

**IN THE COURT OF APPEALS**  
**CASES REPORTED WITH PUBLISHED OPINIONS**  
**(FILED 5 JUNE 2012)**  
**(MANDATE 25 JUNE 2012)**

| Docket #  | Title   | County      | Judge                                  |
|-----------|---|-------------|--|
| 11-1571-1 | Ochsner v Elon University, et al (Civil)<br><b>Decision:</b> Affirmed                               | Alamance    | Thigpen, Jr.                           |
| 11-1450-1 | Young And McQueen Grading Co. v Mar-Comm And Associates, et al (Civil)<br><b>Decision:</b> Affirmed | Buncombe    | Stephens                               |
| 11-1223-1 | State v Hunt (Criminal)<br><b>Decision:</b> Affirmed  | Cabarrus    | Hunter                                 |
| 11-982-1  | Micro Capital Investors, Inc. v Broyhill Furniture Industries (Civil)<br><b>Decision:</b> Affirmed  | Caldwell    | Elmore<br>Samuel J. Ervin IV (c)(d)    |
| 11-681-1  | Topp, et al v Big Rock Foundation, Inc., et al (Civil)<br><b>Decision:</b> Affirmed                 | Carteret    | Hunter, Jr.<br>Robert C. Hunter (c)(d) |
| 11-1066-1 | Sanford v Williams, et al (Civil)<br><b>Decision:</b> Affirmed in part; Vacated in part.            | Catawba     | Thigpen, Jr.                           |
| 11-1291-1 | State v Herman (Criminal)<br><b>Decision:</b> Dismissed   | Catawba     | Stroud                                 |
| 11-1462-1 | State v Ross (Criminal)<br><b>Decision:</b> Vacated in part and Remanded                            | Cleveland   | Thigpen, Jr.                           |
| 11-1451-1 | Fansler v Honeycutt (Civil)<br><b>Decision:</b> Vacated and dismissed.                              | Davidson    | Ervin, IV                              |
| 11-1106-1 | Stern v Cinoman (Civil)<br><b>Decision:</b> Reversed  | Durham      | Geer                                   |
| 11-1098-1 | State v Lineberger (Criminal)<br><b>Decision:</b> Affirmed  | Forsyth     | Hunter                                 |
| 11-1382-1 | State v Carver (Criminal)<br><b>Decision:</b> No Error  | Gaston      | Stephens<br>Robert Hunter, Jr. (d)     |
| 11-1203-1 | State v Miles (Criminal)<br><b>Decision:</b> No Error   | Greene      | Elmore                                 |
| 11-1392-1 | Kennedy v Morgan (Civil)<br><b>Decision:</b> Reversed   | Guilford    | Stroud                                 |
| 10-475-2  | State v Jones (Criminal)<br><b>Decision:</b> No Error   | Mecklenburg | Martin                                 |
| 11-604-1  | Belk v Belk (Civil)<br><b>Decision:</b> Affirmed  | Mecklenburg | McCullough                             |

| Docket #  | Title  | County       | Judge        |
|-----------|--|--------------|--------------|
| 11-878-1  | In The Matter Of: T.W. (Juvenile - Criminal)<br><b>Decision:</b> Affirmed in part; Reversed and remanded in part                               | Mecklenburg  | Geer         |
| 11-1343-1 | State v Sharpless (Criminal)<br><b>Decision:</b> Reversed and remanded for a new trial.  | New Hanover  | McCullough   |
| 11-1448-1 | State v Manning (Criminal)<br><b>Decision:</b> Affirmed  | Pitt         | Elmore       |
| 11-1488-1 | State v Glenn (Criminal)<br><b>Decision:</b> No Error  | Rowan        | Stroud       |
| 11-1458-1 | Miller v Szilagyi, et al (Civil)<br><b>Decision:</b> Affirmed  | Surry        | Thigpen, Jr. |
| 11-999-1  | Bodie v Bodie (Civil)<br><b>Decision:</b> Equitable Distribution: Affirmed in Part, Reversed and Remanded in Part.<br>Alimony Order: Affirmed. | Transylvania | Ervin, IV    |
| 11-1135-1 | Holloway v Holloway (Civil)<br><b>Decision:</b> Affirmed   | Wayne        | Bryant       |

**IN THE  
COURT OF APPEALS**

**CASES REPORTED WITHOUT PUBLISHED OPINIONS**

**(FILED 5 JUNE 2012)  
(MANDATE 25 JUNE 2012)**

| Docket #  | Title   | County  | Judge        |
|-----------|---|---|--------------|
| 11-1532-1 | State v Mercer (Criminal)<br><br><b>Decision:</b> No Error  | Brunswick<br>10CRS4869<br>10CRS55767              | Stephens     |
| 11-1008-1 | Swingle v Allender (Civil)<br><br><b>Decision:</b> No Error   | Buncombe<br>09CVS3299                             | Elmore       |
| 11-1316-1 | State v Hall (Criminal)<br><br><b>Decision:</b> Affirmed  | Caldwell<br>07CRS4733<br>07CRS52349               | Martin       |
| 11-1407-1 | In The Matter Of: N.R.R.W. (Juvenile - 3.1)<br><br><b>Decision:</b> Affirmed                                | Caldwell<br>09J158                                | Calabria     |
| 11-1211-1 | Willis v Willis (Civil)<br><br><b>Decision:</b> Affirmed  | Carteret<br>05CVD1329                             | Bryant       |
| 12-34-1   | State v Speciale (Criminal)<br><br><b>Decision:</b> Vacated and Remanded                                    | Craven<br>07CRS55650                              | McCullough   |
| 11-1347-1 | State v Rhodes (Criminal)<br><br><b>Decision:</b> No Error  | Cumberland<br>07CRS56127                          | Hunter, Jr.  |
| 11-1594-1 | In The Matter Of: M.C. and E.C. (Juvenile - 3.1)<br><br><b>Decision:</b> Affirmed in Part; Reversed in Part | Cumberland<br>10JA486 10JA487                     | Beasley      |
| 11-1493-1 | Hedgepeth v Bell (Civil)<br><br><b>Decision:</b> Dismissed  | Currituck<br>11CVS64                              | Beasley      |
| 11-1434-1 | State v Moore (Criminal)<br><br><b>Decision:</b> No prejudicial error.                                      | Duplin<br>06CRS52377-78<br>11CRS82                | McCullough   |
| 11-1047-1 | State v Thomas (Criminal)<br><br><b>Decision:</b> No Error  | Durham<br>05CRS50722-24                           | Hunter, Jr.  |
| 12-39-1   | In The Matter Of: H.N. (Juvenile - 3.1)<br><br><b>Decision:</b> Affirmed                                    | Durham<br>09J291                                  | Beasley      |
| 11-1525-1 | State v Parker (Criminal)<br><br><b>Decision:</b> Dismissed   | Forsyth<br>08CRS50576<br>08CRS50993<br>09CRS22538 | Beasley      |
| 11-1341-1 | State v Stephens (Criminal)<br><br><b>Decision:</b> No Prejudicial Error                                    | Gaston<br>11CRS145                                | Hunter       |
| 11-1252-1 | State v Smith (Civil)<br><br><b>Decision:</b> No Error  | Guilford<br>10CVS9383                             | Thigpen, Jr. |

| Docket #  | Title  | County   | Judge                        |
|-----------|--|--|------------------------------|
| 11-1560-1 | State v Mills (Criminal)<br><b>Decision:</b> No Error  | Lenoir<br>10CRS51973                           | Stroud                       |
| 11-725-1  | CK-Southern Associates v Charlotte N.C. Hotel Corporation (Civil)<br><b>Decision:</b> No Error | Mecklenburg<br>09CVS347                        | Calabria                     |
| 11-1285-1 | State v Kirk (Criminal)<br><b>Decision:</b> No error at trial; Remanded for resentencing       | Mecklenburg<br>07CRS231089<br>08CRS34203       | Thigpen, Jr.                 |
| 11-1312-1 | Butler v Charlotte-Mecklenburg Board of Education (Civil)<br><b>Decision:</b> Affirmed         | Mecklenburg<br>10CVS25692                      | Hunter, Jr.                  |
| 11-1360-1 | State v Wood (Criminal)<br><b>Decision:</b> Affirmed in part; Reversed and Remanded in part    | Mecklenburg<br>09CRS204140                     | Ervin, IV                    |
| 11-1510-1 | State v Stemplinger (Criminal)<br><b>Decision:</b> Dismissed                                   | Mecklenburg<br>09CRS24366                      | Hunter, Jr.                  |
| 12-138-1  | In The Matter Of: G.M., A.M., M.C. (Juvenile - 3.1)<br><b>Decision:</b> Affirmed               | Mecklenburg<br>11JA267-269                     | Beasley                      |
| 11-1492-1 | Turner v Turner (Civil)<br><b>Decision:</b> Affirmed   | Moore<br>09CVD261                              | Ervin, IV                    |
| 11-726-1  | Thomas v Union County Board of Education (Civil)<br><b>Decision:</b> Affirmed                  | N.C. Industrial<br>Commission<br>TA-20518      | Geer                         |
| 11-1185-1 | McFalls v Ingles Markets, Inc. (Civil)<br><b>Decision:</b> Affirmed                            | N.C. Industrial<br>Commission<br>890142        | Calabria                     |
| 11-1248-1 | Kennedy v Minuteman Powerboss, et al (Civil)<br><b>Decision:</b> Affirmed                      | N.C. Industrial<br>Commission<br>673731 W04978 | Elmore                       |
| 11-1332-1 | Harrell v Edgecombe County Schools, et al (Civil)<br><b>Decision:</b> Affirmed                 | N.C. Industrial<br>Commission<br>298817        | McCullough<br>Martha Geer(c) |
| 12-51-1   | In The Matter Of: M.Z.C. and M.T.P. (Juvenile - 3.1)<br><b>Decision:</b> Affirmed              | New Hanover<br>10JT138-139                     | Beasley                      |
| 11-1435-1 | State v Moody (Criminal)<br><b>Decision:</b> No Error  | Randolph<br>10CRS53370                         | Hunter, Jr.                  |
| 11-1468-1 | Adkins, ex rel v Stilwell, et al (Civil)<br><b>Decision:</b> Affirmed                          | Rockingham<br>10CVS2405                        | McCullough                   |
| 11-1226-1 | In Re: Foreclosure of Vogler (Civil)   | Surry<br>11SP20                                | Ervin, IV                    |

| Docket #  | Title  | County                | Judge       |
|-----------|--|-----------------------|-------------|
|           | <b>Decision:</b> Affirmed  |                       |             |
| 11-1128-1 | Miller v Orcutt, et al (Civil)   | Wake<br>08CVS20745    | Calabria    |
|           | <b>Decision:</b> Affirmed  |                       |             |
| 11-1194-1 | In The Matter Of: J.H. (Juvenile - Criminal)   | Wake<br>11JB467       | Hunter      |
|           | <b>Decision:</b> Affirmed in part; reversed and remanded for findings and conclusions and for corrections. |                       |             |
| 11-1456-1 | Leveaux-Quigless v Pilgrim, et al (Civil)  | Wake<br>08CVS21217    | Hunter, Jr. |
|           | <b>Decision:</b> Vacated and Remanded  |                       |             |
| 12-17-1   | In The Matter Of: A.A. and N.J. (Juvenile - 3.1)   | Wake<br>10JA224-225   | Calabria    |
|           | <b>Decision:</b> Affirmed  |                       |             |
| 12-88-1   | State v Webb (Criminal)  | Wake<br>10CRS217524   | Hunter, Jr. |
|           | <b>Decision:</b> No Error  |                       |             |
| 11-1597-1 | State v Floyd (Criminal)   | Wayne<br>10CRS1733-36 | Stephens    |
|           | <b>Decision:</b> No error at trial; remanded for resentencing  |                       |             |
| 12-8-1    | In The Matter Of: J.P. and T.P. (Juvenile - 3.1)   | Wayne<br>09JA74-75    | Steelman    |
|           | <b>Decision:</b> Affirmed in Part; Reversed and Remanded in Part   |                       |             |
| 11-1426-1 | In The Matters Of: M.F.L. and B.N.L. (Juvenile - 3.1)  | Wilkes<br>11JA50-51   | Stroud      |
|           | <b>Decision:</b> Affirmed  |                       |             |