# IN THE COURT OF APPEALS

## CASES REPORTED WITH PUBLISHED OPINIONS

## (FILED 17 JANUARY 2012)
## (MANDATE 6 FEBRUARY 2012)

| Docket # | Title | County | Judge |
|---|---|---|---|
| 11-438-1 | Cambridge Southport, LLC v Southeast Brunswick (Civil)<br>**Decision:** Affirmed | Brunswick | McGee |
| 11-634-1 | Williamson, et al v Long Leaf Pine, LLC, et al (Civil)<br>**Decision:** Affirmed | Brunswick | Elmore |
| 11-1116-1 | In The Matters Of: A.R.P. and J.B.A.P. (Juvenile - 3.1)<br>**Decision:** Reversed and Remanded | Burke | Stroud |
| 10-1407-1 | State v Kidwell (Criminal)<br>**Decision:** No Error | Durham | Bryant |
| 11-254-1 | Carter v TD Ameritrade Holding Corporation, et al (Civil)<br>**Decision:** Reversed and Remanded | Durham | Martin |
| 11-298-1 | Carden v Owle Construction, LLC (Civil)<br>**Decision:** Affirmed | Durham | McGee |
| 11-718-1 | In The Matter Of: T.H. (Juvenile - Criminal)<br>**Decision:** Affirmed | Durham | McCullough |
| 11-239-2 | State v Surratt (Criminal)<br>**Decision:** No error in part; Dismissed in part | Forsyth | Stroud |
| 10-1103-1 | Westmoreland, ex rel v High Point Healthcare, Inc., et al (Civil)<br>**Decision:** Reversed and Remanded | Guilford | Steelman |
| 11-629-1 | Mosqueda, et al v Mosqueda (Civil)<br>**Decision:** Affirmed in part, Dismissed in part | Guilford | Thigpen, Jr. |
| 11-783-1 | In The Matter Of: J.K.C. and J.D.K. (Juvenile - 3.1)<br>**Decision:** Affirmed | Guilford | Stroud |
| 11-1186-1 | In Re: J.A.P. (Juvenile - 3.1)<br>**Decision:** Vacated and Remanded | Guilford | Stroud |
| 11-637-1 | State v Lee (Criminal)<br>**Decision:** No prejudicial error | Halifax | McCullough |
| 11-620-1 | State v Ballance, et al (Criminal)<br>**Decision:** No Error | Hyde | Ervin, IV |
| 09-573-2 | Day, et al v Brant, et al (Civil)<br>**Decision:** Reversed | Iredell | Geer |

| Docket # | Title | County | Judge |
|---|---|---|---|
| 11-1035-1 | State v Sistler (Criminal)<br>**Decision:** No Error | Johnston | Hunter, Jr. |
| 11-271-1 | State v Hammonds (Criminal)<br>**Decision:** New Trial | Mecklenburg | Geer |
| 11-356-1 | State v Matthews (Criminal)<br>**Decision:** New Trial | Mecklenburg | McGee |
| 11-767-1 | State v Cook (Criminal)<br>**Decision:** No error; Remanded for resentencing | Mecklenburg | Martin |
| 11-770-1 | State v Watkins (Criminal)<br>**Decision:** No error in part; remanded for judgment in part | Mecklenburg | McCullough |
| 11-789-1 | Carr v Dept. of Health And Human Services (Civil)<br>**Decision:** Affirmed in part; Remanded in part | N.C. Industrial Commission | Martin |
| 11-791-1 | Coffey, et al v Weyerhaeuser Company (Civil)<br>**Decision:** Affirmed | N.C. Industrial Commission | McCullough |
| 11-805-1 | McAdams v Safety Kleen Systems, Inc., et al (Civil)<br>**Decision:** Remanded | N.C. Industrial Commission | Stroud<br>Wanda Bryant(d) |
| 11-873-1 | State v Spencer (Criminal)<br>**Decision:** No error in part; Dismissed in part | Pasquotank | Stroud |
| 11-580-1 | State v Hogan (Criminal)<br>**Decision:** New Trial | Robeson | Martin |
| 10-1536-1 | State v Rico (Criminal)<br>**Decision:** Vacated and Remanded | Sampson | Calabria<br>Sanford Steelman (c)(d) |
| 11-549-1 | Klingstubbins Southeast, Inc. v 301 Hillsborough Street Partners, LLC (Civil)<br>**Decision:** Reversed | Wake | Stroud<br>Martha Geer (d) |
| 11-811-1 | Dominion Radio Supply, Inc. v Colclough (Civil)<br>**Decision:** Reversed and Remanded | Wake | Elmore |
| 11-647-1 | State v Pender (Criminal)<br>**Decision:** No Error | Wilson | Bryant |

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## (FILED 17 JANUARY 2012)
## (MANDATE 6 FEBRUARY 2012)

| Docket # | Title | County | Judge |
|---|---|---|---|
| 11-823-1 | In The Matter Of: J.M. (Juvenile - 3.1) | Buncombe<br>10JA360 | Steelman |
| | **Decision:** Affirmed | | |
| 11-1109-1 | In The Matters Of: S.R. and E.Q.R. (Juvenile - 3.1) | Burke<br>08J186-187 | Stephens |
| | **Decision:** Affirmed | | |
| 11-755-1 | Reasoner v Reasoner (Civil) | Cabarrus<br>10CVD1784 | Thigpen, Jr. |
| | **Decision:** Dismissed | | |
| 11-656-1 | State v White (Criminal) | Catawba<br>08CRS50884<br>09CRS4322 | Stephens |
| | **Decision:** No error at trial; remand for correction of clerical errors in judgment | | |
| 11-1038-1 | In The Matter Of: J.S.S. (Juvenile - 3.1) | Chatham<br>10JT43 | Stroud |
| | **Decision:** Affirmed | | |
| 11-912-1 | Matthews v Community Newspapers, Inc., et al (Civil) | Cherokee<br>10CVS561 | Hunter, Jr. |
| | **Decision:** Reversed | | |
| 11-741-1 | State v Sisk (Criminal) | Cleveland<br>10CRS1842<br>10CRS52244 | Stephens |
| | **Decision:** No Error | | |
| 11-660-1 | State v Merritt (Criminal) | Cumberland<br>10CRS17094-98 | Stephens |
| | **Decision:** Affirmed | | |
| 11-664-1 | State v Panecka (Criminal) | Cumberland<br>09CRS16623-24<br>09CRS54371-72<br>09CRS54377 | Hunter |
| | **Decision:** Dismissed in part; affirmed in part | | |
| 11-598-1 | Shumaker v Wake Forest University Baptist Medical Center (Civil) | Forsyth<br>10CVS7611 | Steelman |
| | **Decision:** Reversed | | |
| 11-644-1 | In Re: S.S. (Juvenile - 3.1) | Forsyth<br>96J69 | Steelman |
| | **Decision:** Affirmed | | |
| 11-762-1 | State v Simpson (Criminal) | Forsyth<br>10CRS55627 | Elmore |
| | **Decision:** No Error | | |
| 11-979-1 | State v Oakes (Criminal) | Forsyth<br>10CRS8692<br>99CRS49353 | McCullough |
| | **Decision:** No prejudicial error | | |
| 11-287-1 | State v Jones (Criminal) | Gaston<br>09CRS62874-75 | Beasley |
| | **Decision:** New Trial | | |
| 11-678-1 | Orban v Wilkie, et al (Civil) | Gaston<br>11CVS222 | Hunter |
| | **Decision:** Affirmed | | |

| Docket # | Title | County | Judge |
|---|---|---|---|
| 11-692-1 | State v Payseur (Criminal) | Gaston<br>10CRS51643<br>10CRS51644<br>10CRS51797 | Stephens |
| | **Decision:** No error in part; vacated and remanded in part | | |
| 11-901-1 | Orban v Wilkie, et al (Civil) | Gaston<br>11CVS222 | Hunter |
| | **Decision:** Affirmed | | |
| 11-605-1 | State v Wilson (Criminal) | Guilford<br>09CRS23298<br>09CRS89562<br>09CRS90055 | Hunter |
| | **Decision:** No Error | | |
| 11-975-1 | In The Matter Of: L.M.R. and C.G.R. (Juvenile - 3.1) | Haywood<br>09JT31-32 | Geer |
| | **Decision:** Affirmed | | |
| 11-1195-1 | In The Matter Of: C.L.R. (Juvenile - 3.1) | Haywood<br>09JT33 | Beasley |
| | **Decision:** Affirmed | | |
| 11-819-1 | State v Thomas (Criminal) | Hertford<br>07CRS3544-46 | Ervin, IV |
| | **Decision:** No Error | | |
| 11-699-1 | State v Luker (Criminal) | Jackson<br>09CRS51335 09CRS851 | Stephens |
| | **Decision:** No Error | | |
| 11-1039-1 | Wachovia Bank of Delaware, N.A. v Askew (Civil) | Lenoir<br>07CVS1902 | Calabria |
| | **Decision:** Dismissed | | |
| 11-680-1 | State v Raewkin (Criminal) | Lincoln<br>06CRS52635<br>07CRS3058 | Thigpen, Jr. |
| | **Decision:** No Error | | |
| 11-412-1 | State v Davis (Criminal) | Mecklenburg<br>10CRS19240<br>10CRS206456<br>10CRS206459 | Bryant |
| | **Decision:** No Error | | |
| 11-486-1 | State v Coleman (Criminal) | Mecklenburg<br>09CRS211845<br>09CRS21239 | Steelman |
| | **Decision:** No Error | | |
| 11-530-1 | State v Pegues (Criminal) | Mecklenburg<br>09CRS201806<br>09CRS201817-18 | Thigpen, Jr. |
| | **Decision:** No Error | | |
| 11-687-1 | Kraus v Wells Fargo Securities, LLC (Civil) | Mecklenburg<br>10CVS22122 | Thigpen, Jr. |
| | **Decision:** Affirmed | | |
| 11-763-1 | In The Matter Of: C.D. and Z.M. (Juvenile - 3.1) | Mecklenburg<br>10JA234 | Stephens |
| | **Decision:** Affirmed | | |
| 11-771-1 | Wayne Hood Construction, Inc. v Hennessey (Civil) | Mecklenburg<br>10CVS22900 | Stephens |

| Docket # | Title | County | Judge |
|---|---|---|---|
| | **Decision:** Dismissed | | |
| 11-909-1 | State v Wells (Criminal) | Mecklenburg<br>10CRS217769<br>10CRS217771 | Stroud |
| | **Decision:** No Error | | |
| 11-1068-1 | State v Caldwell (Criminal) | Mecklenburg<br>08CRS252426<br>08CRS252429 | Stroud |
| | **Decision:** No Error | | |
| 11-571-1 | Solomon v NC State Veterans Nursing Home-Fayetteville (Civil) | N.C. Industrial Commission<br>930794 | Thigpen, Jr. |
| | **Decision:** Affirmed in Part, Remanded in Part | | |
| 11-716-1 | Knowles v Wackenhut Corporation, et al (Civil) | N.C. Industrial Commission<br>029574 | McCullough |
| | **Decision:** Affirmed in part; reversed and remanded in part | | |
| 11-759-1 | Moose v Watkins (Civil) | N.C. Industrial Commission<br>804798 PH1959 | McCullough |
| | **Decision:** Affirmed | | |
| 11-653-1 | State v Frazier (Criminal) | Nash<br>09CRS54263<br>09CRS54281<br>09CRS54283-85 | Steelman |
| | **Decision:** No Error | | |
| 11-778-1 | State v Murphy (Criminal) | Nash<br>10CRS7108 | Hunter, Jr. |
| | **Decision:** Dismissed | | |
| 11-743-1 | Nix v Nix (Civil) | New Hanover<br>10CVD5646 | Hunter, Jr. |
| | **Decision:** Affirmed in Part, Reversed in Part and Remanded | | |
| 11-777-1 | Charnoff v Calder, et al (Civil) | New Hanover<br>10CVS1586 | Stephens |
| | **Decision:** Affirmed | | |
| 11-705-1 | In The Matter Of: G.C. (Juvenile - 3.1) | Orange<br>10JA95 | Steelman |
| | **Decision:** Affirmed in part and Reversed in part. | | |
| 11-558-1 | State v White (Criminal) | Perquimans<br>08CRS50112<br>08CRS50113 | Hunter |
| | **Decision:** No Error | | |
| 11-1001-1 | In Re: M.D.B. and A.B.T. (Juvenile - 3.1) | Richmond<br>10J103 10J104 | Stephens |
| | **Decision:** Affirmed | | |
| 11-541-1 | Apac-Atlantic, Inc. v Firemens Insurance Company (Civil) | Scotland<br>08CVS792 | Thigpen, Jr. |
| | **Decision:** Reversed | | |
| 11-943-1 | In Re: K.M.M. and B.C.M. (Juvenile - 3.1) | Stokes<br>09JT75-76 | Beasley |
| | **Decision:** Affirmed | | |
| 11-719-1 | In The Matter Of: K.S. (Juvenile - 3.1) | Vance<br>08JA109 | Geer |

| Docket # | Title | County | Judge |
|---|---|---|---|
| | **Decision:** Affirmed | | |
| 11-368-1 | State v Khan (Criminal) | Wake<br>08CRS85094 10CRS652 | Hunter<br>Sanford Steelman(d) |
| | **Decision:** Affirmed, in part, vacated and remanded' in part | | |
| 11-616-1 | In The Matter Of: Lorenzo Richardson (Civil) | Wake<br>10SPC4210 | Hunter |
| | **Decision:** Affirmed; remanded for correction of order | | |
| 11-636-1 | State v Goldston (Criminal) | Wake<br>07CRS67090<br>07CRS67781 | Beasley |
| | **Decision:** No Error | | |
| 11-652-1 | Caliber Builders, LLC, et al v Waste Water Systems of NC, Inc. (Civil) | Wake<br>08CVS14365<br>09CVS25419 | Thigpen, Jr. |
| | **Decision:** Reversed and Remanded | | |
| 11-654-1 | Federated Financial Corporation of America v Jenkins (Civil) | Wake<br>09CVS2084 | Steelman |
| | **Decision:** Affirmed | | |
| 11-672-1 | State v Lewis (Criminal) | Wake<br>07CRS84527 | Stephens |
| | **Decision:** Affirmed | | |
| 11-695-1 | State v Barber (Criminal) | Wake<br>09CRS11916 | Hunter |
| | **Decision:** No Error | | |
| 11-736-1 | State v Parker (Criminal) | Wake<br>05CRS27921<br>08CRS21285 | Stephens |
| | **Decision:** Affirmed | | |
| 11-825-1 | State v Daniels and Lottie (Criminal) | Wake<br>09CRS33746-49<br>09CRS33839-42<br>09CRS33844<br>09CRS33917 | Stephens |
| | **Decision:** No Error | | |
| 11-838-1 | State v Montgomery (Criminal) | Wake<br>09CRS206901 | Stephens |
| | **Decision:** No Error | | |
| 11-851-1 | In The Matter Of: F.T. (Juvenile - 3.1) | Wake<br>10JA202 | Stephens |
| | **Decision:** Affirmed | | |
| 11-488-1 | State v Young (Criminal) | Wayne<br>08CRS54255 | Ervin, IV |
| | **Decision:** No Error | | |