

**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 94CRS5808,94CRS8515,9- 2CRS4595	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 95CRS061070,95CRS709- 9,95CRS59529	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 90CRS27242,90CRS2724-4,90CRS27241	Smith
	<b>Decision:</b> Affirmed		
97-1016-1	State v Teasley (Criminal)	Franklin 93CRS3549,93CRS3550,9-3CRS3548,93CRS3551	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 95CRS20822,95CRS2121-5,95CRS20823,95CRS339-44,95CRS20821,95CRS21214	McGee
	<b>Decision:</b> No Error		
97-1244-1	State v Ledbetter (Criminal)	Gaston 96CRS16901,96CRS1690-8,96CRS31214,96CRS312-12,96CRS31215,96CRS16-907,96CRS31213	McGee
	<b>Decision:</b> No Error		
97-659-1	State v Mulchi (Criminal)	Granville 96CRS5026,96CRS5027,9-6CRS5025	McGee
	<b>Decision:</b> No Error		
97-654-1	Brown v Montgomery (Civil)	Guilford 95CVS9244	Arnold
	<b>Decision:</b> Remanded for further findings		

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97-685-1	State v Hodgins (Criminal) <b>Decision:</b> No Error	Guilford 95CRS73962	Lewis, Jr.
97-755-1	State v Day (Criminal) <b>Decision:</b> No Error	Guilford 93CRS64157,93CRS6415-8,93CRS64156,94CRS20304	Smith
97-882-1	Jenkins v Wysong And Miles Co. (Civil) <b>Decision:</b> Affirmed	Guilford 95CVS5574	Horton, Jr.
97-968-1	Jackson v Chavis, et al (Civil) <b>Decision:</b> Affirmed	Guilford 95CVS9678	Smith
97-1081-1	State v Williams (Criminal) <b>Decision:</b> Appeal Dismissed	Guilford 96CRS22117,96CRS22116	Smith
97-1327-1	State v McGougan (Criminal) <b>Decision:</b> Affirmed	Hoke 93CRS995,93CRS4727,93-CRS996,93CRS994,93CRS4725	Smith
97-623-1	State v Gray, et al (Civil) <b>Decision:</b> No Error	Iredell 96CRS9024,96CRS9631,9-6CRS8823	McGee
97-768-1	Douglas, et al v 4329 E. Independ. Blvd (Civil) <b>Decision:</b> Affirmed	Mecklenburg 96CVD1166	Timmons-Goodson
97-793-1	In The Matter of: Reginald V. Weathers (Juvenile - 3.1) <b>Decision:</b> Reversed & Remanded	Mecklenburg 93J691	Timmons-Goodson
97-972-1	State v Polk (Criminal) <b>Decision:</b> Affirmed	Mecklenburg 96CRS35533	Smith
97-1362-1	In the Matter of: Tamarlo Denell Hall (Criminal) <b>Decision:</b> Affirmed	Mecklenburg 93J736	Smith
97-899-1	State v Ingram (Criminal) <b>Decision:</b> Appeal Dismissed	Mitchell 96CRS653	Timmons-Goodson
97-1099-1	State v Hoyle (Criminal) <b>Decision:</b> No Error	Mitchell 95CRS21	McGee
97-681-1	Carrington v Wakeman (Civil) <b>Decision:</b> Reversed & Remanded	Moore 94CVD366	Martin
97-1038-1	In The Matter of: Michael B. McKenzie (Criminal) <b>Decision:</b> Vacated in part	Moore 96J14	John, Sr.
97-1095-1	Herbin v Smith (Civil)	Moore 95CVS780	McGee

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	<b>Decision:</b> Affirmed		
97-161-1	Mercer v Naomi Knitting, et al (Civil)	N.C. Industrial Commission 336329	Martin
	<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 96CRS3292,96CRS3293,9- 6CRS74,96CRS7073	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 96CRS6727,96CRS6730,9- 6CRS6728,96CRS6726,96- CRS6729	John, Sr.

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	<b>Decision:</b> Appeal Dismissed		
97-14-1	Holloway v Livingstone College (Civil)	Rowan 93CVS1277	Per Curiam
	<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 96CRS5393,96CRS5396,9- 6CRS5394,96CRS5392,96- CRS5395	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 96CRS84998,96CRS8535- 0,96CRS85000,96CRS849- 99,96CRS85351,96CRS84- 997,96CRS84996,96CRS85353	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

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	<b>Decision:</b> Vacated & Remanded		
96-269-2	Trailmobile, et al v Wilson Trailer (Civil)	Wilson 91CVS1763	Per Curiam
	<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		