

**IN THE COURT OF APPEALS**  
**CASES REPORTED WITH PUBLISHED OPINIONS**  
**(FILED 15 OCTOBER 2013)**  
**(MANDATE 4 NOVEMBER 2013)**

Docket #	Title	County	Judge
12-1560-1	State v Blankenship (Criminal) <b>Decision:</b> Reversed	Buncombe	Calabria
13-341-1	City of Asheville v Resurgence Dev. Co., LLC (Civil) <b>Decision:</b> Affirmed	Buncombe	Stroud
13-175-1	State v Thomas (Criminal) <b>Decision:</b> New Trial	Columbus	McGee
13-236-1	Davis, v Woodlake Props. LLC (Civil) <b>Decision:</b> Affirmed	Moore	Ervin, IV Linda McGee, (d)
13-318-1	Zaldana v Smith, (Civil) <b>Decision:</b> Affirmed	N.C. Industrial Commission	Calabria
13-253-1	State v Simpson (Criminal) <b>Decision:</b> Reversed in part; no error in part.	Onslow	McGee
13-173-1	Johnson v Crossroads Ford, Inc. (Civil) <b>Decision:</b> Reversed and Remanded	Wake	McCullough

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Docket #	Title	County	Judge
13-116-1	State v Villanueva (Criminal) <b>Decision:</b> Reversed	Alamance 12CRS52914	Stephens Chris Dillon(c)
13-373-1	State v Coleman (Criminal) <b>Decision:</b> No Error	Alamance 11CRS57670,12CRS4779	Hunter
13-527-1	State v McMillan (Criminal) <b>Decision:</b> Affirmed	Alleghany 11CRS50487	Calabria
13-114-1	State v Patterson (Criminal) <b>Decision:</b> Reversed and Remanded	Avery 08CRS50357	Bryant
13-438-1	State v Thompson (Criminal) <b>Decision:</b> Vacated	Bladen 11CRS50176	Bryant
13-177-1	Lynch, v Oak Island Beach Villa Owners Ass'n, Inc. (Civil) <b>Decision:</b> Dismissed	Brunswick 12CVS1532	Steelman
13-502-1	In re: D.C. (Juvenile - 3.1) <b>Decision:</b> Reversed and Remanded	Chatham 10JT46	Stroud
12-1389-1	State v Jolly (Criminal) <b>Decision:</b> No error in part; remanded in part	Cleveland 11CRS1911-15,11CRS191-7-18,11CRS2111	Geer
13-108-1	State v Wash. (Criminal) <b>Decision:</b> No Error	Craven 11CRS52536-37,12CRS3-30-333	Hunter
13-459-1	Smith v Smith (Civil) <b>Decision:</b> Affirmed	Craven 12CVD620	Elmore
13-345-1	State v Scott (Criminal) <b>Decision:</b> Affirmed	Davidson 12CRS3711	McCullough
13-153-1	State v Adams (Criminal) <b>Decision:</b> No Error	Durham 12CRS3906,12CRS50223-24	Bryant
13-351-1	Ellis v Ellis (Civil) <b>Decision:</b> Dismissed	Durham 11CVD709	Bryant
13-357-1	State v Jackson (Criminal) <b>Decision:</b> Affirmed	Durham 12CRS5265	Calabria
13-390-1	State v Lillie (Criminal) <b>Decision:</b> No Error	Durham 11CRS50268-69,11CRS50273	Hunter
13-541-1	State v Toomer (Criminal)	Durham 10CRS60247-49	Hunter

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	<b>Decision:</b> No Error		
13-398-1	State v Tomlinson (Criminal)	Edgecombe 11CRS53674,11CRS53677	Stephens
	<b>Decision:</b> Vacated in part; no error in part; motion for appropriate relief allowed in part and dismissed in part.		
12-1509-1	State v Goldman (Criminal)	Forsyth 11CRS17156	Hunter
	<b>Decision:</b> New Trial		
13-309-1	State v Lewis (Criminal)	Forsyth 11CRS26774	Bryant
	<b>Decision:</b> No Error		
13-129-1	State v Allison (Criminal)	Gaston 12CRS51932	Elmore
	<b>Decision:</b> Affirmed		
13-79-1	State v Troxler (Criminal)	Guilford 11CRS24722,11CRS8451-2,12CRS24018	Davis
	<b>Decision:</b> No Error		
13-348-1	State v Autery (Criminal)	Guilford 12CRS24406,12CRS76503-04	Calabria
	<b>Decision:</b> No Error		
13-299-1	State v Rich (Criminal)	Haywood 11CRS54230-31	Calabria
	<b>Decision:</b> No Error		
13-88-1	State v Mott (Criminal)	Henderson 11CRS702596	Hunter
	<b>Decision:</b> Dismissed		
13-326-1	State v Gresham (Criminal)	Martin 10CRS50245,11CRS40	Hunter
	<b>Decision:</b> No Error		
13-497-1	State v Mills (Criminal)	McDowell 09CRS51654	Elmore
	<b>Decision:</b> Dismissed		
13-47-1	State v Williams (Criminal)	Mecklenburg 12CRS18886	Geer
	<b>Decision:</b> Affirmed		
13-133-1	State v Lukowitsch (Criminal)	Mecklenburg 11CRS218296	Bryant
	<b>Decision:</b> No Error		
13-203-1	State v Walton (Criminal)	Mecklenburg 10CRS240514-17,10CRS58159	Martin
	<b>Decision:</b> No Error		
13-269-1	Smith v Parker (Civil)	Mecklenburg 12CVS13805	Bryant
	<b>Decision:</b> Dismissed		
13-538-1	In re: E.G., Jr. (Juvenile - 3.1)	Mecklenburg 12JA378	Stroud
	<b>Decision:</b> Reversed and Remanded		
13-343-1	First Bank v S&R Grandview, L.L.C., (Civil)	Montgomery 11CVS74	Stephens

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	<b>Decision:</b> Dismissed in part; affirmed in part		
13-111-1	State v Weichelt (Criminal)	Moore 11CRS53120	McGee
	<b>Decision:</b> Affirmed		
13-100-1	Harvell v Wix Filtration, LLC (Civil)	N.C. Industrial Commission W78766	McCullough
	<b>Decision:</b> Affirmed		
13-137-1	Alston v N.C. A & T State Univ., (Civil)	N.C. Industrial Commission X08915,X11898	Calabria
	<b>Decision:</b> Affirmed		
13-476-1	Walker v N.C. Dep't Of Corr. (Civil)	N.C. Industrial Commission TA-22024	Calabria
	<b>Decision:</b> Affirmed		
13-477-1	Walker v N.C. Dep't Of Corr. (Civil)	N.C. Industrial Commission TA-22147	Calabria
	<b>Decision:</b> Affirmed		
13-134-1	Morgan v Morgan (Civil)	Onslow 11CVD4056	Hunter
	<b>Decision:</b> Affirmed		
13-296-1	State v Blackwell (Criminal)	Person 12CRS297-299,12CRS50- 170-72	Hunter
	<b>Decision:</b> AFFIRMED in part; VACATED and REMANDED in part		
13-406-1	Morales v Morales (Civil)	Pitt 07CVD2177	Hunter
	<b>Decision:</b> Dismissed		
13-473-1	State v Smith (Criminal)	Randolph 10CRS16-25	Hunter
	<b>Decision:</b> No Error		
13-484-1	State v Strickland (Criminal)	Robeson 10CRS55960,10CRS5596- 4,11CRS827	Calabria
	<b>Decision:</b> Remanded for new sentencing hearing.		
13-334-1	State v Foote (Criminal)	Rockingham 11CRS125-126	Elmore
	<b>Decision:</b> No error; remanded for resentencing		
12-1441-1	State v Earnhardt (Criminal)	Rowan 09CRS56355-56	Geer
	<b>Decision:</b> No Error		
13-491-1	In Re: J.D.M. (Juvenile - 3.1)	Rowan 08JT82	Bryant
	<b>Decision:</b> Affirmed		
13-210-1	State v McDonald (Criminal)	Sampson 11CRS53331	Bryant
	<b>Decision:</b> No Error		
13-487-1	State v Boykin (Criminal)	Sampson 10CRS3226,10CRS3232,- 10CRS52386-87,10CRS5- 2636,10CRS704864	Calabria
	<b>Decision:</b> Remanded for resentencing.		

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11-751-2	State v Vaughn (Criminal)  <b>Decision:</b> No Error	Wake 09CRS203672,09CRS203-694,09CRS204802,09CR-S55870	Geer
13-248-1	Foot Locker, Inc. v Best (Civil)  <b>Decision:</b> Reversed and remanded	Wake 11CVD13709	Calabria
13-258-1	Ward v Carmona, (Civil)  <b>Decision:</b> No Error	Wake 11CVD4051	Hunter, Jr.
13-291-1	WRI/Raleigh LP v Richardson, (Civil)  <b>Decision:</b> Affirmed in Part and Reversed in Part	Wake 10CVS13451	Martin
13-295-1	State v El (Criminal)  <b>Decision:</b> No Error	Wake 10CRS220290-93	Calabria
13-314-1	Skanska USA Bldg., Inc. v Blythe Dev. Co., (Civil)  <b>Decision:</b> Dismissed	Wake 11CVS13406	Hunter
13-354-1	State v Barnes (Criminal)  <b>Decision:</b> Affirmed	Wake 12CRS6364-66	Bryant
13-416-1	State v Gregory (Criminal)  <b>Decision:</b> No Error	Wake 10CRS223677	Hunter
13-141-1	State v Horn (Criminal)  <b>Decision:</b> Dismissed	Wayne 10CRS52590	Hunter
13-182-1	State v Garner (Criminal)  <b>Decision:</b> No error in part; remand for correction of clerical error in part.	Wayne 10CRS54888	McCullough
13-417-1	State v Barnes (Criminal)  <b>Decision:</b> No Error	Wayne 11CRS4610,11CRS52979	Bryant
13-184-1	BB&T v Bing (Civil)  <b>Decision:</b> Affirmed	Wilson 12CVS643	Geer
13-376-1	Ford v City of Wilson, (Civil)  <b>Decision:</b> Dismissed	Wilson 12CVS1214	McGee
13-506-1	In Re: R.N.H. & O.R.H. (Juvenile - 3.1)  <b>Decision:</b> Affirmed	Yadkin 11JT53-54	Bryant