

**IN THE COURT OF APPEALS**  
**CASES REPORTED WITH PUBLISHED OPINIONS**  
**(FILED 19 MARCH 2019)**  
**(MANDATE 8 APRIL 2019)**

| Docket # | Title   | County      | Judge                       |
|----------|---|-------------|-----------------------------|
| 18-903-1 | Weishaupt-Smith v. Town of Banner Elk (Civil)<br><b>Decision:</b> Appeal dismissed.                                       | Avery       | Hampson                     |
| 18-681-1 | State v. Griffin (Criminal)<br><b>Decision:</b> No Error  | Beaufort    | Arrowood                    |
| 18-533-1 | BDM Invs. v. Lenhil, Inc. (Civil)<br><b>Decision:</b> Affirmed  | Brunswick   | Hunter, Jr.                 |
| 18-600-1 | Ramsey v. Ramsey (Civil)<br><b>Decision:</b> Appeal dismissed.  | Buncombe    | Zachary<br>Chris Dillon (d) |
| 18-920-1 | Sluder v. Sluder (Civil)<br><b>Decision:</b> Affirmed   | Buncombe    | Bryant                      |
| 18-649-1 | Tarr v. Zalaznik (Civil)<br><b>Decision:</b> Affirmed   | Cumberland  | McGee                       |
| 18-731-1 | Henry v. Morgan (Civil)<br><b>Decision:</b> Affirmed  | Durham      | Inman                       |
| 18-739-1 | Feeassco, LLC v. The Steel Network, Inc. (Civil)<br><b>Decision:</b> AFFIRMED IN PART; DISMISSED IN PART; AND REMANDED    | Durham      | Collins                     |
| 18-844-1 | Gunter v. Maher (Civil)<br><b>Decision:</b> Affirmed  | Forsyth     | Berger, Jr.                 |
| 18-581-1 | Tipton v. Delta Sigma Phi Fraternity, Inc. (Civil)<br><b>Decision:</b> Affirmed   | Guilford    | Davis                       |
| 18-436-1 | State v. Gamez (Criminal)<br><b>Decision:</b> AFFIRMED IN PART; VACATED IN PART; AND REMANDED WITH INSTRUCTIONS.          | Harnett     | Davis                       |
| 18-473-1 | In re: J.L. (Juvenile - 3.1)<br><b>Decision:</b> Affirmed in part; Vacated and Remanded in part.                          | Johnston    | Bryant<br>Dietz (c)         |
| 18-651-1 | Hager v. Smithfield East Health Holdings, LLC (Civil)<br><b>Decision:</b> Reversed in Part, Affirmed in Part and Remanded | Johnston    | Inman                       |
| 18-718-1 | Adams v. Langdon (Civil)<br><b>Decision:</b> Reversed and Remanded.   | Johnston    | Hampson                     |
| 18-273-1 | State v. Shackelford (Criminal)<br><b>Decision:</b> Vacated   | Mecklenburg | Davis<br>Murphy (c)         |
| 18-515-1 | Hill v. Durrett (Civil)<br><b>Decision:</b> Vacated and Remanded  | Mecklenburg | Davis                       |

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| 18-523-1  | Stern v. Stern (Civil)<br><b>Decision:</b> Reversed and Remanded   | Mecklenburg                | Stroud  |
| 18-551-1  | Simms v. Bolger (Civil)<br><b>Decision:</b> Affirmed in part; Reversed and remanded in part.                   | Mecklenburg                | Hampson   |
| 18-716-1  | Simms v. Bolger (Civil)<br><b>Decision:</b> Affirmed   | Mecklenburg                | Hampson   |
| 18-833-1  | Wright v. Alltech Wiring & Controls (Civil)<br><b>Decision:</b> Affirmed                                       | N.C. Industrial Commission | Zachary   |
| 18-477-1  | Julian v. The Univ. of NC Health Care Sys. (Civil)<br><b>Decision:</b> Affirmed                                | Orange                     | Dietz   |
| 18-463-1  | Assoc. Behav. Servs., Inc. v. Smith (Civil)<br><b>Decision:</b> Affirmed                                       | Robeson                    | Davis   |
| 18-233-1  | State v. Steen (Criminal)<br><b>Decision:</b> NO PREJUDICIAL ERROR.  | Rowan                      | Davis<br>Berger (c)<br>Hunter, Jr. (c)(d)             |
| 17-1215-2 | State v. Miller (Criminal)<br><b>Decision:</b> Reversed  | Union                      | Tyson   |
| 18-13-1   | State v. Lopez (Criminal)<br><b>Decision:</b> No error in part; no prejudicial error in part; reversed in part | Wake                       | McGee   |
| 18-431-1  | Aesthetic Facial & Ocular Plastic Surgery Ctr., P. A. v. Zaldivar (Civil)<br><b>Decision:</b> Affirmed         | Wake                       | Stroud  |
| 18-484-1  | Huml v. Huml (Civil)<br><b>Decision:</b> Affirmed  | Wake                       | Stroud<br>Chris Dillon (c)<br>Phillip Berger, Jr. (d) |
| 18-517-1  | State v. Rivera (Criminal)<br><b>Decision:</b> Dismissed   | Wake                       | McGee   |
| 18-687-1  | Watauga Cty. o/b/o McKiernan v. Shell (Civil)<br><b>Decision:</b> Reversed and Remanded                        | Watauga                    | Stroud  |

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| 18-501-1  | State v. Spikes (Criminal)<br><b>Decision:</b> No error in part; Affirmed in part.                           | Alamance<br>15CRS54844              | Murphy      |
| 18-645-1  | State v. Ruffin (Criminal)<br><b>Decision:</b> No prejudicial error  | Alamance<br>16CRS2481<br>16CRS50825 | Hunter, Jr. |
| 18-1038-1 | State v. Paylor (Criminal)<br><b>Decision:</b> No Error  | Alamance<br>16CRS55632              | Tyson       |
| 18-595-1  | In re: J.A.C. (Juvenile - 3.1)<br><b>Decision:</b> Vacated and Remanded                                      | Ashe<br>16JA37                      | Dietz       |
| 18-775-1  | Fed. Nat'l Mortg. Ass'n v. Price (Civil)<br><b>Decision:</b> APPEAL DISMISSED, MOTION ALLOWED, AND REMANDED. | Ashe<br>15CVS424                    | Tyson       |
| 17-1286-1 | State v. Bradshaw (Criminal)<br><b>Decision:</b> DISMISSED IN PART; NO ERROR IN PART.                        | Buncombe<br>14CRS92325              | Tyson       |
| 18-782-1  | In re: P.L.R. (Juvenile - 3.1)<br><b>Decision:</b> Affirmed  | Buncombe<br>16JT22                  | Zachary     |
| 18-555-1  | State v. Hight (Criminal)<br><b>Decision:</b> Affirmed   | Cabarrus<br>17CRS53756              | Tyson       |
| 18-847-1  | Tucker Chase, LLC v. Town of Midland (Civil)<br><b>Decision:</b> Affirmed                                    | Cabarrus<br>17CVS1590               | Arrowood    |
| 18-671-1  | State v. Chester (Criminal)<br><b>Decision:</b> Affirmed   | Caldwell<br>17CRS336                | Tyson       |
| 18-698-1  | Cronje v. Johnston (Civil)<br><b>Decision:</b> Affirmed  | Caldwell<br>18CVD210                | Davis       |
| 18-789-1  | State v. Smith (Criminal)<br><b>Decision:</b> No Error   | Caldwell<br>14CRS50494<br>16CRS1620 | Inman       |
| 18-930-1  | State v. Sanders (Criminal)<br><b>Decision:</b> Dismissed  | Caldwell<br>17CRS525<br>18CRS51160  | Collins     |
| 18-680-1  | State v. Moss (Criminal)<br><b>Decision:</b> Reversed in Part and Remanded; New Trial.                       | Clay<br>15CRS50267                  | Hunter, Jr. |
| 18-913-1  | In re: K.N.C.H. (Juvenile - 3.1)<br><b>Decision:</b> Affirmed  | Columbus<br>16JT26                  | Berger, Jr. |
| 18-711-1  | In re: A.B. (Juvenile - 3.1)   | Duplin<br>17JA23                    | Arrowood    |

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|          | <b>Decision:</b> Dismissed  |  |                     |
| 18-444-1 | State v. Lane (Criminal)  | Edgecombe<br>16CRS53497-99<br>17CRS1200                          | Dietz               |
|          | <b>Decision:</b> No Error   |  |                     |
| 18-371-1 | State v. Fletcher (Criminal)  | Forsyth<br>14CRS37<br>14CRS51497<br>14CRS52071                   | Tyson               |
|          | <b>Decision:</b> DISMISSED WITHOUT PREJUDICE  |  |                     |
| 18-799-1 | State v. Ragland (Criminal)   | Franklin<br>17CRS50158<br>17CRS50175<br>17CRS50176<br>17CRS50177 | Bryant              |
|          | <b>Decision:</b> Appeal Dismissed   |  |                     |
| 18-758-1 | In re: A.X.M., Jr. (Juvenile - 3.1)   | Greene<br>15JT28   | Bryant              |
|          | <b>Decision:</b> Reversed   |  |                     |
| 18-213-1 | State v. Cole (Criminal)  | Guilford<br>16CRS24557<br>16CRS24560<br>16CRS30067               | Murphy              |
|          | <b>Decision:</b> No plain error in part; No error in part; Dismissed in part; Vacated and remanded in part. |  |                     |
| 18-848-1 | In re: M.F.B., L.B., III, M.W.E.B. (Juvenile - 3.1)   | Guilford<br>15JT44-46  | Arrowood            |
|          | <b>Decision:</b> Affirmed   |  |                     |
| 18-898-1 | In re: M.R.C-M. (Juvenile - 3.1)  | Guilford<br>15JT263  | Arrowood            |
|          | <b>Decision:</b> Affirmed   |  |                     |
| 18-676-1 | O'Buckley v. O'Buckley (Civil)  | Iredell<br>16CVD246  | Bryant              |
|          | <b>Decision:</b> Affirmed   |  |                     |
| 18-906-1 | In re: A.J.K. (Juvenile - 3.1)  | Iredell<br>16JT83  | Murphy              |
|          | <b>Decision:</b> Affirmed   |  |                     |
| 18-236-1 | State v. Shchetinin (Criminal)  | Mecklenburg<br>15CRS239890<br>15CRS239891<br>15CRS239893         | Tyson               |
|          | <b>Decision:</b> No Error   |  |                     |
| 18-383-1 | Helbein v. Helbein (Civil)  | Mecklenburg<br>15CVD14984  | Murphy              |
|          | <b>Decision:</b> Dismissed in part; Affirmed in part  |  |                     |
| 18-460-1 | State v. Ardrey (Criminal)  | Mecklenburg<br>16CRS208747<br>16CRS208749                        | Davis<br>Berger (d) |
|          | <b>Decision:</b> VACATED IN PART AND REMANDED WITH INSTRUCTIONS.  |  |                     |
| 18-494-1 | State v. King (Criminal)  | Mecklenburg<br>15CRS15270<br>15CRS201075<br>15CRS201077          | Bryant              |
|          | <b>Decision:</b> No Error   |  |                     |

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| 18-497-1  | Arroyo v. Yanez (Civil)<br><b>Decision:</b> Affirmed in part; Reversed and Remanded in Part; Vacated in Part.                                  | Mecklenburg<br>15CVD3522                   | Dillon                           |
| 18-560-1  | Arroyo v. Yanez (Civil)<br><b>Decision:</b> Affirmed in Part; Reversed and Remanded in Part; Vacated in Part.                                  | Mecklenburg<br>15CVD3522                   | Dillon                           |
| 18-751-1  | State v. Benjamin (Criminal)<br><b>Decision:</b> DISMISSED IN PART; VACATED IN PART, AND REMANDED.   | Mecklenburg<br>16CRS212178-79              | Tyson                            |
| 18-543-1  | State v. Callaghan (Criminal)<br><b>Decision:</b> No Error   | Mitchell<br>16CRS50100<br>17CRS127         | Dillon                           |
| 18-155-1  | State v. Jaimes (Criminal)<br><b>Decision:</b> Judgment arrested in part and remanded; dismissed in part.                                      | Montgomery<br>15CRS50797                   | Murphy                           |
| 18-835-1  | Lea v. David's Bridal of Greensboro, Inc. (Civil)<br><b>Decision:</b> Affirmed   | N.C. Industrial<br>Commission<br>15-047470 | Hunter, Jr.                      |
| 18-500-1  | State v. Richardson (Criminal)<br><b>Decision:</b> No Error  | Nash<br>16CRS51974                         | Tyson                            |
| 18-397-1  | Stamey v. Stamey (Civil)<br><b>Decision:</b> Reversed  | New Hanover<br>07CVD4570                   | Bryant                           |
| 18-400-1  | Brinkley-Caldwell v. Britthaven, Inc. (Civil)<br><b>Decision:</b> Affirmed   | New Hanover<br>17CVS3118                   | Murphy                           |
| 18-276-1  | Wright v. NC Off. of State Hum. Res. (Civil)<br><b>Decision:</b> Affirmed  | Office of Admin.<br>Hearings<br>17OSP721   | McGee                            |
| 18-547-1  | Makar v. Mimosa Bay Homeowners Ass'n, Inc. (Civil)<br><b>Decision:</b> REVERSED AND REMANDED WITH INSTRUCTIONS.                                | Onslow<br>15CVS3483                        | Davis                            |
| 18-122-1  | State v. Smith (Criminal)<br><b>Decision:</b> No error in part; dismissed in part  | Pender<br>13CRS50467<br>13CRS720           | Berger, Jr.                      |
| 18-344-1  | State v. Jackson (Criminal)<br><b>Decision:</b> No error in Part; Vacated and Remanded in Part   | Pitt<br>17CRS268                           | Bryant                           |
| 18-591-1  | State v. Moore (Criminal)<br><b>Decision:</b> No Error   | Pitt<br>16CRS56454                         | Berger, Jr.                      |
| 18-881-1  | In re: B.L. (Juvenile - 3.1)<br><b>Decision:</b> Affirmed  | Pitt<br>16JT87                             | Hunter, Jr.                      |
| 18-1111-1 | In re: A.D.S., N.V.S., C.D.S., H.D.S., F.D.S., S.V.S., V.D.S., D.V.S., V.D.S. (Juvenile - 3.1)<br><b>Decision:</b> Remanded; Affirmed in part. | Surry<br>16JT97-105                        | Hampson<br>Philip Berger, Jr.(c) |

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| 18-161-1 | State v. Lopes (Criminal)<br><b>Decision:</b> No Error   | Union<br>15CRS51652  | Bryant      |
| 18-262-1 | Mathis v. Jones (Civil)<br><b>Decision:</b> Dismissed  | Union<br>17CVS1427   | Bryant      |
| 18-879-1 | Tyson v. Bess (Civil)<br><b>Decision:</b> Dismissed  | Union<br>12CVD1246   | Dietz       |
| 18-338-1 | State v. Schricker (Criminal)<br><b>Decision:</b> No error in part; vacated and remanded in part   | Wake<br>14CRS209666  | Berger, Jr. |
| 18-412-1 | State v. Morgan (Criminal)<br><b>Decision:</b> Affirmed  | Wake<br>04CRS63525-28  | Bryant      |
| 18-576-1 | State v. Moore (Criminal)<br><b>Decision:</b> Affirmed   | Wake<br>16CRS220563<br>17CRS213                                | Bryant      |
| 18-682-1 | State v. Al-Hamood (Criminal)<br><b>Decision:</b> No Error   | Wake<br>17CRS202127<br>17CRS431                                | Inman       |
| 18-792-1 | Chalk v. Braakman (Civil)<br><b>Decision:</b> Affirmed   | Wake<br>16CVD13617   | McGee       |
| 18-752-1 | State v. Kope (Criminal)<br><b>Decision:</b> Affirmed  | Watauga<br>03CRS1720<br>03CRS50689<br>03CRS50694<br>03CRS50728 | Bryant      |
| 18-934-1 | State v. Zimmerman (Criminal)<br><b>Decision:</b> DISMISSED IN PART; VACATED IN PART AND REMANDED. | Yadkin<br>16CRS50821-22<br>16CRS50836<br>17CRS50350            | Tyson       |