

**IN THE COURT OF APPEALS**  
**CASES REPORTED WITH PUBLISHED OPINIONS**  
**(FILED 5 NOVEMBER 2013)**  
**(MANDATE 25 NOVEMBER 2013)**

| Docket #  | Title   | County                     | Judge       |
|-----------|---|----------------------------|-------------|
| 13-37-1   | State v May (Criminal)<br><b>Decision:</b> New Trial  | Alamance                   | Dillon      |
| 12-1491-1 | Busik v NC Coastal Resources Commission, et al (Civil)<br><b>Decision:</b> Affirmed                     | Brunswick                  | Dillon      |
| 13-450-1  | First Fed. Bank v Aldridge (Civil)<br><b>Decision:</b> Affirmed   | Brunswick                  | Hunter, Jr. |
| 12-758-1  | Hurst, et al v Jones, et al (Civil)<br><b>Decision:</b> Reversed and Remanded in Part, Affirmed in Part | Cabarrus                   | Steelman    |
| 13-600-1  | In re: M.M. (Juvenile - 3.1)<br><b>Decision:</b> Reversed and Remanded                                  | Cumberland                 | Stroud      |
| 12-977-1  | Johnson v Johnson (Civil)<br><b>Decision:</b> Affirmed  | Currituck                  | Steelman    |
| 13-224-1  | Wash., v Cline, (Civil)<br><b>Decision:</b> Affirmed in Part and Reversed in Part                       | Durham                     | Hunter      |
| 13-520-1  | State v Bryan (Criminal)<br><b>Decision:</b> Dismissed  | Forsyth                    | Bryant      |
| 13-403-1  | Farlow v Brookbank (Civil)<br><b>Decision:</b> Affirmed   | Guilford                   | Ervin, IV   |
| 13-468-1  | Lipinski v Town of Summerfield (Civil)<br><b>Decision:</b> Reversed                                     | Guilford                   | Martin      |
| 13-380-1  | Mathis v Dowling, (Civil)<br><b>Decision:</b> Affirmed  | Haywood                    | Elmore      |
| 13-584-1  | In re: E.G.M. (Juvenile - 3.1)<br><b>Decision:</b> Vacated and Remanded                                 | Jackson                    | Bryant      |
| 12-1496-1 | Irving v Charlotte Mecklenburg Bd. of Educ. (Civil)<br><b>Decision:</b> Reversed and Remanded           | N.C. Industrial Commission | McGee       |
| 13-332-1  | Chaffins v Tar Heel Capital Corp., (Civil)<br><b>Decision:</b> Reversed                                 | N.C. Industrial Commission | McCullough  |
| 13-435-1  | In re: Town of Smithfield (Civil)<br><b>Decision:</b> Affirmed  | N.C. Utilities Commission  | Stroud      |
| 13-21-1   | In Re: Twin Cnty. Motorsports, Inc. (Civil)<br><b>Decision:</b> Affirmed                                | Nash                       | Davis       |

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| 13-385-1  | In Re: J.L.H. (Juvenile - Criminal)<br><b>Decision:</b> Reversed and Remanded                        | Nash        | Ervin, IV  |
| 12-1447-1 | State v Holland (Criminal)<br><b>Decision:</b> No error in part, affirmed in part.                   | New Hanover | McGee      |
| 12-1549-1 | State v High (Criminal)<br><b>Decision:</b> Judgment arrested and sentences vacated                  | New Hanover | Bryant     |
| 13-492-1  | State v Martinez (Criminal)<br><b>Decision:</b> Vacated  | Onslow      | McGee      |
| 13-546-1  | In re: C.M. (Juvenile - 3.1)<br><b>Decision:</b> Reversed and Remanded                               | Robeson     | Stroud     |
| 13-449-1  | State v Phillips (Criminal)<br><b>Decision:</b> Reversed   | Stanly      | Bryant     |
| 13-463-1  | State v Smith (Criminal)<br><b>Decision:</b> No Error  | Swain       | Stephens   |
| 13-124-1  | Rockford-Cohen Grp., LLC, v NC Dep't of Ins.,<br>(Civil)<br><b>Decision:</b> Affirmed                | Wake        | McGee      |
| 13-288-1  | Krueger v NC Crim. Justice Educ. & Training<br>Standards Comm'n (Civil)<br><b>Decision:</b> Affirmed | Wake        | Stroud     |
| 13-372-1  | State v Malunda (Criminal)<br><b>Decision:</b> Reversed and Vacated                                  | Wake        | McCullough |
| 13-451-1  | In re: McNeil (Civil)<br><b>Decision:</b> Affirmed   | Wake        | Stroud     |
| 13-353-1  | State v James (Criminal)<br><b>Decision:</b> No Error  | Wayne       | Bryant     |

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| 13-498-1  | State v Best (Criminal)<br><b>Decision:</b> No Error                               | Buncombe<br>12CRS366,12CRS53996    | Calabria    |
| 13-592-1  | State v Carver (Criminal)<br><b>Decision:</b> No Error                             | Buncombe<br>11CRS64269             | Steelman    |
| 13-682-1  | In re: S.J.S. (Juvenile - 3.1)<br><b>Decision:</b> Affirmed                        | Burke<br>12JT181                   | Hunter, Jr. |
| 13-567-1  | In re: J.N.M. & A.M.M. (Juvenile - 3.1)<br><b>Decision:</b> Affirmed               | Catawba<br>07JT357-358             | Calabria    |
| 13-407-1  | State v Ownbey (Criminal)<br><b>Decision:</b> No Error                             | Cherokee<br>12CRS50718             | Steelman    |
| 12-1571-1 | Liberatore v Liberatore (Civil)<br><b>Decision:</b> Affirmed                       | Cleveland<br>11CVD2094             | Hunter      |
| 13-440-1  | State v Bryant (Criminal)<br><b>Decision:</b> Dismissed                            | Cleveland<br>11CRS4001             | Steelman    |
| 13-555-1  | State v Lewis (Criminal)<br><b>Decision:</b> Vacated                               | Craven<br>12CRS357                 | Steelman    |
| 12-1565-1 | State v Bowman (Criminal)<br><b>Decision:</b> No Error                             | Davidson<br>10CRS57434             | Geer        |
| 13-216-1  | State v Miller (Criminal)<br><b>Decision:</b> No Error                             | Duplin<br>10CRS50519-20,12CRS51263 | Hunter      |
| 13-226-1  | Robinson v Discovery Ins. Co. (Civil)<br><b>Decision:</b> Affirmed                 | Duplin<br>09CVS1232                | Ervin, IV   |
| 13-245-1  | State v Greene (Criminal)<br><b>Decision:</b> No Error in Part, Dismissed in Part. | Edgecombe<br>11CRS52664            | Steelman    |
| 13-548-1  | State v Shackelford (Criminal)<br><b>Decision:</b> Affirmed                        | Edgecombe<br>12CRS52735            | Steelman    |
| 13-59-1   | Thompson v Gutierrez, (Civil)<br><b>Decision:</b> Affirmed                         | Forsyth<br>09CVS4187               | Calabria    |
| 13-154-1  | State v Hall (Criminal)<br><b>Decision:</b> Affirmed                               | Forsyth<br>11CRS52412              | Hunter, Jr. |
| 13-163-1  | State v Larson (Criminal)<br><b>Decision:</b> No Error in Part, Remanded in Part   | Guilford<br>11CRS24522,11CRS78597  | Steelman    |

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| 13-310-1 | Guilford Cnty., ex rel v Sutton (Civil)<br><b>Decision:</b> Affirmed   | Guilford<br>05CVD9515  | Bryant     |
| 13-393-1 | State v Chaplin (Criminal)<br><b>Decision:</b> No prejudicial error  | Guilford<br>09CRS69536-37  | Stroud     |
| 13-524-1 | State v Bradley (Criminal)<br><b>Decision:</b> Affirmed  | Iredell<br>11CRS51731-32   | Steelman   |
| 13-409-1 | State v Wiley (Criminal)<br><b>Decision:</b> Vacated and Remanded  | Jackson<br>99CRS1121,99CRS4760   | Martin     |
| 13-644-1 | In re: S.R. (Juvenile - 3.1)<br><b>Decision:</b> Affirmed  | Lincoln<br>11JT47  | Calabria   |
| 13-219-1 | FSI, Inc. v Andy Newson & Benton & Parker Co., Inc., (Civil)<br><b>Decision:</b> Dismissed                         | Mecklenburg<br>11CVS11635  | Geer       |
| 13-222-1 | FSI, Inc. v Andy Newson & Benton & Parker Co., Inc., (Civil)<br><b>Decision:</b> Affirmed in part; vacated in part | Mecklenburg<br>11CVS11635  | Geer       |
| 13-235-1 | State v Carson (Criminal)<br><b>Decision:</b> No Error   | Mecklenburg<br>09CRS215715   | McCullough |
| 13-277-1 | State v Matthews (Criminal)<br><b>Decision:</b> No Error   | Mecklenburg<br>09CRS256093,10CRS12648                                    | McGee      |
| 13-347-1 | State v Long (Criminal)<br><b>Decision:</b> No prejudicial error   | Mecklenburg<br>10CRS249021   | Elmore     |
| 13-400-1 | In Re: A.S.B. (Juvenile - 3.1)<br><b>Decision:</b> Affirmed  | Mecklenburg<br>12JT452   | McGee      |
| 13-410-1 | State v Collins (Criminal)<br><b>Decision:</b> No Error  | Moore<br>11CRS51961,12CRS236   | McGee      |
| 13-150-1 | Stevens v United States Cold Storage, Inc., (Civil)<br><b>Decision:</b> Reversed and Remanded                      | N.C. Industrial<br>Commission<br>661260                                  | Ervin, IV  |
| 13-356-1 | Bass v Harnett Cnty. (Civil)<br><b>Decision:</b> Affirmed  | N.C. Industrial<br>Commission<br>W93571                                  | Stephens   |
| 13-378-1 | Hollifield v Commc'ns Installations Specialists, (Civil)<br><b>Decision:</b> Affirmed                              | N.C. Industrial<br>Commission<br>W68730                                  | Martin     |
| 13-233-1 | State v Wiggins (Criminal)   | Nash<br>10CRS53168,10CRS531-<br>70,10CRS53171,10CRS-<br>53182,10CRS53298 | Calabria   |

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|          | <b>Decision:</b> No Error   |  |             |
| 13-3-1   | Moore, v G & I VI Forest Hills GP, LLC, (Civil)                                   | New Hanover<br>11CVS3263                       | Bryant      |
|          | <b>Decision:</b> Reversed   |  |             |
| 13-43-1  | Coraldi v Pickett, (Civil)  | New Hanover<br>11CVS178,12CVD511               | Geer        |
|          | <b>Decision:</b> Dismissed  |  |             |
| 13-205-1 | State v Lee (Criminal)  | Onslow<br>10CRS57452                           | Davis       |
|          | <b>Decision:</b> No Prejudicial Error   |  |             |
| 13-568-1 | In re: B.O. & C.O. (Juvenile - 3.1)   | Orange<br>11JT91-92                            | Hunter, Jr. |
|          | <b>Decision:</b> Affirmed   |  |             |
| 13-470-1 | State v Childress (Criminal)  | Pasquotank<br>10CRS2126,10CRS5136-2,10CRS51372 | Stroud      |
|          | <b>Decision:</b> 10CRS051372 and 10CRS002126 - NO ERROR<br>10CRS051362 - REVERSED |  |             |
| 13-489-1 | Branch Banking & Tr. Co. v Harris (Civil)   | Pitt<br>12CRS5003,12CVS949                     | Stephens    |
|          | <b>Decision:</b> Dismissed in part; affirmed in part                              |  |             |
| 13-223-1 | In Re: Jerrys Shell, LLC (Civil)  | Rowan<br>12CVS660                              | Davis       |
|          | <b>Decision:</b> Reversed and Remanded  |  |             |
| 13-282-1 | State v Norris (Criminal)   | Rutherford<br>11CRS50720,11CRS50730            | Steelman    |
|          | <b>Decision:</b> No Error   |  |             |
| 13-166-1 | Powells Med. Facility, v NC Dept. of Health & Hum. Servs. (Civil)                 | Sampson<br>12CVS572                            | Calabria    |
|          | <b>Decision:</b> Affirmed   |  |             |
| 13-526-1 | Atkinson v Reikowsky (Civil)  | Surry<br>11CVS575                              | Elmore      |
|          | <b>Decision:</b> Affirmed in part, reversed and remanded in part                  |  |             |
| 13-505-1 | In Re: K.R.G. (Juvenile - 3.1)  | Union<br>12JT6                                 | Hunter      |
|          | <b>Decision:</b> Affirmed   |  |             |
| 13-240-1 | Quackenbush v Steelman (Civil)  | Wake<br>12CVS5743                              | Dillon      |
|          | <b>Decision:</b> Affirmed   |  |             |
| 13-261-1 | State v Haley (Criminal)  | Wake<br>11CRS221128-29                         | McGee       |
|          | <b>Decision:</b> No Error   |  |             |
| 13-267-1 | State v Muir (Criminal)   | Wake<br>10CRS38                                | Stephens    |
|          | <b>Decision:</b> No error in part; dismissed in part                              |  |             |
| 13-275-1 | Coats v NC Dep't of Health & Hum. Servs., (Civil)                                 | Wake<br>09CVS17880                             | Martin      |
|          | <b>Decision:</b> Reversed   |  |             |
| 13-319-1 | Bhathela v Currie (Civil)   | Wake<br>11CVD19076                             | Hunter, Jr. |
|          | <b>Decision:</b> Reversed and Remanded  |  |             |

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| 13-582-1 | In Re: S.E.W. (Juvenile - 3.1)<br><b>Decision:</b> Affirmed                                   | Wake<br>10JT149                    | McGee  |
| 13-583-1 | In Re: B.G.A.S., J.J.J.Z.Z.W., K.J.G.W., J.M.E. (Juvenile - 3.1)<br><b>Decision:</b> Affirmed | Wilson<br>11JA4,11JT2,11JT3,11JT47 | Hunter |