

**IN THE COURT OF APPEALS**  
**CASES REPORTED WITH PUBLISHED OPINIONS**  
**(FILED 7 AUGUST 2012)**  
**(MANDATE 27 AUGUST 2012)**

Docket #	Title	County	Judge
12-99-1	Thorpe, et al v TJM Ocean Isle Partners LLC, et al (Civil) <b>Decision:</b> Affirmed	Brunswick	Hunter, Jr.
12-12-1	Wilcox v City of Asheville, et al (Civil) <b>Decision:</b> Affirmed in part; Reversed and Remanded in part	Buncombe	Stephens
11-1351-1	White v Mills, et al (Civil) <b>Decision:</b> Vacated and Remanded	Cabarrus	Martin
11-1511-1	Wright v Wright (Civil) <b>Decision:</b> Affirmed in part, reversed and remanded in part	Cabarrus	Elmore
12-194-1	M Series Rebuild, LLC v Town of Mount Pleasant (Civil) <b>Decision:</b> Affirmed	Cabarrus	Stroud
11-941-1	State v Martin (Criminal) <b>Decision:</b> No error in part; vacated in part	Carteret	Bryant
11-1403-1	In The Matter Of: Draffen (Civil) <b>Decision:</b> Affirmed	Carteret	Calabria
11-1563-1	State v Mason (Criminal) <b>Decision:</b> Dismissed in Part, No Prejudicial Error in Part	Durham	Steelman
12-167-1	State v O'Connor (Criminal) <b>Decision:</b> Reversed and Remanded	Durham	Ervin, IV
10-1037-2	State v Joe (Criminal) <b>Decision:</b> Affirmed in part, Vacated in part and Remanded	Forsyth	Stephens
11-750-1	Wood v Nunnery, et al (Civil) <b>Decision:</b> Reversed and Remanded in Part, Affirmed in Part	Forsyth	Steelman
11-1315-1	State v Sellars (Criminal) <b>Decision:</b> Reversed and Remanded	Forsyth	Steelman
11-1335-1	State v Smith (Criminal) <b>Decision:</b> Affirmed	Forsyth	Steelman
11-1415-1	State v Cornell (Criminal) <b>Decision:</b> No Error	Guilford	Thigpen, Jr.
11-1554-1	Plomaritis v Plomaritis (Civil) <b>Decision:</b> Reversed and Remanded	Guilford	Stroud

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12-6-1	State v Anderson (Criminal) <b>Decision:</b> No error in part, reversed and remanded in part	Lincoln	Elmore
11-1313-1	Moss v Moss (Civil) <b>Decision:</b> Affirmed	Mecklenburg	Calabria
12-107-1	Springs v City of Charlotte, et al (Civil) <b>Decision:</b> Affirmed	Mecklenburg	Beasley
12-212-1	Cedar Greene, LLC, et al v City of Charlotte (Civil) <b>Decision:</b> Reversed and Remanded	Mecklenburg	McCullough Ann Marie Calabria (d)
12-103-1	Tunell v Resource MFG/Prologistix, et al (Civil) <b>Decision:</b> Reversed and Remanded	N.C. Industrial Commission	Thigpen, Jr.
11-1506-1	State v Avent (Criminal) <b>Decision:</b> No Error	Nash	Stroud
10-1072-2	State v Boyd (Criminal) <b>Decision:</b> New Trial	Orange	Hunter, Jr. Donna Stroud(d)
11-1479-1	HCW Retirement And Financial, et al v HCW Employee Benefit, et al (Civil) <b>Decision:</b> Affirmed	Orange	Ervin, IV
12-129-1	Lamb v D.S. Duggins Welding, Inc., et al (Civil) <b>Decision:</b> Affirmed	Randolph	Bryant
11-1227-1	State v Foster (Criminal) <b>Decision:</b> Affirmed	Rowan	Geer
12-79-1	In The Matter Of: Henry Edward Murdock (Criminal) <b>Decision:</b> Affirmed	Scotland	Thigpen, Jr.
12-160-1	Prouse v Bituminous Casualty Corporation, et al (Civil) <b>Decision:</b> Affirmed	Stanly	Ervin, IV Robert C. Hunter (d)
11-1266-1	Plasma Centers of America v Talecris Plasma Resources (Civil) <b>Decision:</b> Affirmed	Wake	Steelman
11-1279-1	MCC Outdoor, LLC v The Town of Wake Forest (Civil) <b>Decision:</b> Reversed	Wake	Elmore
12-67-1	Scott v NC Dept. of Crime Control And Public Safety (Civil) <b>Decision:</b> Reversed and Remanded	Wake	Ervin, IV
11-1366-1	State v Braswell (Criminal) <b>Decision:</b> Affirmed	Watauga	Beasley
11-609-2	State v Cox (Criminal) <b>Decision:</b> Reversed in part; no error in part; remanded for resentencing	Wayne	Elmore

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12-10-1	Newsome v Newsome (Civil) <b>Decision:</b> Affirmed	Alamance 08CVD1982	Calabria
12-159-1	State v Ballard (Criminal) <b>Decision:</b> No Error	Brunswick 09CRS56342 09CRS56348 09CRS56687	Hunter
12-293-1	State v Holmes (Criminal) <b>Decision:</b> Vacated and Remanded	Brunswick 10CRS3733-40	Hunter
11-1471-1	Rushing v Barron, et al (Civil) <b>Decision:</b> Affirmed	Burke 08CVS1269	Elmore
11-994-1	State v Wong (Criminal) <b>Decision:</b> No prejudicial error	Catawba 09CRS5848-53	McGee
11-1089-1	Boynton v McLaurin, et al (Civil) <b>Decision:</b> Affirmed in part; reversed and remanded in part	Catawba 08CVS2501	Geer
11-1519-1	State v Whisenant (Criminal) <b>Decision:</b> No error in part; reversed in part	Catawba 09CRS56222	Elmore
11-1564-1	State v Armstrong (Criminal) <b>Decision:</b> Affirmed	Catawba 09CRS4196 09CRS5754 11CRS6057	Hunter
10-203-2	State v Beckelheimer (Criminal) <b>Decision:</b> No Error	Chatham 08CRS50128-29 08CRS3773-74	Stroud
10-1055-1	State v Beckelheimer (Criminal) <b>Decision:</b> Affirmed	Chatham 08CRS50128	Ervin, IV
12-249-1	State v Phillips (Criminal) <b>Decision:</b> No Error	Chatham 08CRS50085-86 08CRS755-56	Hunter
12-245-1	County of Durham o/b/o Wilkerson v Danisi (Civil) <b>Decision:</b> Remanded	Durham 06CVD4792	Beasley
12-120-1	The Fisher Housing Companies, Inc. v Hendricks (Civil) <b>Decision:</b> Affirmed	Edgecombe 09CVS96	Elmore
11-1199-1	Washington v Mahbuba (Civil) <b>Decision:</b> Affirmed in part; dismissed in part	Forsyth 08CVD9006	Geer
11-1512-1	State v Stewart (Criminal) <b>Decision:</b> No Error	Forsyth 08CRS53528 08CRS9718 08CRS9726 08CRS9727	Hunter

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12-94-1	In The Matter Of: C.L.K.C. (Juvenile - Criminal) <b>Decision:</b> Reversed and Remanded	Forsyth 11JB198	Thigpen, Jr.
11-1587-1	State v Vester (Criminal) <b>Decision:</b> No Error	Franklin 10CRS50965 10CRS50966 10CRS50969 11CRS110	Bryant
11-1027-1	Land, et al v Land, et al (Civil) <b>Decision:</b> No Error	Guilford 05CVS11688	McGee
12-47-1	State v Pennix (Criminal) <b>Decision:</b> No Error	Guilford 11CRS24153 11CRS66067 11CRS66069	Calabria
12-198-1	Haywood Builders Supply Company, Inc. v Scanlon (Civil) <b>Decision:</b> Reversed and Remanded	Haywood 11CVD294	Elmore
11-1601-1	Synovus Bank v The County Of Henderson, et al (Civil) <b>Decision:</b> Affirmed in part, reversed and remanded in part.	Henderson 10CVS1008	McGee
12-359-1	In The Matter Of: C.H. and J.H. (Juvenile - 3.1) <b>Decision:</b> Affirmed	Iredell 07JA198 07JA199	McCullough
11-1562-1	State v Cogdell (Criminal) <b>Decision:</b> No Error	Johnston 09CRS4434 09CRS53749	Geer
12-127-1	State v Romero (Criminal) <b>Decision:</b> No Error	Johnston 10CRS56473	Geer
11-1087-1	Begley v Begley (Civil) <b>Decision:</b> Reversed and Remanded	Lincoln 10CVD1054	Bryant
11-1549-1	State v Boyd (Criminal) <b>Decision:</b> Dismissed in Part; No Error in Part	Lincoln 10CRS51391	Steelman
12-87-1	State v Johnson (Criminal) <b>Decision:</b> No Error	Lincoln 10CRS51586 11CRS1321	Hunter, Jr.
11-1139-1	In Re: Grandfather Vistas Litigation (Civil) <b>Decision:</b> Dismissed	Mecklenburg 08CVS27336 09CVS18264	Steelman
11-1209-1	State v Rivera, et al (Criminal) <b>Decision:</b> Dismissed in Part, No Error in Part	Mecklenburg 09CRS235007-08 09CRS235026-27	Steelman
11-1269-1	Carolina Beach, LLC v Carpenter, et al (Civil) <b>Decision:</b> Dismissed	Mecklenburg 09CVS16767	McGee
11-1536-1	Cabbs v Cabbs (Civil) <b>Decision:</b> Affirmed	Mecklenburg 07CVD20611	Geer

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11-1599-1	State v Caldwell (Criminal)  <b>Decision:</b> No Error	Mecklenburg 08CRS225677-79 08CRS71596	Hunter
12-83-1	State v Cloud (Criminal)  <b>Decision:</b> No Error	Mecklenburg 09CRS228164	Hunter
12-207-1	State v Naushad (Criminal)  <b>Decision:</b> No Error	Mecklenburg 08CRS248096-97	Hunter
11-1568-1	Haithcox v Flynt Amtex, Inc., et al (Civil)  <b>Decision:</b> Affirmed	N.C. Industrial Commission 990094	Martin
12-35-1	King v Capital of Cary, et al (Civil)  <b>Decision:</b> Affirmed	N.C. Industrial Commission W55368	Ervin, IV
12-37-1	Allen v HBD Industries, Inc., et al (Civil)  <b>Decision:</b> Affirmed	N.C. Industrial Commission 198348	Martin
11-1600-1	Flora v Flora (Civil)  <b>Decision:</b> Reversed and Remanded	Nash 09CVD2617	Thigpen, Jr.
11-1491-1	State v Coleman (Criminal)  <b>Decision:</b> No Error	New Hanover 10CRS60048	Geer
11-1410-1	State v Marslender (Criminal)  <b>Decision:</b> No error in part; no plain error in part.	Onslow 10CRS327 10CRS56881	McGee
11-1165-1	State v Hicks (Criminal)  <b>Decision:</b> No Error	Pitt 09CRS60047-48 10CRS4863-68	Geer
11-1230-1	State v Siler (Criminal)  <b>Decision:</b> No Error	Randolph 09CRS5826-30	Geer
12-21-1	State v Davis (Criminal)  <b>Decision:</b> Reversed and Remanded	Randolph 11CRS30	Hunter
12-30-1	State v Kremski (Criminal)  <b>Decision:</b> No Error in Part; No Prejudicial Error in Part	Robeson 08CRS55710	Ervin, IV
12-114-1	In The Matter Of: D.B.G. (Juvenile - Criminal)  <b>Decision:</b> Affirmed in part, reversed in part and remanded for a new dispositional hearing.	Stanly 11JB62	Hunter
12-271-1	New Prime, Inc. v Harris Transport Company, et al (Civil)  <b>Decision:</b> Affirmed	Union 08CVS1974	Calabria
11-1311-1	Tarrant v Hudson, et al (Civil)  <b>Decision:</b> Affirmed	Wake 10CVS2541	Geer
11-1523-1	State v Bankert (Criminal)	Wake 07CRS4045	Bryant

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	<b>Decision:</b> No Error		
12-77-1	Grancrete, Inc. v SSA Cooper, LLC (Civil)	Wake 09CVS14559	Beasley
	<b>Decision:</b> Dismissed		
12-188-1	State v Wischhusen (Criminal)	Wake 10CRS4684	Hunter
	<b>Decision:</b> No error; remanded for correction of a clerical error.		
12-31-1	State v Gaines (Criminal)	Wayne 09CRS53944-45	Beasley
	<b>Decision:</b> No Error		