

**IN THE COURT OF APPEALS**  
**CASES REPORTED WITH PUBLISHED OPINIONS**  
**(FILED 17 MARCH 1998)**  
**(MANDATE 6 APRIL 1998)**

| Docket # | Title   | County      | Judge           |
|----------|---|-------------|-----------------|
| 97-421-1 | State v White (Criminal)<br><b>Decision:</b> Affirmed   | Alamance    | Eagles, Jr.     |
| 97-73-1  | Sullivan v Bright (Civil)<br><b>Decision:</b> Reverse and remand  | Beaufort    | Timmons-Goodson |
| 97-432-1 | State v Thompson (Criminal)<br><b>Decision:</b> No error in the trial; vacated and remanded in part for resentencing. | Bladen      | Wynn, Jr.       |
| 97-585-1 | Biltmore Square v City of Asheville (Civil)<br><b>Decision:</b> Affirmed  | Buncombe    | McGee           |
| 97-505-1 | State v Corpening (Criminal)<br><b>Decision:</b> No error   | Caldwell    | Walker          |
| 97-299-1 | Osborne v Osborne (Civil)<br><b>Decision:</b> Affirmed in part, Reversed in part and Remanded                         | Forsyth     | Lewis, Jr.      |
| 97-802-1 | Phillips v State Farm Mutual Automobile (Civil)<br><b>Decision:</b> Affirmed  | Gaston      | Horton, Jr.     |
| 97-13-1  | State v Swindler (Criminal)<br><b>Decision:</b> No Error  | Guilford    | Lewis, Jr.      |
| 97-329-1 | Locklear v Nixon (Civil)<br><b>Decision:</b> Reversed   | Guilford    | Wynn, Jr.       |
| 97-665-1 | Robertson v City of High Point (Civil)<br><b>Decision:</b> Affirmed   | Guilford    | Smith           |
| 97-233-1 | Stewart v Johnston County Board of Ed. (Civil)<br><b>Decision:</b> Affirmed   | Johnston    | Arnold          |
| 96-155-2 | Tinch v Video Industrial Services et al (Civil)<br><b>Decision:</b> Affirmed  | Mecklenburg | Smith           |
| 97-743-1 | Piazza v Little, et al (Civil)<br><b>Decision:</b> Affirmed   | Pitt        | Horton, Jr.     |
| 97-631-1 | State v Treece (Criminal)<br><b>Decision:</b> No Error  | Richmond    | McGee           |
| 97-193-1 | Paschal v Myers, et al (Civil)<br><b>Decision:</b> Affirmed   | Rockingham  | Timmons-Goodson |
| 97-315-1 | Mrozek(Gardner) v Mrozek (Civil)<br><b>Decision:</b> Affirmed in part Reversed & Remanded in part                     | Wake        | Eagles, Jr.     |

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| 97-538-1 | Miller Building Corp. v NBBJ N.C. Inc. (Civil)<br><b>Decision:</b> Affirmed | Wake   | Greene |

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| 97-867-1  | State v Kelly (Civil)<br><b>Decision:</b> No error   | Bladen<br>96CRS3264,96CRS3259                     | Martin      |
| 97-896-1  | Lee v Moore, et al (Civil)<br><b>Decision:</b> Dismissed   | Bladen<br>96CVS539                                | McGee       |
| 97-632-1  | Garland Brothers, Inc. v Haren Const. (Civil)<br><b>Decision:</b> Appeal Dismissed                 | Buncombe<br>95CVS01060                            | Wynn, Jr.   |
| 97-672-1  | Merrimon Co. v Bailey (Civil)<br><b>Decision:</b> Reversed and remanded                            | Buncombe<br>96CVS2499                             | Greene      |
| 97-725-1  | Mynatt v Asheville Bd of Adjustment (Civil)<br><b>Decision:</b> Affirmed in part, reversed in part | Buncombe<br>96CVS3300                             | Arnold      |
| 97-933-1  | State v Jepsen (Criminal)<br><b>Decision:</b> No error   | Buncombe<br>96CRS11531                            | Martin      |
| 97-1217-1 | Bobbitt v Bobbitt (Civil)<br><b>Decision:</b> Vacate and remand                                    | Buncombe<br>96CVD1982                             | McGee       |
| 97-875-1  | Shelton v Shelton (Civil)<br><b>Decision:</b> Vacated in part and remanded                         | Burke<br>93CVD551                                 | McGee       |
| 97-513-1  | In Re: Will of Little (Civil)<br><b>Decision:</b> No error   | Cabarrus<br>94E186                                | Martin      |
| 97-1125-1 | State v Cunningham (Criminal)<br><b>Decision:</b> No Error   | Cabarrus<br>97CRS1871,96CRS10641                  | McGee       |
| 97-423-1  | State v Huffman (Criminal)<br><b>Decision:</b> No error  | Caldwell<br>94CRS4330                             | McGee       |
| 97-871-1  | Andrews Wood Products v McCall (Civil)<br><b>Decision:</b> Reversed and remanded                   | Caldwell<br>96CVS1618                             | Smith       |
| 97-322-1  | Henry v Hairr (Civil)<br><b>Decision:</b> Reversed and Remanded                                    | Cumberland<br>95CVS3269                           | Eagles, Jr. |
| 97-588-1  | State v Lequire (Criminal)<br><b>Decision:</b> No Error  | Davidson<br>95CRS14597,95CRS14598,-<br>95CRS14596 | Martin      |
| 97-1082-1 | State v Lopez (Criminal)<br><b>Decision:</b> No Error  | Davidson<br>96CRS20867,96CRS20868,-<br>96CRS20866 | McGee       |
| 97-1200-1 | In Re: Mason (Civil)<br><b>Decision:</b> Affirmed  | Davidson<br>94J113                                | McGee       |

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| 97-645-1  | State Farm v Dillingham, et al (Civil)<br><b>Decision:</b> Affirmed                                | Forsyth<br>96CVS5862                                 | McGee           |
| 97-800-1  | Jacobs, et al v Winston-Salem Zoning Bd (Civil)<br><b>Decision:</b> Affirmed                       | Forsyth<br>96CVS6948                                 | Arnold          |
| 97-870-1  | State v Johnson (Civil)<br><b>Decision:</b> No Error   | Forsyth<br>96CRS20834                                | Martin          |
| 97-248-1  | Housing Management v Shadrick (Civil)<br><b>Decision:</b> Dismissed                                | Guilford<br>95CVS1369                                | Smith           |
| 97-1052-1 | State v Wilson (Criminal)<br><b>Decision:</b> No Error   | Halifax<br>96CRS7430                                 | Martin          |
| 97-466-1  | Bagwell v King (Criminal)<br><b>Decision:</b> Affirmed in part<br>Remanded in part                 | Henderson<br>94CVS1041                               | McGee           |
| 97-1236-1 | State v Edmondson (Criminal)<br><b>Decision:</b> Affirmed  | Lenoir<br>95CRS3359                                  | McGee           |
| 97-364-1  | Moore v McRorie, et al (Civil)<br><b>Decision:</b> Affirmed  | Mecklenburg<br>95CVS5329                             | Lewis, Jr.      |
| 97-531-1  | State Farm Ins. v Ford Motor Co. (Civil)<br><b>Decision:</b> Reversed                              | Mecklenburg<br>95CVS12744                            | Lewis, Jr.      |
| 97-682-1  | Crawford v Frito Lay, Incorporated (Civil)<br><b>Decision:</b> Affirmed                            | Mecklenburg<br>96CVS6173                             | Greene          |
| 97-1008-1 | State v Mays (Criminal)<br><b>Decision:</b> No Error   | Mecklenburg<br>96CRS40359,96CRS81930,-<br>96CRS40358 | Martin          |
| 96-1479-1 | Blackwell v Sare Lee Knit Products (Civil)<br><b>Decision:</b> Affirm                              | N.C. Industrial Commission<br>IC378913               | Timmons-Goodson |
| 97-371-1  | Ratliff v Bright Enterprises, et al (Civil)<br><b>Decision:</b> Affirmed in part, remanded in part | N.C. Industrial Commission<br>IC424732,IC245808      | Martin          |
| 97-861-1  | Hitesman v NCDOT (Civil)<br><b>Decision:</b> Affirmed  | N.C. Industrial Commission<br>ICTA13493              | Smith           |
| 97-868-1  | Inman v Wilson (Civil)<br><b>Decision:</b> Affirmed in part vacated in part, and remanded.         | N.C. Industrial Commission<br>IC084359               | Horton, Jr.     |
| 97-1116-1 | In The Matter of: Malpass (Civil)<br><b>Decision:</b> Affirmed                                     | New Hanover<br>96J345                                | McGee           |
| 97-939-1  | State v Manley (Criminal)  | Onslow<br>96CRS17405                                 | Martin          |

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|           | <b>Decision:</b> No Error                  |                                    |             |
| 97-912-1  | Riddick v Riddick (Civil)                  | Pasquotank<br>96CVD431             | McGee       |
|           | <b>Decision:</b> Dismissed                 |                                    |             |
| 97-335-1  | State v Hayes (Criminal)                   | Pender<br>93CRS3774                | Walker      |
|           | <b>Decision:</b> No Error                  |                                    |             |
| 97-484-1  | In the Matter of Barnette (Civil)          | Pender<br>95J79,95J78              | Martin      |
|           | <b>Decision:</b> Affirmed                  |                                    |             |
| 97-610-1  | Gresham v ABF Freight System, Inc. (Civil) | Pitt<br>94CVS1786                  | Greene      |
|           | <b>Decision:</b> No Error                  |                                    |             |
| 97-668-1  | In Re: AMP Inc. (Civil)                    | Property Tax Commission<br>95PTC43 | Walker      |
|           | <b>Decision:</b> Vacated and remanded      |                                    |             |
| 97-902-1  | State v Fowler (Civil)                     | Randolph<br>96CRS7555,96CRS7554    | Martin      |
|           | <b>Decision:</b> Appeal Dismissed          |                                    |             |
| 97-547-1  | State v Leak (Criminal)                    | Robeson<br>94CRS970                | Horton, Jr. |
|           | <b>Decision:</b> No Error                  |                                    |             |
| 97-446-1  | Murphy, et al v Mcknight, et al (Civil)    | Rowan<br>95CVS2043                 | Martin      |
|           | <b>Decision:</b> Affirmed                  |                                    |             |
| 97-763-1  | Horne v Town of Clinton (Civil)            | Sampson<br>95CVS1124               | John, Sr.   |
|           | <b>Decision:</b> Affirmed                  |                                    |             |
| 97-1100-1 | Evans v Ted Parker Home Sales (Civil)      | Vance<br>96CVS237                  | McGee       |
|           | <b>Decision:</b> Affirmed                  |                                    |             |
| 97-602-1  | State v Robinson (Criminal)                | Yancey<br>95CRS2000                | John, Sr.   |
|           | <b>Decision:</b> No Error                  |                                    |             |