

IN THE COURT OF APPEALS
CASES REPORTED WITH PUBLISHED OPINIONS
(FILED 4 AUGUST 1998)
(MANDATE 24 AUGUST 1998)

Docket #	Title	County	Judge
97-1207-1	State v Breeze (Criminal) Decision: No error	Alamance	Walker
97-1180-1	Scott v United Carolina Bank (Civil) Decision: Appeal from 28 April 1997 Order--affirmed in part; reversed in part, and remanded. Appeal from 17 July 1997 Order--Dismissed.	Anson	Martin
97-839-1	Koontz, et al v Davidson County BOA (Civil) Decision: Reversed and remanded	Davidson	Martin
97-1058-2	Massey, et al v Duke University (Civil) Decision: Reversed	Durham	Eagles, Jr.
97-1311-1	Schimmeck v City of Winston-Salem (Civil) Decision: Affirmed	Forsyth	Wynn, Jr.
97-1013-1	In The Matter of the Will of: C. Buck (Civil) Decision: Affirmed in part, reversed in part, and remanded	Gates	Martin
97-863-1	State v McClendon (Criminal) Decision: Affirmed	Guilford	Walker
97-1177-1	State v Vaughn (Criminal) Decision: No error in trial; remanded for resentencing	Guilford	Lewis, Jr.
97-1087-1	State v Roope, Cooke & Overton (Criminal) Decision: No Error	Halifax	Greene
97-1387-1	Wilkerson v Carriage Park Development (Civil) Decision: Affirmed	Henderson	Timmons-Goodson
96-1493-1	Barber v Constien, et al (Civil) Decision: New Trial	Martin	John, Sr.
97-932-1	State v Foy (Criminal) Decision: Conviction on the charge of maiming, 95CRS94671, is reversed; no error on the remaining charges	Mecklenburg	Lewis, Jr.
97-1123-1	Shaw, et al v Smith & Jennings, Inc. (Civil) Decision: Affirmed	N.C. Industrial Commission	Walker
97-1124-1	Beaver, et al v City of Salisbury (Civil) Decision: Reversed	N.C. Industrial Commission	Walker
97-1417-1	Ellison v Ramos (Civil) Decision: Reversed & Remanded	Orange	Wynn, Jr.

Docket #	Title	County	Judge
97-1136-1	Taylor v Cadle (Civil) Decision: Reversed & Remanded	Pitt	Walker
97-1137-1	Howard v Cadle (Civil) Decision: Reversed & Remanded	Pitt	Walker
97-853-1	State v Kennedy (Criminal) Decision: No Error	Wake	Horton, Jr.
97-1083-1	Werner, et al v Alexander, et al (Civil) Decision: Affirmed	Wake	Walker

**IN THE
COURT OF APPEALS**

CASES REPORTED WITHOUT PUBLISHED OPINIONS

**(FILED 4 AUGUST 1998)
(MANDATE 24 AUGUST 1998)**

Docket #	Title	County	Judge
97-635-1	State v Young (Criminal) Decision: No error	Buncombe 96CRS53105,96CRS53104	Timmons-Goodson
97-1605-1	State v McSwain (Criminal) Decision: Affirmed	Buncombe 88CRS10842,88CRS9995	Eagles, Jr.
97-1041-1	State v Burris (Criminal) Decision: No error	Cabarrus 93CRS13569	Lewis, Jr.
97-387-1	Frazier, et al v Beard, et al (Civil) Decision: Affirmed	Catawba 94CVS2362	Martin
97-1352-1	Friedman, et al v Chatham County, et al (Civil) Decision: Affirmed	Chatham 97CVS350	McGee
97-691-1	In Re: Ashley Mandannie Roberts (Civil) Decision: Affirmed	Cleveland 95J203	Eagles, Jr.
97-1063-1	Daniels v City of New Bern (Civil) Decision: Affirmed	Craven 94CVS1379	Martin
97-770-1	Blue, et al v Harris Teeter, Inc. (Civil) Decision: No error	Cumberland 94CVS7410	Lewis, Jr.
97-782-2	Snyder, et al v Fortier, et al (Civil) Decision: Affirmed	Cumberland 95CVS6499	Smith
98-11-1	State v Boykin (Criminal) Decision: No error	Currituck 96CRS2285	Lewis, Jr.
97-1077-1	Franks v Shulski (Civil) Decision: No error	Davidson 94CVS1931	Martin
97-206-1	State v Holman (Criminal) Decision: No error	Durham 96CRS4279	Timmons-Goodson
97-1255-1	Moore v Orange Builders, et al (Civil) Decision: Affirmed	Durham 96CVS03003	Greene
97-1541-1	State v Leary (Criminal) Decision: No error	Forsyth 96CRS42031,96CRS22221	Lewis, Jr.
97-1571-1	State v Patton (Criminal) Decision: No error	Forsyth 97CRS8167,96CRS41450	Lewis, Jr.
98-553-1	State v Brady (Criminal) Decision: Affirmed	Forsyth 96CRS36528	McGee
98-139-1	State v Adams (Criminal)	Gaston 96CRS35309	Eagles, Jr.

Docket #	Title	County	Judge
	Decision: No error		
97-961-1	Reaves v State Farm Mutual, et al (Civil)	Guilford 96CVS9841	Martin
	Decision: State Farm's Appeal - Affirmed Southern General's Appeal - Reversed		
97-1504-1	State v Graham (Criminal)	Guilford 96CRS3806	Lewis, Jr.
	Decision: No error		
98-110-1	State v Harris (Criminal)	Guilford 95CRS44105,95CRS20683	Lewis, Jr.
	Decision: No Error		
97-412-1	State v Harris (Criminal)	Halifax 94CRS2680,94CRS2681,94- CRS2679,94CRS2682	Lewis, Jr.
	Decision: Affirmed in part, reversed in part, and remanded for resentencing		
98-292-1	State v Walker (Criminal)	Halifax 96CRS7564,96CRS7559,96- CRS7562,96CRS7560,96CR- S7563,96CRS7558,96CRS7561	McGee
	Decision: No Error		
97-990-1	Gumb v Carpenter (Civil)	Henderson 97SP25	John, Sr.
	Decision: Affirmed		
97-1301-1	Hill v Hill, et al (Civil)	Henderson 97CVS725	Martin
	Decision: Reversed & Remanded		
98-236-1	State v Huggins (Criminal)	Iredell 97CRS1615,97CRS7225	McGee
	Decision: No Error		
98-190-1	State v Lett (Criminal)	Lee 97CRS2650,97CRS2769,97- CRS2649	Lewis, Jr.
	Decision: No Error		
97-818-1	Wilcox v Zoeller, et al (Civil)	Lenoir 94CVS1157	Timmons-Goodson
	Decision: Reversed & Remanded		
97-1273-1	State v Bowen (Criminal)	Lincoln 92CRS962,92CRS957,92CR- S1059,92CRS965,92CRS96- 0,92CRS1010,92CRS963,92- CRS958,92CRS992,92CRS9- 61,92CRS956,92CRS1011,9- 2CRS964,92CRS959,92CRS993	Martin
	Decision: No Error		
97-1611-1	State v Hearnton (Criminal)	Martin 96CRS3498	Lewis, Jr.
	Decision: No Error		
97-689-1	State v Slade (Criminal)	Mecklenburg 96CRS11626	John, Sr.
	Decision: No Error		
98-328-1	State v Adams (Criminal)	Mecklenburg 96CRS42503,96CRS42500	McGee

Docket #	Title	County	Judge
	Decision: No Error		
98-364-1	In The Matter of: Weathers (Criminal)	Mecklenburg 93J691	McGee
	Decision: Affirmed		
96-1448-1	Politowicz v Glen Moore Transport (Civil)	N.C. Industrial Commission IC380642	John, Sr.
	Decision: Affirmed		
97-468-1	Velasquez-Marrero v General Maint. (Civil)	N.C. Industrial Commission IC252062	Lewis, Jr.
	Decision: Affirmed in part, reversed in part, and remanded		
97-1237-1	Roseman v Broyhill Furniture (Civil)	N.C. Industrial Commission IC554531	Walker
	Decision: Affirmed		
97-1506-1	Lee v Interstate Brands Corporation (Civil)	N.C. Industrial Commission IC423820	McGee
	Decision: Affirmed		
97-540-1	First Atlantic v Dunlea Realty (Civil)	New Hanover 96CVS1425	Per Curiam NOTE: 8-19-98 COURT ORDER WITHDRAWING OPINION.
	Decision: Appeal and cross-appeal dismissed		
98-319-1	State v Thompson (Criminal)	New Hanover 97CRS17903,97CRS17902	McGee
	Decision: Trial on attempted common law robbery and common law robbery: No Error. Common law robbery sentencing: No Error. Habitual felon: Vacated. Attempted common law robbery sentencing: Vacated and remanded.		
97-1227-1	State v Marshburn (Criminal)	Onslow 96CRS16063	Eagles, Jr.
	Decision: No error		
97-1282-1	Cahoon v Pamlico County (Civil)	Pamlico 96CVS111	Timmons-Goodson
	Decision: Affirmed		
98-186-1	State v Marlowe (Criminal)	Polk 96CRS0989	Lewis, Jr.
	Decision: Appeal dismissed; Motion for appropriate relief dismissed		
97-1221-1	Blackwell v Blackwell (Civil)	Randolph 93CVD1635	McGee
	Decision: Affirmed		
98-114-1	Garner v Garner (Civil)	Randolph 97CVS327	Lewis, Jr.
	Decision: Affirmed		
97-1211-1	Alsbrook v Dept of Correction (Civil)	Richmond 95CVS32	Eagles, Jr.
	Decision: Appeal dismissed		
97-1477-1	State v Johnson (Criminal)	Robeson 90CRS23389,90CRS23390,9- 0CRS23388,91CRS1582	Eagles, Jr.
	Decision: Affirmed		
97-945-1	Brim v Brim (Criminal)	Stokes 95CVD42	Martin
	Decision: Affirmed		
98-316-1	State v Hopper (Criminal)	Stokes 96CRS2633,96CRS2632	McGee

Docket #	Title	County	Judge
	Decision: Affirmed		
98-306-1	State v Terry (Criminal)	Wake 97CRS17740,97CRS10793	McGee
	Decision: No Error		
98-287-1	State v Goyens (Criminal)	Wayne 96CRS689,96CRS688	McGee
	Decision: No Error in the trial, Remanded for resentencing		
97-1108-1	Mitchell v Taylor (Civil)	Wilson 95CVS812	Eagles, Jr.
	Decision: Affirmed		