

**IN THE COURT OF APPEALS**  
**CASES REPORTED WITH PUBLISHED OPINIONS**  
**(FILED 18 DECEMBER 2018)**  
**(MANDATE 7 JANUARY 2019)**

| Docket #  | Title  | County     | Judge                       |
|-----------|--|------------|-----------------------------|
| 16-398-2  | State v. Hyman (Criminal)<br><b>Decision:</b> Affirmed   | Bertie     | Elmore                      |
| 18-379-1  | Ayscue v. Griffin (Civil)<br><b>Decision:</b> VACATED IN PART, REVERSED IN PART<br>AND REMANDED.   | Bertie     | Tyson                       |
| 18-349-1  | MTGLQ Investors, L.P. v. Curnin (Civil)<br><b>Decision:</b> Reversed and Remanded  | Brunswick  | Dillon                      |
| 17-1337-1 | State v. Piland (Criminal)<br><b>Decision:</b> No error in part; Vacated in part and<br>remanded for resentencing; No plain error in part. | Buncombe   | Murphy                      |
| 18-565-1  | State v. Godfrey (Criminal)<br><b>Decision:</b> No Error   | Caldwell   | Zachary                     |
| 18-592-1  | In re: C.K.C. & W.T.C., III (Juvenile - 3.1)<br><b>Decision:</b> Reversed  | Catawba    | Zachary                     |
| 17-1368-1 | Doe v. Doe (Civil)<br><b>Decision:</b> Reversed and Remanded   | Cumberland | Stroud                      |
| 18-341-1  | Watson v. Watson (Civil)<br><b>Decision:</b> Reversed  | Cumberland | Elmore                      |
| 18-524-1  | Watson v. Joyner-Watson (Civil)<br><b>Decision:</b> Affirmed   | Cumberland | Elmore<br>Chris Dillon (d)  |
| 18-202-1  | State v. Seam (Criminal)<br><b>Decision:</b> Affirmed  | Davidson   | Davis                       |
| 18-489-1  | Bank of Am., N.A. v. McFarland (Civil)<br><b>Decision:</b> Affirmed  | Durham     | Murphy                      |
| 18-234-1  | State v. Coley (Criminal)<br><b>Decision:</b> New Trial  | Guilford   | Tyson<br>Zachary (d)        |
| 18-244-1  | Gyger v. Clement (Civil)<br><b>Decision:</b> Affirmed  | Guilford   | Zachary                     |
| 18-475-1  | McKinney v. McKinney (Civil)<br><b>Decision:</b> Affirmed  | Guilford   | Dietz                       |
| 18-21-1   | State v. Pless (Criminal)<br><b>Decision:</b> Affirmed in Part; No Error in Part   | Iredell    | Stroud<br>Hunter Murphy (c) |
| 18-419-1  | In re: Radcliff (Civil)<br><b>Decision:</b> Affirmed   | Iredell    | Elmore                      |

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| 18-222-1  | Bank of Am., N.A. v. Schmitt (Civil)<br><b>Decision:</b> Vacated and Remanded in part, Affirmed in part                | Macon       | Dillon                    |
| 17-1237-1 | State v. Holmes (Criminal)<br><b>Decision:</b> No error in part; No prejudicial error in part.                         | Mecklenburg | Murphy                    |
| 18-250-1  | State v. Byers (Criminal)<br><b>Decision:</b> Reversed and Remanded  | Mecklenburg | McGee<br>John Arrowood(d) |
| 18-385-1  | Servatius v. Ryals (Civil)<br><b>Decision:</b> Vacated in part and remanded.   | Mecklenburg | Zachary                   |
| 18-488-1  | Peeler v. Joseph (Civil)<br><b>Decision:</b> Affirmed  | Mecklenburg | Arrowood<br>Tyson (d)     |
| 18-215-1  | Master v. Country Club of Landfall (Civil)<br><b>Decision:</b> Affirmed  | New Hanover | Berger, Jr.               |
| 18-410-1  | Walton v. Walton (Civil)<br><b>Decision:</b> Affirmed in Part, Reversed in Part and Remanded                           | New Hanover | Tyson                     |
| 18-466-1  | Gilmartin v. Gilmartin (Civil)<br><b>Decision:</b> Affirmed  | Pasquotank  | Stroud                    |
| 18-527-1  | State v. Baker (Criminal)<br><b>Decision:</b> Affirmed in part, reversed in part, and remanded for further proceedings | Pitt        | Inman                     |
| 18-375-1  | State v. Wirt (Criminal)<br><b>Decision:</b> No Error  | Randolph    | McGee                     |
| 18-416-1  | State v. Shuler (Criminal)<br><b>Decision:</b> Vacated   | Swain       | Dillon                    |
| 18-150-1  | Howe v. The Links Club Condo. (Civil)<br><b>Decision:</b> Affirmed in Part, Reversed in Part and Remanded              | Wake        | Zachary                   |
| 18-411-1  | Desmond v. The News & Observer Publ'g Co. (Civil)<br><b>Decision:</b> Affirmed   | Wake        | Stroud                    |
| 18-465-1  | Martin v. Martin (Civil)<br><b>Decision:</b> Reversed in part and remanded; dismissed in part.                         | Wake        | Zachary                   |
| 17-1245-1 | State v. Heelan (Criminal)<br><b>Decision:</b> No Prejudicial Trial Error; SBM Order Reversed                          | Watauga     | Elmore                    |
| 18-629-1  | Spencer v. Portfolio Recovery Assocs., LLC (Civil)<br><b>Decision:</b> Dismissed                                       | Yadkin      | Stroud                    |

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| 18-633-1  | In re: E.B.J. (Juvenile - 3.1)<br><b>Decision:</b> Vacated and Remanded  | Alleghany<br>14JT7                            | Tyson                                       |
| 16-652-2  | Wilkie v. City of Boiling Spring Lakes (Civil)<br><b>Decision:</b> Affirmed in part; Remanded in part                                | Brunswick<br>14CVS919                         | Berger, Jr.                                 |
| 18-238-1  | Stiles v. Swinging Bridge, LLC (Civil)<br><b>Decision:</b> AFFIRMED IN PART; VACATED IN PART; REMANDED.                              | Buncombe<br>16CVS2735                         | Davis<br>Dillon concurring in<br>result (c) |
| 18-124-1  | State v. Delair (Criminal)<br><b>Decision:</b> No Error  | Cabarrus<br>16CRS53970                        | Hunter, Jr.                                 |
| 18-86-1   | Roberts v. Locke (Civil)<br><b>Decision:</b> Affirmed  | Catawba<br>13CVS2607                          | Arrowood                                    |
| 18-319-1  | Am. Express Bank, FSB v. Voyksner (Civil)<br><b>Decision:</b> Affirmed   | Chatham<br>14CVD427                           | Hunter, Jr.                                 |
| 17-1356-1 | State v. Clark (Criminal)<br><b>Decision:</b> No error in part; No prejudicial error in part.  | Cleveland<br>15CRS54509                       | Murphy                                      |
| 18-615-1  | Brinkley Props. of Kings Mountain, LLC v. City of Kings Mountain, NC (Civil)<br><b>Decision:</b> Affirmed                            | Cleveland<br>17CVS212                         | Arrowood                                    |
| 18-510-1  | In re: A.K.J. (Juvenile - 3.1)<br><b>Decision:</b> Reversed  | Forsyth<br>17J19                              | Calabria                                    |
| 17-1284-1 | State v. Taylor (Criminal)<br><b>Decision:</b> New Trial   | Gaston<br>15CRS1557<br>15CRS2945<br>15CRS5353 | Inman                                       |
| 18-25-1   | State v. McAbee (Criminal)<br><b>Decision:</b> Reversed in Part; Vacated in Part   | Gaston<br>16CRS58357<br>16CRS58364-67         | Bryant                                      |
| 18-635-1  | In re: Toulouse (Civil)<br><b>Decision:</b> Affirmed   | Greene<br>13E70                               | Hunter, Jr.                                 |
| 18-593-1  | In re: R.L.O., L.P.O., C.M.O. (Juvenile - 3.1)<br><b>Decision:</b> Affirmed in part, reversed in part, vacated in part and remanded. | Iredell<br>17JT117, 17JT118<br>17JT119        | Calabria                                    |
| 18-372-1  | State v. Jefferson (Criminal)<br><b>Decision:</b> Affirmed   | Johnston<br>01CRS51693                        | Davis                                       |
| 17-1319-1 | State v. Marquez (Criminal)<br><b>Decision:</b> No Error   | Mecklenburg<br>15CRS12708                     | Berger, Jr.                                 |

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| 18-71-1   | Howard v. OrthoCarolina, P.A. (Civil)<br><b>Decision:</b> Affirmed  | Mecklenburg<br>08CVS13045   | Inman       |
| 18-146-1  | Gee v. Denzer (Civil)<br><b>Decision:</b> Affirmed  | Mecklenburg<br>17CVD14143   | Inman       |
| 18-296-1  | State v. Jarvis (Criminal)<br><b>Decision:</b> No Error   | Mecklenburg<br>16CRS215435<br>17CRS8563                                 | Murphy      |
| 18-364-1  | Rosen v. The Club At Longview, LLC (Civil)<br><b>Decision:</b> Affirmed                                   | Mecklenburg<br>17CVS7595  | Elmore      |
| 18-403-1  | State v. Anthony (Criminal)<br><b>Decision:</b> Vacated and Remanded                                      | Mecklenburg<br>15CRS245327<br>15CRS245331<br>15CRS245332<br>15CRS245334 | Dietz       |
| 18-424-1  | State v. Orr (Criminal)<br><b>Decision:</b> No Prejudicial Error  | Mecklenburg<br>17CRS15715<br>17CRS205845-47                             | Elmore      |
| 18-618-1  | State v. Timmons (Criminal)<br><b>Decision:</b> Dismissed   | Mecklenburg<br>16CRS242889<br>16CRS242891<br>17CRS34630                 | Arrowood    |
| 18-650-1  | State v. Hayward (Criminal)<br><b>Decision:</b> No Error  | Mecklenburg<br>16CRS247411  | Tyson       |
| 17-1416-1 | State v. Coomber (Criminal)<br><b>Decision:</b> No Error  | Mitchell<br>16CRS50531  | Berger, Jr. |
| 18-246-1  | Schneeman v. Food Lion, LLC (Civil)<br><b>Decision:</b> Affirmed  | N.C. Industrial<br>Commission<br>15-029812                              | Davis       |
| 18-348-1  | Glasgow v. Peoplelease Corp. (Civil)<br><b>Decision:</b> Affirmed   | N.C. Industrial<br>Commission<br>15-031891                              | Dietz       |
| 18-567-1  | Brunson v. Off. of The NC Gen. Assembly (Civil)<br><b>Decision:</b> Dismissed                             | N.C. Industrial<br>Commission<br>TA-26220                               | McGee       |
| 18-568-1  | Brunson v. Off. of the Dist. Att'y For The 12th Prosecutorial Dist. (Civil)<br><b>Decision:</b> Dismissed | N.C. Industrial<br>Commission<br>TA-26221                               | McGee       |
| 18-569-1  | Brunson v. Off. of the 12th Judiciary (Civil)<br><b>Decision:</b> Dismissed                               | N.C. Industrial<br>Commission<br>TA-26222                               | McGee       |

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| 18-570-1  | Brunson v. Off. of the Dist. Att'y for the 12th Prosecutorial Dist. (Civil)<br><b>Decision:</b> Dismissed | N.C. Industrial Commission<br>TA-26223  | McGee    |
| 18-571-1  | Brunson v. Off. of the Governor Of The State of NC (Civil)<br><b>Decision:</b> Dismissed                  | N.C. Industrial Commission<br>TA-26224  | McGee    |
| 18-572-1  | Brunson v. Off. of the Dist. Att'y for the 12th Prosecutorial Dist. (Civil)<br><b>Decision:</b> Dismissed | N.C. Industrial Commission<br>TA-26225  | McGee    |
| 18-573-1  | Brunson v. Off. of the 12th Judiciary (Civil)<br><b>Decision:</b> Dismissed                               | N.C. Industrial Commission<br>TA-26238  | McGee    |
| 18-588-1  | Sides v. Ashley Furniture Indus., Inc. (Civil)<br><b>Decision:</b> Affirmed                               | N.C. Industrial Commission<br>16-004856 | Arrowood |
| 18-657-1  | Brunson v. NC Dep't of Pub. Safety (Civil)<br><b>Decision:</b> Affirmed                                   | N.C. Industrial Commission<br>TA-25705  | McGee    |
| 18-658-1  | Brunson v. Off. Of The Dist. Att'y For The 12th Prosecutorial Dist. (Civil)<br><b>Decision:</b> Affirmed  | N.C. Industrial Commission<br>TA-25775  | McGee    |
| 18-659-1  | Brunson v. NC Innocence Inquiry Comm'n (Civil)<br><b>Decision:</b> Affirmed                               | N.C. Industrial Commission<br>TA-25828  | McGee    |
| 17-1329-1 | Simmons v. New Hanover Cty. Sch. Sys. (Civil)<br><b>Decision:</b> Modified and Affirmed                   | New Hanover<br>17CVS1737                | Murphy   |
| 18-505-1  | Martin v. The Landfall Council of Ass'ns, Inc. (Civil)<br><b>Decision:</b> Dismissed                      | New Hanover<br>16CVS2284                | Zachary  |
| 18-117-1  | State v. Daw (Criminal)<br><b>Decision:</b> No Error  | Onslow<br>16CRS52399                    | Inman    |
| 18-323-1  | Reid v. Sterritt (Civil)<br><b>Decision:</b> Reversed and remanded.                                       | Pasquotank<br>16CVS766                  | Calabria |
| 18-678-1  | Carey v. Cherubini (Civil)<br><b>Decision:</b> Affirmed in part and remanded for additional findings.     | Pender<br>16CVD691                      | Arrowood |
| 18-91-1   | State v. Samuel (Criminal)<br><b>Decision:</b> Reversed and Remanded                                      | Perquimans<br>12CRS50124<br>17CRS118    | Bryant   |

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| 16-1107-2 | State v. Langley (Criminal)<br><br><b>Decision:</b> No Error  | Pitt<br>14CRS3412<br>14CRS3452<br>14CRS3454<br>14CRS57851-54 | Murphy  |
| 18-528-1  | State v. Stancill (Criminal)<br><br><b>Decision:</b> Affirmed in part; reversed in part; remanded for further proceedings | Pitt<br>16CRS426   | Inman   |
| 18-699-1  | State v. Floars (Criminal)<br><br><b>Decision:</b> Affirmed in part; reversed in part; remanded for further proceedings   | Pitt<br>16CRS55645   | Inman   |
| 18-700-1  | State v. Jones (Criminal)<br><br><b>Decision:</b> Affirmed in part; reversed in part; remanded for further proceedings    | Pitt<br>15CRS56923   | Inman   |
| 18-701-1  | State v. Gross (Criminal)<br><br><b>Decision:</b> Affirmed in part; reversed in part; remanded for further proceedings    | Pitt<br>15CRS3447  | Inman   |
| 18-702-1  | State v. Hill (Criminal)<br><br><b>Decision:</b> Affirmed in part; reversed in part; remanded for further proceedings     | Pitt<br>14CRS2669<br>14CRS2673-74                            | Inman   |
| 18-703-1  | State v. Joyner (Criminal)<br><br><b>Decision:</b> Affirmed in part; reversed in part; remanded for further proceedings   | Pitt<br>14CRS4386<br>14CRS59716                              | Inman   |
| 18-713-1  | Fischer v. Fagan (Civil)<br><br><b>Decision:</b> Affirmed in Part; Dismissed in Part.                                     | Polk<br>15CVS122   | Hunter, Jr.   |
| 18-55-1   | State v. Taylor (Criminal)<br><br><b>Decision:</b> Affirmed   | Robeson<br>11CRS52162  | Davis<br>Elmore, concurring in<br>part and dissenting in<br>part. |
| 18-511-1  | In re: B.A.S. & K.H.S. (Juvenile - 3.1)<br><br><b>Decision:</b> Affirmed  | Rockingham<br>16JT10-11                                      | Tyson   |
| 18-647-1  | In re: I.N.S. (Juvenile - 3.1)<br><br><b>Decision:</b> Dismissed  | Surry<br>16JT64  | Zachary   |
| 17-1307-1 | State v. Acosta (Criminal)<br><br><b>Decision:</b> No error in part; Affirmed in part.                                    | Wake<br>16CRS208707  | Murphy  |
| 18-437-1  | In re: B.W. (Juvenile - Criminal)<br><br><b>Decision:</b> Reversed in part; Vacated in part.                              | Wake<br>17JB431  | Murphy  |
| 18-346-1  | State v. Stancil (Criminal)<br><br><b>Decision:</b> No Error  | Wayne<br>15CRS51463  | Stroud  |