

**IN THE COURT OF APPEALS**  
**CASES REPORTED WITH PUBLISHED OPINIONS**  
**(FILED 7 APRIL 1998)**  
**(MANDATE 27 APRIL 1998)**

Docket #	Title	County	Judge
97-735-1	McKissick v McKissick (Civil) <b>Decision:</b> Affirmed	Alamance	Greene
97-560-1	Brown v American Messenger (Civil) <b>Decision:</b> Affirmed	Cabarrus	Wynn, Jr.
96-1485-1	Taylor, et al v City of Lenoir (Civil) <b>Decision:</b> Reverse & Remand	Caldwell	Timmons-Goodson
97-722-1	Morgan, et al v State Farm Mutual (Civil) <b>Decision:</b> Affirm	Carteret	Timmons-Goodson
97-636-1	Leak v Leak (Civil) <b>Decision:</b> Affirmed	Durham	Wynn, Jr.
97-813-1	City of Durham v Woo, et al (Civil) <b>Decision:</b> Affirmed in part, Reversed in part	Durham	Horton, Jr.
97-435-1	Marcus Brothers v Price Waterhouse (Civil) <b>Decision:</b> Reversed & Remanded	Forsyth	Eagles, Jr.
97-879-1	State Auto Ins. v McClamroch, et al (Civil) <b>Decision:</b> Affirmed	Forsyth	Eagles, Jr.
97-522-1	State v Allred (Criminal) <b>Decision:</b> No Error	Guilford	Greene
97-1019-1	Duncan v Bryant, et al (Civil) <b>Decision:</b> Appeal Dismissed	Guilford	Smith
97-528-1	State v Stinnett (Criminal) <b>Decision:</b> No Error	Johnston	Eagles, Jr.
97-18-1	Ferguson v Killens (Civil) <b>Decision:</b> Affirmed	Mecklenburg	Lewis, Jr.
97-809-1	The Hertz Corporation v New South Ins. (Civil) <b>Decision:</b> Affirmed	New Hanover	Lewis, Jr.
96-1080-1	Dunkley v Shoemate, et al (Civil) <b>Decision:</b> Reversed	Orange	Arnold
97-279-1	In The Matter of: W. Whittington (Civil) <b>Decision:</b> Affirmed	Property Tax Commission	Arnold
97-615-1	Armstrong D.D.S. v NC Bd of Dental Exam (Civil) <b>Decision:</b> Reversed	Stanly	Wynn, Jr.
97-650-1	State v Cockerham (Criminal) <b>Decision:</b> No Error	Surry	Wynn, Jr.

Docket #	Title	County	Judge
97-749-1	Reunion Land Co. v Village of Marvin (Civil) <b>Decision:</b> Affirmed	Union	Wynn, Jr.
97-720-1	Trapp v Maccioli, M.D. (Civil) <b>Decision:</b> Reversed & Remanded	Wake	Greene
97-801-1	State Farm Mutual v Long, et al (Civil) <b>Decision:</b> Affirmed	Wake	Eagles, Jr.
97-835-1	Horne v Roadway Package Systems (Civil) <b>Decision:</b> No Error	Wilson	Martin

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97-811-1	State v Woolard (Criminal) <b>Decision:</b> Affirmed	Beaufort 95CRS7447 95CRS7569	McGee
97-1114-1	State v Daniels (Criminal) <b>Decision:</b> No Error	Brunswick 95CRS10444	McGee
97-1224-1	State v Simmons (Criminal) <b>Decision:</b> Affirmed	Brunswick 94CRS5808 94CRS8515 92CRS4595	Smith
97-535-1	In The Matter Of: Marrissa Brown (Juvenile - 3.1) <b>Decision:</b> Affirmed	Buncombe 96J37	Martin
97-647-1	Johnston v US Cycling Fed., et al (Civil) <b>Decision:</b> Affirmed	Buncombe 96CVS1274	Martin
97-739-1	State v Sanders (Criminal) <b>Decision:</b> No Error	Buncombe 95CRS061070 95CRS7099 95CRS59529	Smith
97-707-1	McClamrock v Kee, et al (Civil) <b>Decision:</b> Affirmed	Cabarrus 96CVD1924	Smith
97-400-1	Hamrick v Butner, et al (Civil) <b>Decision:</b> Dismissed	Catawba 95CVS1131	Smith
97-627-1	Lee v Lee (Civil) <b>Decision:</b> Dismissed	Chowan 87CVD7	Timmons-Goodson
97-674-1	State v Smith & Smith (Criminal) <b>Decision:</b> No Error	Craven 96CRS3216 96CRS2593	Martin
97-985-1	State v Williams (Criminal) <b>Decision:</b> No Error	Craven 96CRS16514	McGee
97-782-1	Snyder, et al v Fortier, et al (Civil) <b>Decision:</b> Appeal Dismissed	Cumberland 95CVS6499	Smith
97-891-1	State v Averitte (Criminal) <b>Decision:</b> No Error	Cumberland 96CRS28425	Smith
97-1011-1	State v Andrews (Criminal) <b>Decision:</b> No Error	Cumberland 96CRS1389 96CRS13810 96CRS1388 96CRS13811	John, Sr.
97-628-1	In Re: Wright (Civil) <b>Decision:</b> Affirmed	Davidson 96J98 96J97	Smith
97-979-1	Hincher, et al v Whitehead, et al (Civil)	Davidson 94CVS2007	Smith

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	<b>Decision:</b> Dismissed		
97-1163-1	State v Carter (Criminal)	Davidson 96CRS9250	Smith
	<b>Decision:</b> No Error		
97-910-1	Ethridge, et al v Buckwalter, M.D. (Civil)	Durham 95CVS1469	Per Curiam
	<b>Decision:</b> Appeal Dismissed		
97-955-1	State v Council (Criminal)	Durham 96CRS10681 95CRS35482	John, Sr.
	<b>Decision:</b> No Error		
97-1256-1	Palermo, et al v Darocha, et al (Civil)	Durham 96CVS04982	Smith
	<b>Decision:</b> Affirmed		
97-622-1	R.J. Reynolds v Liggett Group, Inc. (Civil)	Forsyth 97CVS2173	Eagles, Jr.
	<b>Decision:</b> Affirmed		
97-711-1	Ferrell v Yarbrough, et al (Civil)	Forsyth 95CVS3762	Eagles, Jr.
	<b>Decision:</b> Affirmed		
97-922-1	State v Barnes & Hudson (Criminal)	Forsyth 95CRS17708 95CRS13908	John, Sr.
	<b>Decision:</b> No Error		
97-1126-1	State v Barnes (Criminal)	Forsyth 90CRS27242 90CRS27244 90CRS27241	Smith
	<b>Decision:</b> Affirmed		
97-1016-1	State v Teasley (Criminal)	Franklin 93CRS3549 93CRS3550 93CRS3548 93CRS3551	John, Sr.
	<b>Decision:</b> Affirmed		
97-1171-1	State v Haley (Criminal)	Gaston 96CRS20032	Smith
	<b>Decision:</b> No error		
97-1240-1	State v Carter (Criminal)	Gaston 95CRS20822 95CRS21215 95CRS20823 95CRS33944 95CRS20821 95CRS21214	McGee
	<b>Decision:</b> No Error		
97-1244-1	State v Ledbetter (Criminal)	Gaston 96CRS16901 96CRS16908 96CRS31214 96CRS31212 96CRS31215 96CRS16907 96CRS31213	McGee
	<b>Decision:</b> No Error		
97-659-1	State v Mulchi (Criminal)	Granville 96CRS5026 96CRS5027 96CRS5025	McGee
	<b>Decision:</b> No Error		
97-654-1	Brown v Montgomery (Civil)	Guilford 95CVS9244	Arnold
	<b>Decision:</b> Remanded for further findings		
97-685-1	State v Hodgin (Criminal)	Guilford 95CRS73962	Lewis, Jr.

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	<b>Decision:</b> No Error		
97-755-1	State v Day (Criminal)	Guilford 93CRS64157 93CRS64158 93CRS64156 94CRS20304	Smith
	<b>Decision:</b> No Error		
97-882-1	Jenkins v Wysong And Miles Co. (Civil)	Guilford 95CVS5574	Horton, Jr.
	<b>Decision:</b> Affirmed		
97-968-1	Jackson v Chavis, et al (Civil)	Guilford 95CVS9678	Smith
	<b>Decision:</b> Affirmed		
97-1081-1	State v Williams (Criminal)	Guilford 96CRS22117 96CRS22116	Smith
	<b>Decision:</b> Appeal Dismissed		
97-1327-1	State v McGougan (Criminal)	Hoke 93CRS995 93CRS4727 93CRS996 93CRS994 93CRS4725	Smith
	<b>Decision:</b> Affirmed		
97-623-1	State v Gray, et al (Civil)	Iredell 96CRS9024 96CRS9631 96CRS8823	McGee
	<b>Decision:</b> No Error		
97-768-1	Douglas, et al v 4329 E. Independ. Blvd (Civil)	Mecklenburg 96CVD1166	Timmons-Goodson
	<b>Decision:</b> Affirmed		
97-793-1	In The Matter of: Reginald V. Weathers (Juvenile - 3.1)	Mecklenburg 93J691	Timmons-Goodson
	<b>Decision:</b> Reversed & Remanded		
97-972-1	State v Polk (Criminal)	Mecklenburg 96CRS35533	Smith
	<b>Decision:</b> Affirmed		
97-1362-1	In the Matter of: Tamarlo Denell Hall (Criminal)	Mecklenburg 93J736	Smith
	<b>Decision:</b> Affirmed		
97-899-1	State v Ingram (Criminal)	Mitchell 96CRS653	Timmons-Goodson
	<b>Decision:</b> Appeal Dismissed		
97-1099-1	State v Hoyle (Criminal)	Mitchell 95CRS21	McGee
	<b>Decision:</b> No Error		
97-681-1	Carrington v Wakeman (Civil)	Moore 94CVD366	Martin
	<b>Decision:</b> Reversed & Remanded		
97-1038-1	In The Matter of: Michael B. McKenzie (Criminal)	Moore 96J14	John, Sr.
	<b>Decision:</b> Vacated in part		
97-1095-1	Herbin v Smith (Civil)	Moore 95CVS780	McGee
	<b>Decision:</b> Affirmed		
97-161-1	Mercer v Naomi Knitting, et al (Civil)	N.C. Industrial Commission 336329	Martin

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	<b>Decision:</b> Affirmed		
97-751-1	Parris v Firestone Tire & Rubber Co. (Civil)	N.C. Industrial Commission 342711 914557	Timmons-Goodson
	<b>Decision:</b> Affirmed		
97-844-1	Bennett v Insilco Corporation (Civil)	N.C. Industrial Commission 507437	McGee
	<b>Decision:</b> Affirmed		
97-878-1	Williams v Perdue Farms, Inc. (Civil)	N.C. Industrial Commission 467134 379553	Eagles, Jr.
	<b>Decision:</b> Reversed & Remanded		
96-1463-1	Weller v Weller (Civil)	New Hanover 94CVD3753	Timmons-Goodson
	<b>Decision:</b> Affirm		
97-363-1	In The Matter of: Matthew B. George (Civil)	New Hanover 95J473	Wynn, Jr.
	<b>Decision:</b> Affirmed		
97-510-1	Mott v Huggins (Civil)	New Hanover 95CVD2492	John, Sr.
	<b>Decision:</b> Affirmed		
97-568-1	In The Matter of Raynor (Civil)	New Hanover 94J253 94J254 94J252	McGee
	<b>Decision:</b> Affirmed		
97-970-1	State v Carr (Criminal)	New Hanover 96CRS23376 96CRS23375	Smith
	<b>Decision:</b> No Error		
97-930-1	Pfouts v Pfouts (Civil)	Orange 96CVD1126	Smith
	<b>Decision:</b> Dismissed		
97-1050-1	State v Byrd (Criminal)	Polk 96CRS1159	McGee
	<b>Decision:</b> No Error		
97-717-1	Brinkley v Moore, et al (Civil)	Randolph 96CVS320	Eagles, Jr.
	<b>Decision:</b> Affirmed		
97-998-1	In The Matter of: Lindsay Marie Jones (Criminal)	Randolph 97J23	John, Sr.
	<b>Decision:</b> Affirmed		
97-1017-1	State v Barnes (Criminal)	Randolph 96CRS3292 96CRS3293 96CRS74 96CRS7073	John, Sr.
	<b>Decision:</b> No Error		
97-584-1	State v Jacobs (Criminal)	Robeson 93CRS14167 93CRS14166	Greene
	<b>Decision:</b> No Error		
97-1213-1	State v Barnes (Criminal)	Robeson 96CRS6727 96CRS6730 96CRS6728 96CRS6726 96CRS6729	John, Sr.
	<b>Decision:</b> Appeal Dismissed		
97-14-1	Holloway v Livingstone College (Civil)	Rowan 93CVS1277	Per Curiam

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	<b>Decision:</b> Affirmed		
97-1007-1	State v Rivera (Criminal)	Stanly 96CRS6615 96CRS6614	Smith
	<b>Decision:</b> No Error		
97-712-1	Ice v Ice (Civil)	Transylvania 94CVD278 92CVD243	Horton, Jr.
	<b>Decision:</b> Affirmed in part, Reversed in part & Remanded		
97-1376-1	State v Reed (Criminal)	Union 96CRS5393 96CRS5396 96CRS5394 96CRS5392 96CRS5395	Smith
	<b>Decision:</b> No error		
97-596-1	JDK Investments v Honda Motor (Civil)	Wake 95CVS12021	Martin
	<b>Decision:</b> Affirmed in part & Reversed in part		
97-779-1	State v Rhodes (Criminal)	Wake 96CRS84860 96CRS84859	Smith
	<b>Decision:</b> No Error		
97-830-1	Johnson v Naylor (Civil)	Wake 96CVS02874	McGee
	<b>Decision:</b> Reversed & Remanded		
97-954-1	State v Wakeling (Criminal)	Wake 95CRS62419	McGee
	<b>Decision:</b> No Error		
97-1004-1	State v Leach (Criminal)	Wake 96CRS84998 96CRS85350 96CRS85000 96CRS84999 96CRS85351 96CRS84997 96CRS84996 96CRS85353	Smith
	<b>Decision:</b> No Error		
97-1173-1	State v Wingate (Criminal)	Wake 96CRS40514 96CRS40513	Smith
	<b>Decision:</b> No Error		
97-1290-1	Huffstetler v NCALB and W. Woodard (Civil)	Wake 97CVS02335	Smith
	<b>Decision:</b> Dismissed		
97-1074-1	State v Nowell (Criminal)	Wayne 96CRS2949 96CRS12160 96CRS2948	John, Sr.
	<b>Decision:</b> No error in trial; remanded for entry of corrected judgment		
97-608-1	State v Shell (Criminal)	Wilkes 96CRS1649	Timmons-Goodson
	<b>Decision:</b> No Error		
97-613-1	State v Spicer (Criminal)	Wilkes 96CRS1485	Timmons-Goodson
	<b>Decision:</b> No Error		
97-950-1	In The Matter of: Dontaye D. Wilson (Criminal)	Wilkes 97J05	Smith
	<b>Decision:</b> Vacated & Remanded		
96-269-2	Trailmobile, et al v Wilson Trailer (Civil)	Wilson 91CVS1763	Per Curiam

Docket #	Title	County	Judge
	<b>Decision:</b> New Trial		
97-807-1	State v Eatmon (Criminal)	Wilson 96CRS10775 96CRS10774	Smith
	<b>Decision:</b> No Error		
97-927-1	In The Matter of: Johnny Young, a minor (Civil)	Wilson 96J80	Smith
	<b>Decision:</b> Affirmed		