

**IN THE COURT OF APPEALS**  
**CASES REPORTED WITH PUBLISHED OPINIONS**  
**(FILED 7 APRIL 2015)**  
**(MANDATE 27 APRIL 2015)**

| Docket #  | Title   | County      | Judge       |
|-----------|---|-------------|-------------|
| 14-665-1  | State v Moore (Criminal)<br><b>Decision:</b> Vacated  | Buncombe    | Bryant      |
| 14-1033-1 | State v Moore (Criminal)<br><b>Decision:</b> Vacated  | Cleveland   | Hunter, Jr. |
| 14-1011-1 | State v Antone (Criminal)<br><b>Decision:</b> Vacated and Remanded                                  | Columbus    | Steelman    |
| 14-877-1  | Hawkins v Emer. Med. Physicians of Craven Cnty., (Civil)<br><b>Decision:</b> Affirmed               | Craven      | Elmore      |
| 14-1111-1 | The Bank of N.Y. Mellon, v Withers, (Civil)<br><b>Decision:</b> Affirmed                            | Durham      | Calabria    |
| 14-742-1  | Robbins v Robbins (Civil)<br><b>Decision:</b> Affirmed in part; reversed and remanded in part.      | Greene      | McCullough  |
| 14-723-1  | State v Fizovic (Criminal)<br><b>Decision:</b> Affirmed   | Guilford    | Geer        |
| 14-787-1  | High Point Bank & Tr. Co. v Fowler, (Civil)<br><b>Decision:</b> Dismissed                           | Guilford    | Bryant      |
| 14-913-1  | A & D Envtl. Servs., Inc., v Miller (Civil)<br><b>Decision:</b> Affirmed                            | Guilford    | Dillon      |
| 14-960-1  | State v Doisey (Criminal)<br><b>Decision:</b> Dismissed   | Halifax     | Stephens    |
| 14-878-1  | State v Baldwin (Criminal)<br><b>Decision:</b> No error in part, vacated in part and remanded       | Hoke        | Stroud      |
| 14-1049-1 | State v Sturdivant (Criminal)<br><b>Decision:</b> Affirmed  | Hoke        | Steelman    |
| 14-127-1  | The Est. of Nathan Richard Coppick v Hobbs Marina Props., LLC, (Civil)<br><b>Decision:</b> No Error | Lincoln     | Bryant      |
| 14-753-1  | State v James (Criminal)<br><b>Decision:</b> Dismissed  | Martin      | Steelman    |
| 13-1445-1 | State v Clyburn (Criminal)<br><b>Decision:</b> Reversed and Remanded                                | Mecklenburg | Geer        |
| 14-221-1  | Pope v Bridge Broom, Inc. (Civil)<br><b>Decision:</b> No Error                                      | Mecklenburg | Geer        |

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| 14-446-1  | McLaughlin, v Bailey, (Civil)<br><b>Decision:</b> Affirmed  | Mecklenburg               | Steelman<br>Martha Geer (c)(d) |
| 14-731-1  | Comstock v Comstock (Civil)<br><b>Decision:</b> Dismissed, in part; affirmed, in part;<br>reversed, in part         | Mecklenburg               | Elmore                         |
| 14-897-1  | In re: M.B. (Juvenile - Criminal)<br><b>Decision:</b> Affirmed  | Mecklenburg               | Stephens                       |
| 14-1254-1 | In re: N.B. & L.B. (Juvenile - 3.1)<br><b>Decision:</b> Affirmed  | Mecklenburg               | Dillon                         |
| 14-832-1  | Price v Calder (Civil)<br><b>Decision:</b> Affirmed   | New Hanover               | Bryant                         |
| 14-1046-1 | State v Spivey (Criminal)<br><b>Decision:</b> No Error in part; Vacated and<br>Remanded in part.                    | New Hanover               | Dillon                         |
| 14-1228-1 | State v Mitchell (Criminal)<br><b>Decision:</b> No Error  | New Hanover               | Tyson                          |
| 13-1126-1 | AH N. Carolina Owner LLC, v N.C. Dep't Of Health<br>& Hum. Servs., (Civil)<br><b>Decision:</b> Vacated and Remanded | Office of Admin. Hearings | Davis                          |
| 14-744-1  | State v Barker (Criminal)<br><b>Decision:</b> No Error  | Orange                    | Bryant                         |
| 14-763-1  | In re Appeal Of: Parkdale Mills & Parkdale Am.<br>(Civil)<br><b>Decision:</b> Affirmed                              | Property Tax Commission   | Bryant<br>Chris Dillon (c)     |
| 14-953-1  | State v Gillespie (Criminal)<br><b>Decision:</b> No Plain Error in Part, No Error in Part,<br>Remanded in Part      | Rowan                     | Dietz                          |
| 14-905-1  | Rutherford Electric Membership Corp. v Time<br>Warner Entm't, (Civil)<br><b>Decision:</b> Affirmed                  | Rutherford                | Stephens                       |
| 14-1127-1 | R & L Constr. of Mt. Airy, LLC v Diaz, (Civil)<br><b>Decision:</b> Affirmed   | Surry                     | Tyson                          |
| 14-633-1  | Union Cnty. Bd. Of Educ. v Union Cnty. Bd. of<br>Commissioners (Civil)<br><b>Decision:</b> New Trial                | Union                     | McCullough                     |
| 14-818-1  | State v Sanders (Criminal)<br><b>Decision:</b> Vacated  | Wake                      | Bryant                         |
| 14-997-1  | State v Wright (Criminal)<br><b>Decision:</b> No Error  | Wake                      | Dillon                         |

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| 14-1027-1 | State v Istvan (Criminal)<br><br><b>Decision:</b> No Error                                      | Brunswick<br>13CRS3615<br>13CRS701815              | Stephens    |
| 14-59-1   | Stines v Carter (Civil)<br><br><b>Decision:</b> Affirmed in part; reversed and remanded in part | Buncombe<br>13CVD2976                              | Geer        |
| 14-220-1  | Schott v Stiwinter, (Civil)<br><br><b>Decision:</b> Reversed and Remanded                       | Buncombe<br>11CVS6168                              | Geer        |
| 14-724-1  | State v Hodge (Criminal)<br><br><b>Decision:</b> No prejudicial error                           | Buncombe<br>12CRS64155-56<br>13CRS178-180 13CRS323 | McGee       |
| 14-961-1  | Espey v Select Portfolio Servs., Inc., (Civil)<br><br><b>Decision:</b> Dismissed                | Buncombe<br>13CVS1933                              | Bryant      |
| 14-1145-1 | In re: D.W.L. (Juvenile - 3.1)<br><br><b>Decision:</b> Affirmed                                 | Buncombe<br>12JT14                                 | Dillon      |
| 14-1183-1 | State v Wash. (Criminal)<br><br><b>Decision:</b> No Error                                       | Cabarrus<br>11CRS55611 12CRS3                      | Steelman    |
| 14-265-1  | Bertrand v Cabello (Civil)<br><br><b>Decision:</b> Affirmed                                     | Catawba<br>10CVD3566                               | Geer        |
| 14-855-1  | In re: N.K.M. (Juvenile - 3.1)<br><br><b>Decision:</b> Affirmed                                 | Chatham<br>12JT70                                  | Bryant      |
| 14-1051-1 | In re: A.W., C.W., R.W. (Juvenile - 3.1)<br><br><b>Decision:</b> Affirmed                       | Cleveland<br>10JT154 13JT10 13JT11                 | Dietz       |
| 14-1106-1 | In Re: L.L.B. (Juvenile - 3.1)<br><br><b>Decision:</b> Affirmed                                 | Columbus<br>11JT92                                 | Bryant      |
| 14-702-1  | Kirkwood v Kirkwood (Civil)<br><br><b>Decision:</b> Affirmed                                    | Craven<br>10CVD1142                                | Geer        |
| 14-1081-1 | In re: R.W. (Juvenile - 3.1)<br><br><b>Decision:</b> Affirmed                                   | Dare<br>11JT44                                     | Hunter, Jr. |
| 14-667-1  | Citibank, N.A. v Michaux, (Civil)<br><br><b>Decision:</b> Affirmed                              | Durham<br>10CVD5483                                | Dietz       |
| 14-1108-1 | In re: A.B. (Juvenile - 3.1)<br><br><b>Decision:</b> Affirmed                                   | Forsyth<br>12J198                                  | Calabria    |
| 14-776-1  | State v Morgan (Criminal)   | Gaston<br>11CRS66211 11CRS66220<br>11CRS66221      | Stroud      |

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|           | <b>Decision:</b> Remanded for Resentencing                       |   |             |
| 14-1217-1 | State v Long (Criminal)  | Graham<br>11CRS50639  | Inman       |
|           | <b>Decision:</b> No Error  |   |             |
| 14-968-1  | Minar v Murray (Civil)   | Guilford<br>10CVD12467                                      | Dillon      |
|           | <b>Decision:</b> Reversed and Remanded                           |   |             |
| 14-1087-1 | State v Byrd (Criminal)  | Guilford<br>11CRS85093 12CRS24017                           | Elmore      |
|           | <b>Decision:</b> No Error  |   |             |
| 14-1154-1 | In re: L.T.L., S.D.L., & M.A.L. (Juvenile - 3.1)                 | Guilford<br>12JT409-411                                     | Dietz       |
|           | <b>Decision:</b> Affirmed  |   |             |
| 14-1197-1 | In re: A.T.H., III, R.L.H., & E.O.H. (Juvenile - 3.1)            | Guilford<br>12JT523 12JT524<br>12JT528                      | Hunter, Jr. |
|           | <b>Decision:</b> Affirmed  |   |             |
| 14-942-1  | State v Gunter (Criminal)  | Haywood<br>10CRS359 10CRS360<br>10CRS362 10CRS50204         | Elmore      |
|           | <b>Decision:</b> No prejudicial error                            |   |             |
| 14-1078-1 | In re The Foreclosure Of: Brittain (Civil)                       | Henderson<br>12SP513  | Dillon      |
|           | <b>Decision:</b> Affirmed in Part, Dismissed in Part.            |   |             |
| 14-828-1  | Lamm v Till (Civil)  | Iredell<br>11CVS175   | Steelman    |
|           | <b>Decision:</b> No Error  |   |             |
| 14-941-1  | State v Ravenell (Criminal)                                      | Iredell<br>09CRS60091<br>09CRS60093 10CRS1193<br>10CRS59082 | Calabria    |
|           | <b>Decision:</b> Vacated and remanded.                           |   |             |
| 14-767-1  | Elizabeth Townes Homeowners Ass'n, Inc., v Jordan (Civil)        | Mecklenburg<br>11CVS5323                                    | Geer        |
|           | <b>Decision:</b> Affirmed  |   |             |
| 14-780-1  | In re: C.M. (Juvenile - Criminal)                                | Mecklenburg<br>13JB710                                      | McCullough  |
|           | <b>Decision:</b> Affirmed  |   |             |
| 14-1085-1 | State v Gause (Criminal)   | Mecklenburg<br>07CRS211736-38                               | Steelman    |
|           | <b>Decision:</b> No Error in Part, Vacated and Remanded in Part. |   |             |
| 14-333-1  | Haileab v John Q. Hammons Hotels, (Civil)                        | N.C. Industrial Commission<br>886537 W06274                 | Bryant      |
|           | <b>Decision:</b> Affirmed  |   |             |
| 14-510-1  | Payton v Barnes Transp., (Civil)                                 | N.C. Industrial Commission<br>X67842                        | Calabria    |
|           | <b>Decision:</b> Dismissed                                       |   |             |
| 14-890-1  | Birckhead v N.C. Dep't Of Pub. Safety, (Civil)                   | N.C. Industrial Commission<br>W63959                        | Dietz       |
|           | <b>Decision:</b> Affirmed  |   |             |

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| 14-661-1  | Van Antwerp v Bilobran (Civil)<br><b>Decision:</b> Affirmed          | Pitt<br>12CVD596       | Calabria   |
| 14-864-1  | State v Carter (Criminal)<br><b>Decision:</b> No Error               | Randolph<br>12CRS53047 | McCullough |
| 14-222-1  | In re The Foreclosure Of: Vicks (Civil)<br><b>Decision:</b> Affirmed | Union<br>11SP659       | Bryant     |
| 14-992-1  | In re: S.W. (Juvenile - 3.1)<br><b>Decision:</b> Affirmed.           | Vance<br>13JA20        | Calabria   |
| 14-745-1  | State v Clemons (Criminal)<br><b>Decision:</b> No Error              | Wake<br>12CRS217865    | Bryant     |
| 14-1071-1 | State v Deans (Criminal)<br><b>Decision:</b> Affirmed                | Wake<br>12CRS209176    | Tyson      |