

**IN THE COURT OF APPEALS**  
**CASES REPORTED WITH PUBLISHED OPINIONS**  
**(FILED 19 DECEMBER 2017)**  
**(MANDATE 8 JANUARY 2018)**

| Docket # | Title  | County                          | Judge                           |
|----------|--|---------------------------------|---------------------------------|
| 17-97-1  | State v. Barker (Criminal)<br><b>Decision:</b> No Error  | Brunswick                       | McGee<br>Judge Richard Dietz(c) |
| 17-233-1 | Proffitt v. Gosnell (Civil)<br><b>Decision:</b> Affirmed   | Buncombe                        | McGee                           |
| 17-482-1 | Wilson v. SunTrust Bank (Civil)<br><b>Decision:</b> Affirmed in part, dismissed as moot in part                | Cabarrus                        | Zachary                         |
| 17-822-1 | Walton NC, LLC v. The City of Concord (Civil)<br><b>Decision:</b> Affirmed                                     | Cabarrus                        | Tyson                           |
| 17-447-1 | McVicker v. Bogue Sound Yacht Club, Inc. (Civil)<br><b>Decision:</b> Reversed and Remanded                     | Carteret                        | Tyson<br>Hunter (d)             |
| 17-656-1 | Ecoplexus Inc. v. Cty. of Currituck (Civil)<br><b>Decision:</b> Reversed and Remanded                          | Currituck                       | Tyson                           |
| 17-433-1 | Tillett v. Town of Kill Devil Hills (Civil)<br><b>Decision:</b> Vacated  | Dare                            | Dietz                           |
| 17-277-1 | The NC State Bar v. Livingston (Civil)<br><b>Decision:</b> Affirmed  | Disciplinary Hearing Commission | Bryant                          |
| 17-443-1 | The NC State Bar v. Foster (Civil)<br><b>Decision:</b> Affirmed  | Disciplinary Hearing Commission | Elmore                          |
| 17-342-1 | Mkt. Am., Inc. v. Lee (Civil)<br><b>Decision:</b> Affirmed in Part; Reversed in Part                           | Guilford                        | Davis                           |
| 17-154-1 | WLAE, LLC v. Edwards (Civil)<br><b>Decision:</b> Affirmed  | Henderson                       | Elmore                          |
| 17-499-1 | In re: R.S.M. (Juvenile - Criminal)<br><b>Decision:</b> Vacated and Remanded                                   | Hoke                            | Murphy                          |
| 17-79-1  | Lasecki v. Lasecki (Civil)<br><b>Decision:</b> Affirmed  | Iredell                         | McGee                           |
| 17-202-1 | State v. Santifort (Criminal)<br><b>Decision:</b> Reversed in Part and Remanded.                               | Johnston                        | Davis                           |
| 17-461-1 | Little River, LLC v. Lee Cty. (Civil)<br><b>Decision:</b> Affirmed in Part, Reversed in Part and Remanded      | Lee                             | Tyson                           |
| 16-819-1 | Mid-Am. Apartments, L.P. v. The Block At Church Street Owners Ass'n, Inc. (Civil)<br><b>Decision:</b> Affirmed | Mecklenburg                     | Inman                           |

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| 16-1075-1 | State v. Pena (Criminal)<br><b>Decision:</b> Reversed and Remanded                     | Mecklenburg | Stroud |
| 17-408-1  | State v. Malloy (Criminal)<br><b>Decision:</b> No Error                                | Mecklenburg | Bryant |
| 17-692-1  | State v. Fuller (Criminal)<br><b>Decision:</b> No Error                                | Mecklenburg | Tyson  |
| 16-1034-1 | Ring v. Moore Cty. (Civil)<br><b>Decision:</b> Affirmed                                | Moore       | Inman  |
| 17-704-1  | Azar v. Town of Indian Trail Bd. of Adjustment<br>(Civil)<br><b>Decision:</b> Affirmed | Union       | Tyson  |

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| 17-451-1 | State v. Lane (Criminal)<br><b>Decision:</b> No Plain Error                                  | Alleghany<br>14CRS50314-15  | Dietz       |
| 17-187-1 | State v. Leistra (Civil)<br><b>Decision:</b> Vacated   | Cherokee<br>15CRS470 16CRS10  | Dillon      |
| 17-421-1 | Warner v. Warner (Civil)<br><b>Decision:</b> Affirmed  | Dare<br>13CVD648  | Hunter, Jr. |
| 17-549-1 | State v. Boney (Criminal)<br><b>Decision:</b> No Error                                       | Duplin<br>15CRS51942-43   | Dillon      |
| 16-737-1 | Mills v. Davis (Civil)<br><b>Decision:</b> Vacated in part and remanded                      | Forsyth<br>12CVD3312  | Inman       |
| 16-993-1 | State v. Chancellor (Criminal)<br><b>Decision:</b> Dismissed                                 | Forsyth<br>13CRS62582   | Stroud      |
| 17-653-1 | In re: T.S.P. (Civil)<br><b>Decision:</b> Vacated and Remanded                               | Granville<br>16SPC156   | Dietz       |
| 17-349-1 | State v. Matthews (Criminal)<br><b>Decision:</b> No Error                                    | Guilford<br>15CRS24301 15CRS68639   | Hunter, Jr. |
| 17-355-1 | State v. Fox (Criminal)<br><b>Decision:</b> Appeal Dismissed; Sentence Vacated and Remanded. | Guilford<br>15CRS24627 15CRS24659<br>15CRS87681<br>15CRS87743-44<br>15CRS87759<br>15CRS87761-62<br>15CRS87849 15CRS87851<br>15CRS87852 15CRS87853<br>15CRS87860<br>15CRS88113-16<br>15CRS88118-21<br>15CRS88221 15CRS88254<br>15CRS88274 15CRS89612 | Hunter, Jr. |
| 17-224-1 | Jenkins v. Thomas (Civil)<br><b>Decision:</b> Reversed and remanded.                         | Hertford<br>16CVS46   | Calabria    |
| 17-749-1 | State v. Marshall (Criminal)<br><b>Decision:</b> Affirmed                                    | Hyde<br>16CRS85   | Dillon      |
| 17-409-1 | Ball v. Cogdill (Civil)<br><b>Decision:</b> No Error   | Jackson<br>16CVD413   | Calabria    |
| 17-528-1 | State v. Bayse (Criminal)<br><b>Decision:</b> Affirmed                                       | Lenoir<br>11CRS53057-58   | Dillon      |
| 17-40-1  | State v. Borsello (Criminal)   | Lincoln<br>15CRS1168 15CRS53713   | Calabria    |

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|           | <b>Decision:</b> No Error   |   |                       |
| 17-25-1   | State v. Dixon (Criminal)   | Mecklenburg<br>12CRS249810-11               | Bryant                |
|           | <b>Decision:</b> Vacated and Remanded for New Trial                                   |   |                       |
| 17-69-1   | State v. Shields (Criminal)   | Mecklenburg<br>15CRS218348-50               | Calabria              |
|           | <b>Decision:</b> New trial.   |   |                       |
| 17-363-1  | State v. Figueroa (Criminal)  | Mecklenburg<br>14CRS246125                  | Dillon                |
|           | <b>Decision:</b> No Error   |   |                       |
| 17-395-1  | State v. Blakeney (Criminal)  | Mecklenburg<br>14CRS248578                  | Dillon                |
|           | <b>Decision:</b> No Error   |   |                       |
| 17-430-1  | Fuller v. Fuller (Civil)  | Mecklenburg<br>10CVD8391                    | Zachary<br>Berger (c) |
|           | <b>Decision:</b> Affirmed   |   |                       |
| 17-435-1  | State v. Lane (Criminal)  | Mecklenburg<br>16CRS19088<br>16CRS205961-62 | Dillon                |
|           | <b>Decision:</b> No Error in Part; Remanded in Part for Correction of Clerical Error. |   |                       |
| 17-586-1  | Pair v. The Charlotte-Mecklenburg Hosp. Auth. (Civil)                                 | Mecklenburg<br>16CVS12490                   | Arrowood              |
|           | <b>Decision:</b> Affirmed   |   |                       |
| 17-659-1  | Bernard v. DeBlanco (Civil)   | Mecklenburg<br>16CVD15122                   | Arrowood              |
|           | <b>Decision:</b> Affirmed   |   |                       |
| 17-621-1  | State v. Mayes (Criminal)   | Mitchell<br>16CRS50031                      | Arrowood              |
|           | <b>Decision:</b> No Error   |   |                       |
| 16-1210-1 | Fisher v. United Cont'l Holdings, Inc. (Civil)  | N.C. Industrial Commission<br>029712        | Stroud                |
|           | <b>Decision:</b> Affirmed   |   |                       |
| 17-223-1  | State v. Perry (Criminal)   | Nash<br>14CRS53698-99                       | Murphy                |
|           | <b>Decision:</b> No Error   |   |                       |
| 17-279-1  | State v. Brooks (Criminal)  | Robeson<br>11CRS57549                       | Dillon                |
|           | <b>Decision:</b> Affirmed in part and Vacated in part.                                |   |                       |
| 17-143-1  | Owen v. Davis (Civil)   | Wake<br>14CVD9151                           | Hunter, Jr.           |
|           | <b>Decision:</b> Affirmed in Part; Vacated in Part; and Reversed.                     |   |                       |
| 17-369-1  | State v. Mitchell (Criminal)  | Wake<br>15CRS225756<br>15CRS225761          | Hunter, Jr.           |
|           | <b>Decision:</b> Affirmed   |   |                       |
| 17-613-1  | State v. Floyd (Criminal)   | Wake<br>09CRS210668                         | Dillon                |
|           | <b>Decision:</b> Dismissed  |   |                       |
| 17-784-1  | In re: HORACE MEDLIN (Civil)  | Wake<br>16SPC8154                           | Arrowood              |
|           | <b>Decision:</b> Affirmed   |   |                       |