

**IN THE COURT OF APPEALS**  
**CASES REPORTED WITH PUBLISHED OPINIONS**  
**(FILED 7 AUGUST 2018)**  
**(MANDATE 27 AUGUST 2018)**

| Docket #  | Title  | County      | Judge                       |
|-----------|--|-------------|-----------------------------|
| 17-689-1  | DOT v. Jay Butmataji, LLC (Civil)<br><b>Decision:</b> Affirmed   | Burke       | Stroud                      |
| 17-585-1  | Blair v. Blair (Civil)<br><b>Decision:</b> Affirmed in Part, Reversed in Part and Remanded                         | Caldwell    | Stroud                      |
| 17-386-1  | State v. Griffin (Criminal)<br><b>Decision:</b> Reversed   | Craven      | Inman<br>Bryant (d)         |
| 17-676-1  | State v. Lindsey (Criminal)<br><b>Decision:</b> Affirmed   | Craven      | Stroud                      |
| 17-657-1  | State v. Bowman (Criminal)<br><b>Decision:</b> New Trial   | Forsyth     | Inman<br>Dillon (d)         |
| 17-9-1    | Press v. AGC Aviation LLC (Civil)<br><b>Decision:</b> Affirmed   | Guilford    | Stroud                      |
| 17-1178-1 | State v. Bartlett (Criminal)<br><b>Decision:</b> Affirmed  | Guilford    | Zachary                     |
| 17-1327-1 | State v. Baskins (Criminal)<br><b>Decision:</b> Reversed and Remanded for New Trial                                | Guilford    | Zachary                     |
| 17-1352-1 | Burgess v. Smith (Civil)<br><b>Decision:</b> Vacated and Remanded  | Haywood     | Elmore                      |
| 17-714-1  | State v. Perry (Criminal)<br><b>Decision:</b> No Error In Part, Vacated and Remanded In Part.                      | Hertford    | Dillon                      |
| 17-746-1  | State v. Buchanan (Criminal)<br><b>Decision:</b> Dismissed in Part; No Error in Part; Vacated in Part and Remanded | Lee         | Elmore                      |
| 17-945-1  | State v. Alvarez (Criminal)<br><b>Decision:</b> No Error   | Lenoir      | Calabria<br>Linda McGee (d) |
| 17-1249-1 | State v. Waycaster (Criminal)<br><b>Decision:</b> No Error   | McDowell    | Arrowood<br>Murphy (c)(d)   |
| 16-1010-2 | In re: A.P. (Juvenile - 3.1)<br><b>Decision:</b> Remanded  | Mecklenburg | Tyson                       |
| 17-1189-1 | Berens v. Berens (Civil)<br><b>Decision:</b> Affirmed in part, Vacated in part and Remanded                        | Mecklenburg | Dietz                       |
| 17-1279-1 | State v. Mercer (Criminal)<br><b>Decision:</b> New Trial   | Mecklenburg | Zachary                     |

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| 17-45-1   | State v. Sims (Criminal)<br><b>Decision:</b> No Error   | Onslow | Bryant<br>Stroud (c)          |
| 17-1317-1 | State v. Wilson (Criminal)<br><b>Decision:</b> No Error   | Onslow | Dillon                        |
| 18-94-1   | In re: I.K. & K.M. (Juvenile - 3.1)<br><b>Decision:</b> Vacated and Remanded                            | Orange | Murphy                        |
| 17-655-1  | State v. Ferrer (Criminal)<br><b>Decision:</b> Vacated  | Person | Stroud                        |
| 17-947-1  | Eddington v. Lamb (Civil)<br><b>Decision:</b> Affirmed in part; vacated and remanded in part            | Union  | Elmore                        |
| 17-958-1  | AVR Davis Raleigh, LLC v. Triangle Constr. Co., Inc. (Civil)<br><b>Decision:</b> Reversed and Remanded. | Wake   | Calabria<br>Hunter Murphy (c) |

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| 17-1030-1 | State v. Melgarejo (Criminal)<br><b>Decision:</b> No Error   | Alamance<br>15CRS52242                      | Berger, Jr. |
| 18-85-1   | State v. Haywood (Criminal)<br><b>Decision:</b> No Error   | Ashe<br>17CRS50022                          | Berger, Jr. |
| 17-1382-1 | Gersing v. Real Vision, Inc. (Civil)<br><b>Decision:</b> Affirmed  | Avery<br>15CVS298                           | Murphy      |
| 17-1062-1 | State v. Brown (Criminal)<br><b>Decision:</b> No Error   | Bladen<br>14CRS51698<br>14CRS51702 16CRS999 | Berger, Jr. |
| 17-1082-1 | State v. Barnette (Criminal)<br><b>Decision:</b> Affirmed  | Cabarrus<br>12CRSS53279<br>12IFS707275      | Berger, Jr. |
| 17-1406-1 | In re: G.L.H. (Juvenile - 3.1)<br><b>Decision:</b> Affirmed  | Cabarrus<br>17JT12                          | Dietz       |
| 17-652-1  | State v. Springle (Criminal)<br><b>Decision:</b> Dismissed   | Carteret<br>13CRS54303                      | Bryant      |
| 17-1193-1 | DM Tr., LLC v. McCabe & Co. (Civil)<br><b>Decision:</b> Affirmed   | Carteret<br>16CVS841                        | Berger, Jr. |
| 17-1184-1 | State v. Smith (Criminal)<br><b>Decision:</b> NO PREJUDICIAL ERROR.  | Cleveland<br>14CRS53429                     | Davis       |
| 18-100-1  | State v. Reaves (Criminal)<br><b>Decision:</b> No Error  | Columbus<br>13CRS50034                      | Berger, Jr. |
| 17-963-1  | State v. Black (Criminal)<br><b>Decision:</b> Dismissed  | Cumberland<br>14CRS57611                    | Stroud      |
| 17-859-1  | Bybee v. Island Haven, Inc. (Civil)<br><b>Decision:</b> Affirmed in part, reversed in part, and remanded with instructions | Currituck<br>15CVS386                       | Inman       |
| 17-904-1  | State v. Thomas (Criminal)<br><b>Decision:</b> Affirmed  | Davidson<br>11CRS5349<br>11CRS53949         | McGee       |
| 17-1003-1 | Lane v. Grafton (Civil)<br><b>Decision:</b> Affirmed   | Durham<br>15CVS3869                         | Murphy      |
| 17-1175-1 | Newton v. Gariepy (Civil)<br><b>Decision:</b> Affirmed   | Durham<br>15CVD5703                         | Dillon      |
| 17-1316-1 | State v. Foor (Criminal)   | Durham<br>16CRS51289                        | Davis       |

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|           | <b>Decision:</b> NO PREJUDICIAL ERROR AT TRIAL; REMANDED FOR NEW RESTITUTION HEARING. |   |                           |
| 17-913-1  | State v. Williams (Criminal)  | Edgecombe<br>14CRS53269<br>15CRS1140      | Bryant                    |
|           | <b>Decision:</b> No Error in part; Vacated and Remanded in part.                      |   |                           |
| 17-1246-1 | State v. Harvey (Criminal)  | Edgecombe<br>15CRS52194                   | Davis<br>Chris Dillon (d) |
|           | <b>Decision:</b> No Error   |   |                           |
| 18-47-1   | Beasley v. Beasley (Civil)  | Forsyth<br>15CVD5916                      | Hunter, Jr.               |
|           | <b>Decision:</b> Affirmed   |   |                           |
| 18-283-1  | In re: L.A.G. (Juvenile - 3.1)  | Forsyth<br>15JT288                        | Zachary                   |
|           | <b>Decision:</b> Vacated and Remanded   |   |                           |
| 17-874-1  | In re: Smith (Civil)  | Gaston<br>16CVS3443                       | Murphy                    |
|           | <b>Decision:</b> Dismissed  |   |                           |
| 18-196-1  | In re: K.S.C. (Juvenile - 3.1)  | Gates<br>17JT1                            | Zachary                   |
|           | <b>Decision:</b> Vacated and Remanded   |   |                           |
| 17-1150-1 | In re: Byrd (Civil)   | Guilford<br>16SP1235                      | Bryant                    |
|           | <b>Decision:</b> Affirmed   |   |                           |
| 17-1300-1 | Awartani v. The Moses H. Cone Mem'l Hosp. Operating Corp. (Civil)                     | Guilford<br>17CVS3061                     | Dietz                     |
|           | <b>Decision:</b> Affirmed   |   |                           |
| 18-187-1  | In re: C.W-J.H., J.G.H., A.L-F.H., J.E-B.H. (Juvenile - 3.1)                          | Guilford<br>15JT450-51 15JT453-54         | Davis                     |
|           | <b>Decision:</b> Affirmed   |   |                           |
| 17-912-1  | State v. Garcia (Criminal)  | Haywood<br>16CRS50695-96<br>16CRS50698-99 | Dillon                    |
|           | <b>Decision:</b> Affirmed   |   |                           |
| 17-1270-1 | State v. Pless (Criminal)   | Iredell<br>12CRS56462-63<br>12CRS56466    | Berger, Jr.               |
|           | <b>Decision:</b> No Error   |   |                           |
| 18-256-1  | In re: I.M.P. & A.M.S. (Juvenile - 3.1)   | Iredell<br>14JT130 14JT131                | Davis                     |
|           | <b>Decision:</b> AFFIRMED IN PART; VACATED IN PART; AND REMANDED.                     |   |                           |
| 17-764-1  | State v. Ferguson (Criminal)  | Johnston<br>15CRS2221-2222                | Berger, Jr.               |
|           | <b>Decision:</b> No Error   |   |                           |
| 17-1343-1 | In re: T.S.B-S., A.A.S., T.S.B. (Juvenile - 3.1)                                      | Johnston<br>13JT64 13JT65 13JT89          | Dietz                     |
|           | <b>Decision:</b> Affirmed   |   |                           |
| 18-75-1   | State v. Moore (Criminal)   | Johnston<br>16CRS1495-96                  | Berger, Jr.               |
|           | <b>Decision:</b> No Error   |   |                           |

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| 17-1331-1 | State v. Belk (Criminal)                             | Mecklenburg<br>15CRS217713<br>15CRS217715<br>15CRS217717<br>15CRS218746-47 | Berger, Jr.               |
|           | <b>Decision:</b> No Error                            |  |                           |
| 17-1381-1 | Caruthers v. Hann (Civil)                            | Mecklenburg<br>99CVD6562   | Dietz                     |
|           | <b>Decision:</b> Vacated and Remanded                |  |                           |
| 18-84-1   | In re: B.V., B.V., B.V. (Juvenile - 3.1)             | Mecklenburg<br>15JT534 15JT553<br>15JT674                                  | Tyson                     |
|           | <b>Decision:</b> Affirmed                            |  |                           |
| 18-128-1  | In re: M.V. & M.V. (Juvenile - 3.1)                  | Mecklenburg<br>15JT660-661   | Tyson                     |
|           | <b>Decision:</b> Affirmed                            |  |                           |
| 18-258-1  | State v. Young (Criminal)                            | Mecklenburg<br>16CRS14131-32   | Berger, Jr.               |
|           | <b>Decision:</b> No Error                            |  |                           |
| 17-881-1  | Lassiter v. Keystone Freight Corp. (Civil)           | N.C. Industrial<br>Commission<br>X27940 X68504                             | Inman                     |
|           | <b>Decision:</b> Affirmed                            |  |                           |
| 18-96-1   | Jones v. Wells Fargo Co. (Civil)                     | Nash<br>15CVS950   | Berger, Jr.<br>Dietz (C)  |
|           | <b>Decision:</b> Affirmed                            |  |                           |
| 18-11-1   | In re: C.R.R. & E.K.R. (Juvenile - 3.1)              | New Hanover<br>15JT167 15JT168   | Dietz                     |
|           | <b>Decision:</b> Affirmed                            |  |                           |
| 17-664-1  | Hardy v. NC Cent. Univ. (Civil)                      | Office of Admin. Hearings<br>16OSP4632                                     | Murphy                    |
|           | <b>Decision:</b> Affirmed                            |  |                           |
| 17-1155-1 | Phifer v. Pasquotank Cty. (Civil)                    | Pasquotank<br>15CVS531   | Inman                     |
|           | <b>Decision:</b> Reversed and Remanded               |  |                           |
| 17-570-1  | Grodner v. Grodner (Civil)                           | Pitt<br>13CVD398   | McGee<br>Hunter Murphy(c) |
|           | <b>Decision:</b> Affirmed in part; dismissed in part |  |                           |
| 17-813-1  | Grodner v. Grodner (Civil)                           | Pitt<br>13CVD398   | McGee<br>Hunter Murphy(c) |
|           | <b>Decision:</b> Affirmed in part; dismissed in part |  |                           |
| 17-1275-1 | In re: Coggins (Civil)                               | Property Tax Commission<br>17PTC22 17PTC23<br>17PTC24 17PTC25<br>17PTC26   | Davis                     |
|           | <b>Decision:</b> Affirmed                            |  |                           |
| 17-829-1  | State v. Cheek (Criminal)                            | Randolph<br>01CRS56902   | McGee                     |
|           | <b>Decision:</b> Affirmed                            |  |                           |
| 17-1311-1 | State v. Becker (Criminal)                           | Swain<br>15CRS50416  | Berger, Jr.               |
|           | <b>Decision:</b> No Error                            |  |                           |

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| 17-1215-1 | State v. Miller (Criminal)<br><b>Decision:</b> Reversed   | Union<br>12CRS53800                               | Elmore      |
| 17-1029-1 | State v. McLeod (Criminal)<br><b>Decision:</b> No Error   | Vance<br>14CRS53551                               | Dietz       |
| 17-742-1  | State v. Naranjo (Criminal)<br><b>Decision:</b> Affirmed  | Wake<br>11CRS100<br>11CRS211149                   | McGee       |
| 17-878-1  | The Tractor Place, Inc. v. Bolton (Civil)<br><b>Decision:</b> Affirmed                          | Wake<br>16CVD578                                  | Berger, Jr. |
| 17-1084-1 | Kovasala v. Kovasala (Civil)<br><b>Decision:</b> Affirmed in part, Vacated and Remanded in Part | Wake<br>12CVD12875                                | Bryant      |
| 17-1216-1 | State v. Vickers (Criminal)<br><b>Decision:</b> Affirmed  | Wake<br>14CRS211534                               | Dillon      |
| 17-1274-1 | Bus. Improvement Techs., Inc. v. World Famous, Inc. (Civil)<br><b>Decision:</b> Affirmed        | Wake<br>16CVD13635                                | Murphy      |
| 17-1372-1 | State v. Upchurch (Criminal)<br><b>Decision:</b> Affirmed                                       | Wake<br>15CRS202498<br>15CRS202500<br>15CRS202504 | Berger, Jr. |
| 17-1107-1 | Henion v. Cty. of Watauga (Civil)<br><b>Decision:</b> Dismissed                                 | Watauga<br>16CVS204                               | Berger, Jr. |