee
	<b>Decision:</b> No Error		
11-617-1	In Re: C.C.W., J.M.W., A.L.A., J.D.T. (Juvenile - 3.1)	Harnett 09J145-148	Elmore
	<b>Decision:</b> Affirmed in part; vacated in part		
11-555-1	In The Matter Of: J.M.G. (Juvenile - 3.1)	Haywood 09JT25	Thigpen, Jr.
	<b>Decision:</b> Affirmed		
10-1401-1	Flanary v Wilkerson, et al (Civil)	Johnston 08CVS1812	Bryant Robert C. Hunter (c)
	<b>Decision:</b> New Trial		
11-360-1	State v Icenhour (Criminal)	Johnston 09CRS55100	McCullough
	<b>Decision:</b> Affirmed		
11-554-1	In The Matter Of: C.A. (Juvenile - 3.1)	Johnston 09JT114	Elmore
	<b>Decision:</b> Affirmed		

Docket #	Title	County	Judge
11-589-1	In Re: M.G. (Juvenile - 3.1) <b>Decision:</b> Reversed and remanded	Macon 10JA1	Bryant
11-354-1	State v Black (Criminal) <b>Decision:</b> Dismissed	Mecklenburg 08CRS208908	Hunter, Jr.
11-470-1	State v Williams (Criminal) <b>Decision:</b> New Trial	Mecklenburg 09CRS38741 09CRS61949	McGee
11-473-1	In The Matter Of: Z.M. (Juvenile - 3.1) <b>Decision:</b> Reversed and Remanded	Mecklenburg 08JA770	Elmore
11-479-1	State v House (Criminal) <b>Decision:</b> No Error	Mecklenburg 09CRS248059	McGee
11-582-1	State v Thompson (Criminal) <b>Decision:</b> No Error	Mecklenburg 06CRS257752 06CRS257754	Calabria
11-583-1	State v Rivera-Ocana (Criminal) <b>Decision:</b> No Error	Mecklenburg 09CRS230059	Elmore
11-233-1	Krutch v Wake Medical Center, et al (Civil) <b>Decision:</b> Affirmed	N.C. Industrial Commission 495280	Thigpen, Jr.
11-509-1	Edwards v Southern Maintenance (Civil) <b>Decision:</b> Affirmed	N.C. Industrial Commission 650613	Martin
11-169-1	State v Alston (Criminal) <b>Decision:</b> Affirmed	Nash 07CRS54953 07CRS8026	Ervin, IV
11-177-1	Preis v Yoas (Civil) <b>Decision:</b> Affirmed	New Hanover 09CVD3301	Hunter
11-316-1	State v Fleming (Criminal) <b>Decision:</b> No Error	New Hanover 07CRS63253 08CRS3912	McCullough
11-551-1	Peters v North State Partners, LLC, et al (Civil) <b>Decision:</b> Dismissed	New Hanover 09CVS4356	Calabria
11-8-1	State v McDonald (Criminal) <b>Decision:</b> No Error	Onslow 07CRS61485	Geer
11-597-1	State v Burney (Criminal) <b>Decision:</b> No Error	Pitt 10CRS50740-41	Stephens
11-424-1	State v Smith (Criminal)	Robeson 07CRS57594	Hunter

Docket #	Title	County	Judge
	<b>Decision:</b> No prejudicial error		
11-490-1	State v Stephens (Criminal)	Robeson 08CRS57239	Stroud
	<b>Decision:</b> No Error		
11-587-1	In Re: M.M.F. (Juvenile - 3.1)	Sampson 09JT34	McCullough
	<b>Decision:</b> Affirmed		
10-1565-1	State v Scriven (Criminal)	Scotland 09CRS52478-80	Elmore
	<b>Decision:</b> No Error		
11-252-1	State v Black (Criminal)	Stanly 08CRS2711 08CRS2713-14 09CRS50093-94	McGee
	<b>Decision:</b> No error in part and remanded in part.		
11-1082-1	State v Black (Criminal)	Stanly 08CRS2711 08CRS2713-14 09CRS50093-94	McGee
	<b>Decision:</b> Affirmed		
11-585-1	Brookshire v County of Buncombe, et al (Civil)	Transylvania 10CVS364	McGee
	<b>Decision:</b> Dismissed		
10-1077-1	Capps v Blondeau, et al (Civil)	Wake 07CVS16486	Steelman
	<b>Decision:</b> Affirmed		
11-70-1	State v Jackson (Criminal)	Wake 09CRS202619 09CRS51554	Elmore
	<b>Decision:</b> No Error		
11-745-1	In The Matter Of: S.H. and S.M. (Juvenile - 3.1)	Wake 08JT639 09JT195	Ervin, IV
	<b>Decision:</b> Affirmed		
11-793-1	In The Matter Of: J.P. (Juvenile - 3.1)	Watauga 06J41	McCullough
	<b>Decision:</b> Vacated and Remanded		
11-517-1	State v Brason (Criminal)	Wilkes 09CRS1501-1536	Hunter, Jr.
	<b>Decision:</b> Dismissed		
11-538-1	State v Hart (Criminal)	Wilkes 09CRS54065-66 09CRS54089	McGee
	<b>Decision:</b> No Error		