IN THE COURT OF APPEALS

CASES REPORTED WITH PUBLISHED OPINIONS

(FILED 21 AUGUST 2012)
(MANDATE 10 SEPTEMBER 2012)

Docket #	Title	County	Judge
11-738-1	NRC Golf Course, LLC v JMR Golf, LLC, et al (Civil) **Decision:** Affirmed in part; dismissed in part	Carteret	Bryant Samuel J. Ervin, IV (c) (c)
11-1469-1	Creed v Smith, et al (Civil) **Decision:** Reversed	Catawba	McGee
12-216-1	Estate of Wooden v Hillcrest Convalescent Center, Inc., et al (Civil) **Decision:** Affirmed in part, Vacated in part and Remanded	Durham	Hunter, Jr.
11-1449-1	State v Harris and Whitaker (Criminal) **Decision:** No Error	Halifax	Bryant
12-81-1	Keyes v Johnson (Civil) **Decision:** Affirmed	Harnett	Beasley Robert C. Hunter (d)
12-165-1	Sides v Ikner, et al (Civil) **Decision:** Reversed and Remanded	Harnett	Stroud
11-1478-1	Legacy Vulcan Corp. v Garren, et al (Civil) **Decision:** Affirmed	Henderson	McGee
11-591-1	State v Davis (Criminal) **Decision:** New Trial	Johnston	Geer
12-181-1	Bridges v Parrish (Civil) **Decision:** Affirmed	Johnston	Hunter Martha Geer (c)(d)
11-1447-1	Manecke v Kurtz, et al (Civil) **Decision:** Affirmed	Mecklenburg	Bryant
11-1466-1	Doe v The Charlotte-Mecklenburg Bd. of Educ., et al (Civil) **Decision:** Reversed and Remanded	Mecklenburg	Ervin, IV Donna Stroud (d).
12-255-1	Ensley v FMC Corporation (Civil) **Decision:** Affirmed in part and Remanded in part.	N.C. Industrial Commission	Thigpen, Jr.
11-1544-1	Morgan, et al v Nash County (Civil) **Decision:** AFFIRMED as to the 30 June 2011 order. REMANDED as to the 30 April 2012 advisory opinion for entry of an order consistent with this decision. VACATED as to the 30 April 2012 order awarding attorneys' fees and expenses.	Nash	Hunter
12-150-1	Smith v Axelbank, et al (Civil) **Decision:** Affirmed	Orange	Hunter

Docket #	Title	County	Judge
11-1428-1	State v Osterhoudt (Criminal) **Decision:** Reversed and Remanded	Pitt	Hunter
11-1482-1	Philips v Pitt County Memorial Hospital, Inc., et al (Civil) **Decision:** Affirmed	Pitt	Stephens
11-1144-1	In The Matter Of: IBM Credit Corporation (Civil) **Decision:** Reversed and Remanded	Property Tax Commission	Stroud
12-76-1	State v Frederick (Criminal) **Decision:** New Trial	Sampson	Thigpen, Jr.
11-1470-1	RL Regi North Carolina, LLC v Moser, et al (Civil) **Decision:** Affirmed	Union	McGee
11-868-1	Delhaize America, Inc. v Hoyle (Civil) **Decision:** Affirmed in Part and Reversed in Part	Wake	Thigpen, Jr.
11-1081-1	Lovette and Lynch v The NC Department of Correction (Criminal) **Decision:** Affirmed	Wake	Bryant Sam J. Ervin, IV (d)
11-1545-1	Hoke County Board of Education, et al v State of North Carolina (Civil) **Decision:** Affirmed in part, dismissed in part	Wake	Elmore
12-44-1	Jones v Southern General Insurance Company (Civil) **Decision:** Reversed and Remanded	Wake	McGee
11-1383-1	State v Miles (Criminal) **Decision:** No Error	Wilkes	McCullough Ann Marie Calabria (d)

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Docket #	Title	County	Judge
11-1240-1	State v Ireland (Criminal)	Buncombe 10CRS53637	Thigpen, Jr.
	Decision: Affirmed		
11-1241-1	Valu-Lodge Of Greenville, Inc., et al v Branch Banking And Trust (Civil)	Buncombe 10CV5701	Thigpen, Jr.
	Decision: Affirmed		
11-1557-1	State v Waters (Criminal)	Buncombe 07CRS262-266	Thigpen, Jr.
	Decision: Affirmed		
11-1576-1	State v Hensley (Criminal)	Buncombe 09CRS61578-83	Martin
	Decision: Affirmed		
11-1575-1	State v Carver (Criminal)	Burke 09CRS3513	Thigpen, Jr.
	Decision: No Error		
12-50-1	State v France (Criminal)	Cabarrus 09CRS52770-71,09CR-S9072	Martin
	Decision: No error in part; Vacated in part		
12-223-1	State v Mincey (Criminal)	Cleveland 06CRS58033,07CRS2291	Martin
	Decision: No Error		
11-921-1	Cullen, et al v Emanuel And Dunn, PLLC, et al (Civil)	Columbus 11CVS20	Geer
	Decision: Affirmed		
11-1264-1	Dunn v Dart, et al (Civil)	Craven 09CVS2600	Geer
	Decision: Affirmed		
11-1534-1	State v Syler (Criminal)	Cumberland 09CRS50442,09CRS50446	Thigpen, Jr.
	Decision: Affirmed		
11-1390-1	State v Lewis (Criminal)	Durham 10CRS57915,10CRS57938	Thigpen, Jr.
	Decision: No Error		
12-33-1	State v Fulton (Criminal)	Forsyth 10CRS56211	Martin
	Decision: No Error		
11-1344-1	State v Williams (Criminal)	Franklin 10CRS50348,10CRS50364	Geer
	Decision: No Error		
12-126-1	State v Barker (Criminal)	Gaston 11CRS54610	Martin
	Decision: No Error		
12-296-1	In The Matter Of: M.G.C. (Juvenile - 3.1)	Gaston 11JT112	McGee
	Decision: Affirmed		

Docket #	Title	County	Judge
11-1016-1	Newbridge Bank, et al v Kotis Holdings, LLC, et al (Civil)	Guilford 09CVS11379	McGee
	Decision: Reversed and Remanded		
11-1394-1	Hankins v Bartlett (Civil)	Guilford 11CVS3663	Geer
	Decision: Affirmed		
11-1502-1	Binder v Binder (Civil)	Guilford 04CVD4810	Stephens
	Decision: Affirmed in part; vacated and remanded in part		
11-1535-1	State v Taylor (Criminal)	Guilford 11CRS66308-09,11CR-S66858,11CRS66860	Thigpen, Jr.
	Decision: No Error		
12-46-1	State v Phair (Criminal)	Guilford 10CRS90989-90	Bryant
	Decision: No Error		
12-204-1	In The Matter of: I.E.R. (Juvenile - 3.1)	Guilford 04JT70	Geer
	Decision: Affirmed		
12-279-1	State v Logan (Criminal)	Henderson 09CRS1894	Martin
	Decision: Affirmed; remanded for correction of clerical error		
12-32-1	State v Millsaps (Criminal)	Iredell 11CRS1571,11CRS50623	Martin
	Decision: No Error		
11-1245-1	State v Picklesimer (Criminal)	Jackson 07CRS51506	McGee
	Decision: No Error		
11-1398-1	Sartori v County of Jackson, et al (Civil)	Jackson 10CVS266	Martin
	Decision: Dismissed		
11-1489-1	State v Howell (Criminal)	Johnston 10CRS52025	McGee
	Decision: Affirmed		
12-206-1	State v Costa (Criminal)	Macon 11CRS50104,11CRS50105	Martin
	Decision: No Error		
11-1319-1	State v McNeil (Criminal)	McDowell 03CRS54024,04CRS53-930,04CRS54298-99,0-4CRS54348,04CRS543-98,05CRS50036,10CR-S1270-73	Bryant
	Decision: Affirmed in part; remanded in part		
11-1321-1	State v Benham (Criminal)	Mecklenburg 10CRS207651	Calabria
	Decision: New trial in part, no error in part		
11-1464-1	State v Davis (Criminal)	Mecklenburg 07CRS231922-23,08C-RS14351	Bryant
	Decision: No prejudicial error		

Docket #	Title	County	Judge
11-1497-1	State v Gutierrez-Gonzalez (Criminal)	Mecklenburg 10CRS231075	McGee
	Decision: No error in part, no plain error in part, dismissed in part.		
11-1518-1	State v Sutton (Criminal)	Mecklenburg 10CRS209046	Thigpen, Jr.
	Decision: No Error		
11-1581-1	State v Richardson (Criminal)	Mecklenburg 09CRS224326,09CRS2-24327,09CRS79460	Ervin, IV
	Decision: No Error		
12-54-1	State v Mobley (Criminal)	Mecklenburg 09CRS225504-06,11CR-S3138	McGee
	Decision: No prejudicial error.		
12-118-1	State v Morvay (Criminal)	Mecklenburg 09CRS80001,09IFS26709	Beasley
	Decision: No Error		
11-1294-1	Reber v N.C. Department of Correction (Civil)	N.C. Industrial Commission TA-18483	Thigpen, Jr.
	Decision: Affirmed		
12-73-1	Putnam v Sweep Rite, Inc., et al (Civil)	N.C. Industrial Commission 893717,PH-2076	Stroud Samuel J. Ervin, IV (d)
	Decision: Remanded		
11-1530-1	Albright, et al v Nash County (Civil)	Nash 10CVS2141	Hunter
	Decision: DISMISSED as to the 1 July 2011 order. REMANDED as to the 30 April 2012 advisory opinion for entry of an order consistent with this decision. VACATED as to the 30 April 2012 order awarding attorneys' fees and expenses.		
11-1498-1	Harmon v Leeuwenburg (Civil)	Onslow 11CVD3105	Per Curiam
	Decision: Affirmed		
11-1277-1	State v Smith (Criminal)	Pitt 07CRS51701-06	Bryant
	Decision: Vacated in part and remanded for resentencing; No error as to the remaining convictions		
11-1517-1	Kinney v Kinney (Civil)	Pitt 04CVD2166	Thigpen, Jr.
	Decision: Affirmed		
12-193-1	State v Chavis (Criminal)	Richmond 10CRS50894	Thigpen, Jr.
	Decision: No Error		
11-1515-1	State v McAllister (Criminal)	Robeson 09CRS58516	Hunter
	Decision: No Error		
12-59-1	State v Huffman (Criminal)	Rowan 09CRS52855	Hunter
	Decision: No Error		
12-244-1	McCall v Norman (Civil)	Transylvania 09CVD22	Ervin, IV
	Decision: Affirmed		

Docket #	Title	County	Judge
12-123-1	In The Matter Of: C.A. (Juvenile - 3.1)	Wake 09JT857	McGee
	Decision: Dismissed		
12-148-1	In The Matter Of: George Murrow (Civil)	Wake 11SPC580	Hunter, Jr.
	Decision: Reversed		