

**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) <b>Decision:</b> Affirmed in part; dismissed in part	Carteret	Bryant Samuel J. Ervin, IV (c) (c)
11-1469-1	Creed v Smith, et al (Civil) <b>Decision:</b> Reversed	Catawba	McGee
12-216-1	Estate of Wooden v Hillcrest Convalescent Center, Inc., et al (Civil) <b>Decision:</b> Affirmed in part, Vacated in part and Remanded	Durham	Hunter, Jr.
11-1449-1	State v Harris and Whitaker (Criminal) <b>Decision:</b> No Error	Halifax	Bryant
12-81-1	Keyes v Johnson (Civil) <b>Decision:</b> Affirmed	Harnett	Beasley Robert C. Hunter (d)
12-165-1	Sides v Ikner, et al (Civil) <b>Decision:</b> Reversed and Remanded	Harnett	Stroud
11-1478-1	Legacy Vulcan Corp. v Garren, et al (Civil) <b>Decision:</b> Affirmed	Henderson	McGee
11-591-1	State v Davis (Criminal) <b>Decision:</b> New Trial	Johnston	Geer
12-181-1	Bridges v Parrish (Civil) <b>Decision:</b> Affirmed	Johnston	Hunter Martha Geer (c)(d)
11-1447-1	Manecke v Kurtz, et al (Civil) <b>Decision:</b> Affirmed	Mecklenburg	Bryant
11-1466-1	Doe v The Charlotte-Mecklenburg Bd. of Educ., et al (Civil) <b>Decision:</b> Reversed and Remanded	Mecklenburg	Ervin, IV Donna Stroud (d).
12-255-1	Ensley v FMC Corporation (Civil) <b>Decision:</b> Affirmed in part and Remanded in part.	N.C. Industrial Commission	Thigpen, Jr.
11-1544-1	Morgan, et al v Nash County (Civil) <b>Decision:</b> 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) <b>Decision:</b> Affirmed	Orange	Hunter

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

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Docket #	Title	County	Judge
11-1240-1	State v Ireland (Criminal) <b>Decision:</b> Affirmed	Buncombe 10CRS53637	Thigpen, Jr.
11-1241-1	Valu-Lodge Of Greenville, Inc., et al v Branch Banking And Trust (Civil) <b>Decision:</b> Affirmed	Buncombe 10CV5701	Thigpen, Jr.
11-1557-1	State v Waters (Criminal) <b>Decision:</b> Affirmed	Buncombe 07CRS262-266	Thigpen, Jr.
11-1576-1	State v Hensley (Criminal) <b>Decision:</b> Affirmed	Buncombe 09CRS61578-83	Martin
11-1575-1	State v Carver (Criminal) <b>Decision:</b> No Error	Burke 09CRS3513	Thigpen, Jr.
12-50-1	State v France (Criminal) <b>Decision:</b> No error in part; Vacated in part	Cabarrus 09CRS52770-71 09CRS9072	Martin
12-223-1	State v Mincey (Criminal) <b>Decision:</b> No Error	Cleveland 06CRS58033 07CRS2291	Martin
11-921-1	Cullen, et al v Emanuel And Dunn, PLLC, et al (Civil) <b>Decision:</b> Affirmed	Columbus 11CVS20	Geer
11-1264-1	Dunn v Dart, et al (Civil) <b>Decision:</b> Affirmed	Craven 09CVS2600	Geer
11-1534-1	State v Syler (Criminal) <b>Decision:</b> Affirmed	Cumberland 09CRS50442 09CRS50446	Thigpen, Jr.
11-1390-1	State v Lewis (Criminal) <b>Decision:</b> No Error	Durham 10CRS57915 10CRS57938	Thigpen, Jr.
12-33-1	State v Fulton (Criminal) <b>Decision:</b> No Error	Forsyth 10CRS56211	Martin
11-1344-1	State v Williams (Criminal) <b>Decision:</b> No Error	Franklin 10CRS50348 10CRS50364	Geer
12-126-1	State v Barker (Criminal) <b>Decision:</b> No Error	Gaston 11CRS54610	Martin
12-296-1	In The Matter Of: M.G.C. (Juvenile - 3.1) <b>Decision:</b> Affirmed	Gaston 11JT112	McGee

Docket #	Title	County	Judge
11-1016-1	Newbridge Bank, et al v Kotis Holdings, LLC, et al (Civil) <b>Decision:</b> Reversed and Remanded	Guilford 09CVS11379	McGee
11-1394-1	Hankins v Bartlett (Civil) <b>Decision:</b> Affirmed	Guilford 11CVS3663	Geer
11-1502-1	Binder v Binder (Civil) <b>Decision:</b> Affirmed in part; vacated and remanded in part	Guilford 04CVD4810	Stephens
11-1535-1	State v Taylor (Criminal) <b>Decision:</b> No Error	Guilford 11CRS66308-09 11CRS66858 11CRS66860	Thigpen, Jr.
12-46-1	State v Phair (Criminal) <b>Decision:</b> No Error	Guilford 10CRS90989-90	Bryant
12-204-1	In The Matter of: I.E.R. (Juvenile - 3.1) <b>Decision:</b> Affirmed	Guilford 04JT70	Geer
12-279-1	State v Logan (Criminal) <b>Decision:</b> Affirmed; remanded for correction of clerical error	Henderson 09CRS1894	Martin
12-32-1	State v Millsaps (Criminal) <b>Decision:</b> No Error	Iredell 11CRS1571 11CRS50623	Martin
11-1245-1	State v Picklesimer (Criminal) <b>Decision:</b> No Error	Jackson 07CRS51506	McGee
11-1398-1	Sartori v County of Jackson, et al (Civil) <b>Decision:</b> Dismissed	Jackson 10CVS266	Martin
11-1489-1	State v Howell (Criminal) <b>Decision:</b> Affirmed	Johnston 10CRS52025	McGee
12-206-1	State v Costa (Criminal) <b>Decision:</b> No Error	Macon 11CRS50104 11CRS50105	Martin
11-1319-1	State v McNeil (Criminal) <b>Decision:</b> Affirmed in part; remanded in part	McDowell 03CRS54024 04CRS53930 04CRS54298-99 04CRS54348 04CRS54398 05CRS50036 10CRS1270-73	Bryant
11-1321-1	State v Benham (Criminal) <b>Decision:</b> New trial in part, no error in part	Mecklenburg 10CRS207651	Calabria

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11-1464-1	State v Davis (Criminal)  <b>Decision:</b> No prejudicial error	Mecklenburg 07CRS231922-23 08CRS14351	Bryant
11-1497-1	State v Gutierrez-Gonzalez (Criminal)  <b>Decision:</b> No error in part, no plain error in part, dismissed in part.	Mecklenburg 10CRS231075	McGee
11-1518-1	State v Sutton (Criminal)  <b>Decision:</b> No Error	Mecklenburg 10CRS209046	Thigpen, Jr.
11-1581-1	State v Richardson (Criminal)  <b>Decision:</b> No Error	Mecklenburg 09CRS224326 09CRS224327 09CRS79460	Ervin, IV
12-54-1	State v Mobley (Criminal)  <b>Decision:</b> No prejudicial error.	Mecklenburg 09CRS225504-06 11CRS3138	McGee
12-118-1	State v Morvay (Criminal)  <b>Decision:</b> No Error	Mecklenburg 09CRS80001 09IFS26709	Beasley
11-1294-1	Reber v N.C. Department of Correction (Civil)  <b>Decision:</b> Affirmed	N.C. Industrial Commission TA-18483	Thigpen, Jr.
12-73-1	Putnam v Sweep Rite, Inc., et al (Civil)  <b>Decision:</b> Remanded	N.C. Industrial Commission 893717 PH-2076	Stroud Samuel J. Ervin, IV (d)
11-1530-1	Albright, et al v Nash County (Civil)  <b>Decision:</b> 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.	Nash 10CVS2141	Hunter
11-1498-1	Harmon v Leeuwenburg (Civil)  <b>Decision:</b> Affirmed	Onslow 11CVD3105	Per Curiam
11-1277-1	State v Smith (Criminal)  <b>Decision:</b> Vacated in part and remanded for resentencing; No error as to the remaining convictions	Pitt 07CRS51701-06	Bryant
11-1517-1	Kinney v Kinney (Civil)  <b>Decision:</b> Affirmed	Pitt 04CVD2166	Thigpen, Jr.
12-193-1	State v Chavis (Criminal)  <b>Decision:</b> No Error	Richmond 10CRS50894	Thigpen, Jr.
11-1515-1	State v McAllister (Criminal)  <b>Decision:</b> No Error	Robeson 09CRS58516	Hunter
12-59-1	State v Huffman (Criminal)  <b>Decision:</b> No Error	Rowan 09CRS52855	Hunter

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12-244-1	McCall v Norman (Civil) <b>Decision:</b> Affirmed	Transylvania 09CVD22	Ervin, IV
12-123-1	In The Matter Of: C.A. (Juvenile - 3.1) <b>Decision:</b> Dismissed	Wake 09JT857	McGee
12-148-1	In The Matter Of: George Murrow (Civil) <b>Decision:</b> Reversed	Wake 11SPC580	Hunter, Jr.