

# NORTH CAROLINA COURT OF APPEALS

Court of Appeals Building  
One West Morgan Street  
Raleigh, North Carolina 27601

This calendar is available at: <http://www.nccourts.org/Courts/Appellate/Appeal/Default.asp>

## COURT CALENDAR BY PANEL

**Monday, 20 August 2007**

PANEL NO. 1

JOHN C. MARTIN  
DOUGLAS MCCULLOUGH  
JOHN M. TYSON

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **MONDAY, 20TH OF AUGUST 2007 AT 1:00 p.m.**

|                                      |         |           |
|--------------------------------------|---------|-----------|
| State v Pettis                       | 06-1380 | Cleveland |
| Park East Sales, LLC v Clark-Langley | 06-1496 | Wake      |
| Wilkins v Safran                     | 06-1528 | Granville |

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **MONDAY, 20TH OF AUGUST 2007.** COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

|                                 |         |             |
|---------------------------------|---------|-------------|
| State v Peebles                 | 06-1252 | Halifax     |
| State v Edwards                 | 06-1415 | Mecklenburg |
| State v Muhammad                | 06-1430 | Martin      |
| State v Graves                  | 06-1442 | Alamance    |
| State v Carpenter               | 06-1459 | Stanly      |
| Freeman v Freeman               | 06-1434 | Henderson   |
| Davis v Sgt. Peppers Restaurant | 06-1469 | Catawba     |
| Carter v Hill                   | 06-1517 | Forsyth     |
| Calhoun v Golian                | 06-1525 | Wake        |

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## COURT CALENDAR BY PANEL

**Tuesday, 21 August 2007**

PANEL NO. 2

JAMES A. WYNN, JR.  
ROBERT C. HUNTER  
WANDA G. BRYANT

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **TUESDAY, 21ST OF AUGUST 2007 AT 9:30 a.m.**

|                                   |         |          |
|-----------------------------------|---------|----------|
| State v Jones                     | 06-1495 | Cabarrus |
| State v Sparks                    | 06-1527 | Davidson |
| Brown, et al v Chatham County Bd. | 06-1577 | Chatham  |

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **TUESDAY, 21ST OF AUGUST 2007.** COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

|                                    |         |             |
|------------------------------------|---------|-------------|
| State v West                       | 06-1487 | New Hanover |
| State v Hardy                      | 06-1518 | Edgecombe   |
| State v Johnson                    | 06-1557 | Mecklenburg |
| State v Davis                      | 06-1558 | Mitchell    |
| Hall v Cohen                       | 06-1531 | Pitt        |
| Piles v AllState Insurance Company | 06-1543 | Durham      |
| Southeastern v Emerson, et al      | 06-1564 | Haywood     |
| Hughes v Rivera-Ortiz              | 06-1582 | Mecklenburg |
| Smith v Bennett, et al             | 07-124  | Wake        |

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## COURT CALENDAR BY PANEL

**Wednesday, 22 August 2007**

PANEL NO. 3

LINDA M. MCGEE  
LINDA STEPHENS

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THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **WEDNESDAY, 22ND OF AUGUST 2007 AT 9:30 a.m.**

|                             |         |        |
|-----------------------------|---------|--------|
| State v Williams            | 06-1563 | Stanly |
| State v Goldsmith           | 06-1573 | Stokes |
| Mangum, et al v Raleigh BOA | 06-1587 | Wake   |

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 22ND OF AUGUST 2007.** COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

|  |         |                          |
|--|---------|--------------------------|
| State v Pritchard                      | 06-1559 | Beaufort                 |
| State v Minton                         | 06-1566 | Forsyth                  |
| State v Edwards                        | 06-1569 | Wilson                   |
| State v Covington                      | 06-1575 | Mecklenburg              |
| Silver v GMRI, Inc.                    | 06-1588 | Wake                     |
| Interlocal Risk Financing Fund v Ryals | 06-1607 | Wake                     |
| In The Matter of: R.L. , N.M.Y.        | 06-1616 | Vance                    |
| CitiFinancial Mortgage v Gray          | 06-1620 | Henderson                |
| Baker v Graystone Construction         | 06-1628 | NC Industrial Commission |

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## COURT CALENDAR BY PANEL

**Wednesday, 22 August 2007**

PANEL NO. 4

ANN MARIE CALABRIA  
MARTHA GEER  
BARBARA JACKSON

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **WEDNESDAY, 22ND OF AUGUST 2007 AT 1:00 p.m.**

|                               |         |        |
|-------------------------------|---------|--------|
| State v Hernandez and Pedro   | 06-1591 | Pender |
| In Re: Advance America, et al | 06-1576 | Wake   |

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 22ND OF AUGUST 2007.** COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

|                                      |         |             |
|--------------------------------------|---------|-------------|
| State v Kirby                        | 06-1593 | Rutherford  |
| State v Stephens                     | 06-1594 | Wake        |
| State v Cole                         | 06-1595 | Guilford    |
| State v Toney                        | 06-1601 | Pitt        |
| State v Burrell                      | 06-1609 | Guilford    |
| NC Counties Liability v Curry        | 06-1664 | New Hanover |
| Ron Medlin Construction v Harris     | 06-1665 | Brunswick   |
| Keyzer v Amerlink, Ltd.              | 06-1675 | Nash        |
| Neblett v Hanover Inspection Service | 06-1676 | New Hanover |
| Atkinson v Lesmeister, et al         | 06-1677 | Sampson     |

Sent Date: 14 June 2007

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## COURT CALENDAR BY PANEL

**Thursday, 23 August 2007**

PANEL NO. 5  
RICK ELMORE  
SANFORD STEELMAN  
DONNA STROUD

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **THURSDAY, 23RD OF AUGUST 2007 AT 9:30 a.m.**

|                                     |         |          |
|-------------------------------------|---------|----------|
| State v Dexter                      | 06-1611 | Pamlico  |
| State v Smith                       | 06-1631 | Guilford |
| Beaufort Bd.of Educ. v Beaufort Bd. | 06-1712 | Beaufort |

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **THURSDAY, 23RD OF AUGUST 2007.** COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

|   |         |                             |
|---|---------|-----------------------------|
| State v Brower                          | 06-1615 | Moore                       |
| State v Labinski                        | 06-1617 | Pitt                        |
| State v Moore                           | 06-1618 | Beaufort                    |
| State v Daleus                          | 06-1622 | Cumberland                  |
| Macon County, et al v Town of Highlands | 06-1634 | Macon                       |
| Watson v Watson                         | 06-1640 | Alamance                    |
| Hospice at Greensboro v NC Dept. of DHR | 06-1641 | Dept. of Health & Human Ser |
| Keyes v NC DOT                          | 06-1649 | Beaufort                    |
| Strum, et al v Greenville Timberline    | 06-1660 | Macon                       |

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## COURT CALENDAR BY PANEL

**Tuesday, 28 August 2007**

PANEL NO. 2

JAMES A. WYNN, JR.  
ROBERT C. HUNTER  
WANDA G. BRYANT

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **TUESDAY, 28TH OF AUGUST 2007 AT 9:30 a.m.**

|   |         |                          |
|---|---------|--------------------------|
| State v Young                           | 06-1247 | Guilford                 |
| State v Carter                          | 06-1645 | Guilford                 |
| Faulkenberry v Queen City Manufacturing | 07-112  | NC Industrial Commission |

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **TUESDAY, 28TH OF AUGUST 2007.** COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

|  |         |             |
|--|---------|-------------|
| State v Gaddy                          | 06-1561 | Guilford    |
| State v Lender                         | 06-1632 | Greene      |
| State v Hengstenberg                   | 06-1661 | Buncombe    |
| State v Dunn                           | 06-1637 | Wake        |
| Park v Young Homes, Inc. v Schluter    | 07-67   | Wake        |
| White v Tippett, et al                 | 07-70   | Mecklenburg |
| Bingham v Steidel, Pullen, and Bingham | 07-84   | Davie       |
| Etter and Vogel v Pigg and Vandiver    | 07-92   | Henderson   |
| State ex rel Newton v Scarborough      | 07-111  | Durham      |

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## COURT CALENDAR BY PANEL

**Wednesday, 29 August 2007**

PANEL NO. 3  
LINDA M. MCGEE  
LINDA STEPHENS

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THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **WEDNESDAY, 29TH OF AUGUST 2007 AT 9:30 a.m.**

|  |        |          |
|--|--------|----------|
| Midsouth Golf v Fairfield Harbourside, | 07-64  | Craven   |
| Adams Creek Associates v Davis         | 07-134 | Carteret |

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 29TH OF AUGUST 2007.** COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

|                               |         |                          |
|-------------------------------|---------|--------------------------|
| State v Fleming               | 06-1646 | Guilford                 |
| State v Seek                  | 06-1650 | Cumberland               |
| State v Johnson               | 06-1654 | Wayne                    |
| State v Hazelwood             | 06-1667 | Wake                     |
| State v Stanley               | 06-1669 | Guilford                 |
| State v Young                 | 06-1680 | Granville                |
| In The Matter Of: B.D.N.      | 07-44   | Onslow                   |
| Ludeman v Bradford Clinic     | 07-50   | Mecklenburg              |
| Weaver v Sheppa, et al        | 07-52   | Wake                     |
| Conyers v New Hanover Schools | 07-53   | NC Industrial Commission |

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## COURT CALENDAR BY PANEL

**Wednesday, 29 August 2007**

PANEL NO. 4

ANN MARIE CALABRIA  
MARTHA GEER  
BARBARA JACKSON

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **WEDNESDAY, 29TH OF AUGUST 2007 AT 1:00 p.m.**

In The Matter Of The Will Of: Jones      07-4      Johnston

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 29TH OF AUGUST 2007.** COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

|                                     |         |                          |
|-------------------------------------|---------|--------------------------|
| State v Leskiw                      | 06-1687 | Pitt                     |
| State v Brimmer                     | 06-1701 | Craven                   |
| State v Byers                       | 06-1704 | Cherokee                 |
| State v Davis                       | 06-1707 | Wake                     |
| State v Jones                       | 06-1718 | Robeson                  |
| State v Miller                      | 07-10   | Guilford                 |
| In The Matter Of: D.L.W.            | 06-1715 | Wake                     |
| Lineberger v NC Dept. of Correction | 07-3    | Wake                     |
| Hunter v APAC/BARRUS, et al         | 07-5    | NC Industrial Commission |
| Shepherd v National Federation      | 07-27   | NC Industrial Commission |
| Byrd v Byrd                         | 07-36   | Currituck                |

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## COURT CALENDAR BY PANEL

**Thursday, 30 August 2007**

PANEL NO. 5  
RICK ELMORE  
SANFORD STEELMAN  
DONNA STROUD

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **THURSDAY, 30TH OF AUGUST 2007 AT 9:30 a.m.**

|   |         |            |
|---|---------|------------|
| State v Dickerson                       | 07-14   | Forsyth    |
| Winrow, et al v Discovery Ins. et al    | 06-1681 | Pasquotank |
| Oakes v Lincoln County Bd. of Elections | 06-1699 | Lincoln    |

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **THURSDAY, 30TH OF AUGUST 2007.** COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

|   |         |                          |
|---|---------|--------------------------|
| State v Barbee                          | 07-12   | Stanly                   |
| State v Pate                            | 07-13   | Wayne                    |
| State v McBride                         | 07-22   | Wake                     |
| State v Tillery                         | 07-23   | Edgecombe                |
| State v Alvarado                        | 07-105  | Alamance                 |
| Matthews v Wake Forest University       | 06-1549 | NC Industrial Commission |
| NC State Bar v Key                      | 06-1666 | NC State Bar             |
| Sprake, et al v NC Farm Bureau Mutual   | 06-1690 | Orange                   |
| Wesley Long Nursing Ctr., Inc. v Harper | 06-1706 | Guilford                 |