

**IN THE COURT OF APPEALS**  
**CASES REPORTED WITH PUBLISHED OPINIONS**  
**(FILED 21 JULY 1998)**  
**(MANDATE 10 AUGUST 1998)**

| Docket #  | Title                                                                                               | County                     | Judge           |
|-----------|-----------------------------------------------------------------------------------------------------|----------------------------|-----------------|
| 97-877-1  | Washington Housing v NC Housing (Civil)<br><b>Decision:</b> Affirmed                                | Beaufort                   | Martin          |
| 97-1348-1 | Howerton v Grace Hospital (Civil)<br><b>Decision:</b> Affirmed                                      | Burke                      | Greene          |
| 97-1388-1 | Conley, et al v Emerald Isle Realty (Civil)<br><b>Decision:</b> Reversed and remanded               | Carteret                   | Greene          |
| 97-28-1   | L.C. Williams Oil Co. v NAFCO Capital (Civil)<br><b>Decision:</b> Reversed                          | Chatham                    | John, Sr.       |
| 97-564-1  | State v McDonald (Criminal)<br><b>Decision:</b> No error                                            | Cumberland                 | Timmons-Goodson |
| 97-189-1  | Parish v Hill (Civil)<br><b>Decision:</b> Affirmed in part; reversed and remanded in part           | Durham                     | Timmons-Goodson |
| 97-943-1  | Chamberlain v Thames (Civil)<br><b>Decision:</b> Appeal dismissed                                   | Durham                     | Greene          |
| 97-1133-1 | Daetwyler v. Daetwyler (Civil)<br><b>Decision:</b> Affirmed in part, reversed in part, and remanded | Forsyth                    | Greene          |
| 97-1209-1 | Pack v Randolph Oil Co. (Civil)<br><b>Decision:</b> Reversed                                        | Guilford                   | Greene          |
| 97-697-2  | State v Hayes (Criminal)<br><b>Decision:</b> No error                                               | Mecklenburg                | Greene          |
| 97-1059-1 | Curry v Baker, et al (Civil)<br><b>Decision:</b> Affirmed                                           | Mecklenburg                | Horton, Jr.     |
| 97-317-1  | Cooke v P.H. Glatfelter/Ecusta (Civil)<br><b>Decision:</b> Affirmed in part and reversed in part    | N.C. Industrial Commission | Lewis, Jr.      |
| 97-351-1  | Williams v Pee Dee Electric (Civil)<br><b>Decision:</b> Reversed and remanded                       | N.C. Industrial Commission | Lewis, Jr.      |
| 97-428-1  | Neal v Carolina Management (Civil)<br><b>Decision:</b> Affirmed                                     | N.C. Industrial Commission | Walker          |
| 97-951-1  | State v Marecek (Criminal)<br><b>Decision:</b> Reversed and remanded                                | New Hanover                | Eagles, Jr.     |
| 97-646-1  | City of Greenville v Haywood, Foster (Civil)<br><b>Decision:</b> Affirmed                           | Pitt                       | Timmons-Goodson |

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|-----------|----------------------------------------------------------------------------|--------|-----------------|
| 97-981-1  | Ultra Innovations v Food Lion, Inc. (Civil)<br><b>Decision:</b> No error   | Rowan  | Timmons-Goodson |
| 97-883-1  | Nationwide Mutual Fire v Grady, et al (Civil)<br><b>Decision:</b> Affirm   | Wake   | Timmons-Goodson |
| 97-1002-1 | State v Vick (Criminal)<br><b>Decision:</b> Affirmed                       | Wake   | Greene          |
| 97-1057-1 | State v Jordan (Criminal)<br><b>Decision:</b> No error                     | Wake   | Walker          |
| 97-1097-1 | Abe, et al v Westview Capital, et al (Civil)<br><b>Decision:</b> Dismissed | Wake   | Greene          |
| 97-1122-1 | State v Severn (Criminal)<br><b>Decision:</b> Reversed and remanded        | Wake   | Greene          |
| 97-1480-1 | Hubbard v State Construction Office (Civil)<br><b>Decision:</b> Affirmed   | Wake   | Walker          |

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| 97-796-1  | State v Boggs (Criminal)<br><b>Decision:</b> No error                                                 | Alamance<br>96CRS19569                                                             | Martin          |
| 97-969-1  | Thompson v Church Mutual Insurance (Civil)<br><b>Decision:</b> Reversed                               | Alamance<br>96CVS1370                                                              | Martin          |
| 97-980-1  | State v Woods (Criminal)<br><b>Decision:</b> No error                                                 | Alamance<br>96CRS24893                                                             | Eagles, Jr.     |
| 97-216-1  | Wiles et al v Highland Yarn Mills (Civil)<br><b>Decision:</b> Affirmed                                | Bladen<br>95CVS781                                                                 | Timmons-Goodson |
| 97-952-1  | Long Branch Environmental v Stavish (Civil)<br><b>Decision:</b> Affirmed in part and reversed in part | Buncombe<br>96CVD631                                                               | Lewis, Jr.      |
| 97-1372-1 | Burleson v Case Farms of NC (Civil)<br><b>Decision:</b> Appeal dismissed                              | Burke<br>97CVS220                                                                  | Lewis, Jr.      |
| 97-771-1  | Hearne v Sherman, et al (Civil)<br><b>Decision:</b> Reversed and remanded                             | Chatham<br>96CVS664                                                                | McGee           |
| 97-701-1  | City of Fayetteville v Trammell (Civil)<br><b>Decision:</b> Appeal dismissed                          | Cumberland<br>96CVM10845                                                           | Eagles, Jr.     |
| 97-1562-1 | Sigma Construction v Cumberland County (Civil)<br><b>Decision:</b> Appeal dismissed                   | Cumberland<br>97CVS1278                                                            | Lewis, Jr.      |
| 97-1189-1 | Beal v Beal (Civil)<br><b>Decision:</b> Reversed                                                      | Davie<br>94CVD427                                                                  | Lewis, Jr.      |
| 97-589-1  | In The Matter of: Daniel Bailey (Civil)<br><b>Decision:</b> Reversed in part; affirmed in part        | Durham<br>93J45                                                                    | Timmons-Goodson |
| 97-1079-1 | Sharp, et al v Atlantic Mutual (Civil)<br><b>Decision:</b> Reversed                                   | Durham<br>96CVS03334                                                               | Horton, Jr.     |
| 97-1549-1 | In The Matter of The Wilkinson Children (Civil)<br><b>Decision:</b> Affirmed                          | Durham<br>95J78                                                                    | Walker          |
| 97-1520-1 | State v O'Neal (Criminal)<br><b>Decision:</b> No error                                                | Forsyth<br>94CRS27822,95CRS43180                                                   | Lewis, Jr.      |
| 98-201-1  | State v Astrop (Criminal)<br><b>Decision:</b> No error                                                | Forsyth<br>97CRS18272,96CRS42330                                                   | Walker          |
| 98-191-1  | State v Greene (Criminal)                                                                             | Gaston<br>96CRS10785,96CRS6181,9-6CRS6184,96CRS6182,96CRS10784,96CRS6180,96CRS6183 | Lewis, Jr.      |

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|           | <b>Decision:</b> No error                                           |                                                      |                 |
| 97-1110-1 | McGarity v McGarity (Civil)                                         | Guilford<br>89CVD7755                                | Eagles, Jr.     |
|           | <b>Decision:</b> Affirmed in part and reversed and remanded in part |                                                      |                 |
| 97-1022-1 | Murphrey v Stallings Oil Company (Civil)                            | Halifax<br>94CVS725                                  | Martin          |
|           | <b>Decision:</b> Affirmed                                           |                                                      |                 |
| 97-1289-1 | Bell v Harrison, et al (Civil)                                      | Halifax<br>95CVD366                                  | Martin          |
|           | <b>Decision:</b> Reversed and remanded                              |                                                      |                 |
| 97-1566-1 | State v Jones (Criminal)                                            | Halifax<br>95CRS11208,95CRS11209,-<br>95CRS11207     | Lewis, Jr.      |
|           | <b>Decision:</b> Remanded for resentencing                          |                                                      |                 |
| 97-340-1  | State v Sanders (Criminal)                                          | Johnston<br>96CRS540                                 | Smith           |
|           | <b>Decision:</b> No error                                           |                                                      |                 |
| 97-1196-1 | State v Harbison (Criminal)                                         | McDowell<br>94CRS2066,94CRS2067,93-<br>CRS2866       | McGee           |
|           | <b>Decision:</b> No error                                           |                                                      |                 |
| 98-200-1  | Kirkland v Ellis, et al (Civil)                                     | McDowell<br>95CVS145                                 | Walker          |
|           | <b>Decision:</b> Affirmed                                           |                                                      |                 |
| 97-805-1  | Thomas v Van Leer, et al (Civil)                                    | Mecklenburg<br>93CVS4979                             | Timmons-Goodson |
|           | <b>Decision:</b> No error                                           |                                                      |                 |
| 97-881-1  | Gwin v Gwin (Civil)                                                 | Mecklenburg<br>96CVD5420                             | Eagles, Jr.     |
|           | <b>Decision:</b> Reversed and remanded                              |                                                      |                 |
| 98-55-1   | State v Simpson (Criminal)                                          | Mecklenburg<br>96CRS26915                            | Lewis, Jr.      |
|           | <b>Decision:</b> No error                                           |                                                      |                 |
| 98-182-1  | State v Andreassen (Criminal)                                       | Mecklenburg<br>96CRS52318,96CRS98801,-<br>96CRS52316 | Walker          |
|           | <b>Decision:</b> No error                                           |                                                      |                 |
| 97-790-1  | Murray, et al v Associated Insurers (Civil)                         | N.C. Industrial Commission<br>IC835935               | Walker          |
|           | <b>Decision:</b> Affirmed                                           |                                                      |                 |
| 97-1149-1 | Wilkins v Bukolt (Civil)                                            | N.C. Industrial Commission<br>IC510346               | Martin          |
|           | <b>Decision:</b> Affirmed                                           |                                                      |                 |
| 97-1309-1 | Jones v Candler Mobile Village (Civil)                              | N.C. Industrial Commission<br>IC030293               | Wynn, Jr.       |
|           | <b>Decision:</b> Affirmed                                           |                                                      |                 |
| 97-1380-1 | Hanes v Duracell International, et al (Civil)                       | N.C. Industrial Commission<br>IC486015               | Martin          |
|           | <b>Decision:</b> Affirmed                                           |                                                      |                 |
| 97-1472-1 | Isbell v Tower Mills, et al (Civil)                                 | N.C. Industrial Commission<br>IC483771               | McGee           |

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|           | <b>Decision:</b> Affirmed                                       |                                                             |            |
| 98-87-1   | Patterson v China Grove Textiles et al (Civil)                  | N.C. Industrial Commission<br>IC982938                      | Lewis, Jr. |
|           | <b>Decision:</b> Affirmed                                       |                                                             |            |
| 97-662-1  | State v Moore (Criminal)                                        | New Hanover<br>95CRS11454,95CRS11455,-<br>95CRS11453        | Martin     |
|           | <b>Decision:</b> Affirmed                                       |                                                             |            |
| 97-714-1  | State v Merritt (Criminal)                                      | New Hanover<br>94CRS15222                                   | Martin     |
|           | <b>Decision:</b> No error                                       |                                                             |            |
| 98-77-1   | State v McBride (Criminal)                                      | New Hanover<br>94CRS0498,94CRS0499,94-<br>CRS0497,94CRS0500 | Walker     |
|           | <b>Decision:</b> Affirmed                                       |                                                             |            |
| 98-112-1  | State v Matthews (Criminal)                                     | Onslow<br>91CRS20831                                        | Lewis, Jr. |
|           | <b>Decision:</b> No error                                       |                                                             |            |
| 98-37-1   | State v Reid (Criminal)                                         | Pasquotank<br>95CRS5544,95CRS5545,95-<br>CRS5253            | Walker     |
|           | <b>Decision:</b> No error                                       |                                                             |            |
| 98-63-1   | In the matter of: Johnson (Civil)                               | Property Tax Commission<br>95PTL411                         | Lewis, Jr. |
|           | <b>Decision:</b> Affirmed                                       |                                                             |            |
| 97-1080-1 | State v Joyner (Criminal)                                       | Sampson<br>96CRS9647,96CRS9646                              | Wynn, Jr.  |
|           | <b>Decision:</b> New trial                                      |                                                             |            |
| 97-192-1  | Burns, et al v Stone, et al (Civil)                             | Union<br>95CVS225                                           | John, Sr.  |
|           | <b>Decision:</b> Affirmed in part; vacated and remanded in part |                                                             |            |
| 97-798-1  | Fortune Personnel v Louisiana Steam (Civil)                     | Wake<br>96CVS08097                                          | Lewis, Jr. |
|           | <b>Decision:</b> Affirmed                                       |                                                             |            |
| 97-1168-1 | State v Milligan, Fields & Bates (Criminal)                     | Wake<br>95CRS83024,95CRS83025,-<br>95CRS83023               | Martin     |
|           | <b>Decision:</b> No error                                       |                                                             |            |
| 97-1186-1 | Morgan v Wake County Health Department (Civil)                  | Wake<br>96CVS4643                                           | Walker     |
|           | <b>Decision:</b> Affirmed in part and reversed in part          |                                                             |            |
| 97-1409-1 | Daniels v Dunham (Civil)                                        | Wake<br>95CVS00519                                          | Wynn, Jr.  |
|           | <b>Decision:</b> Vacated and remanded                           |                                                             |            |
| 97-1378-1 | State v Davis (Criminal)                                        | Wayne<br>95CRS14999                                         | Walker     |
|           | <b>Decision:</b> No error                                       |                                                             |            |
| 98-180-1  | State v Corum (Criminal)                                        | Wilkes<br>97CRS1319,97CRS1318                               | Walker     |
|           | <b>Decision:</b> No error                                       |                                                             |            |
| 97-1054-1 | State v Holyfield (Criminal)                                    | Yadkin<br>94CRS3341                                         | Martin     |

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|--------------------------------------------------------------------------------|-------|--------|-------|
| <b>Decision:</b> No error. Order of Forfeiture dated 11 April of 1997-Vacated. |       |        |       |