

IN THE COURT OF APPEALS
CASES REPORTED WITH PUBLISHED OPINIONS
(FILED 18 AUGUST 1998)
(MANDATE 8 SEPTEMBER 1998)

| Docket # | Title | County | Judge |
|-----------|---|----------------------------|-----------------|
| 97-1161-1 | Gbye v Gbye (Civil) Decision: Affirmed | Alamance | Wynn, Jr. |
| 97-1415-1 | State v Smith (Civil) Decision: Vacated | Buncombe | Wynn, Jr. |
| 97-1215-1 | Atkinson v Chandler (Civil) Decision: Affirmed | Cumberland | Wynn, Jr. |
| 97-1191-1 | Kiousis v Kiousis, et al (Civil) Decision: Affirmed | Dare | Wynn, Jr. |
| 97-1294-1 | Lewis v Setty (Civil) Decision: Reversed | Forsyth | Greene |
| 97-314-1 | George, et al v Bray (Civil) Decision: Reversed and remanded | Gates | Lewis, Jr. |
| 97-1135-1 | State v Owen (Criminal) Decision: No error | Granville | Wynn, Jr. |
| 98-216-1 | State v Ellis (Criminal) Decision: No error | Guilford | Smith |
| 97-997-1 | Kewaunee Scientific v Pegram, et al (Civil) Decision: Reversed and remanded in part, affirmed in part | Iredell | Eagles, Jr. |
| 97-887-1 | Westbrooks v Bowes, et al (Civil) Decision: Remanded | N.C. Industrial Commission | Timmons-Goodson |
| 97-848-1 | In the Matter of: Appeal of P. Morris (Civil) Decision: Affirmed | Property Tax Commission | Martin |
| 97-865-1 | Furr v Fonville Morisey Realty, Inc. (Civil) Decision: Appeal by defendant Regency Park Corporation - Affirmed. Appeal by plaintiff from 13 December 1994 Order - Dismissed. Appeal by plaintiff from 10 April 1995 Order - Affirmed. | Wake | Martin |
| 97-1281-1 | Jackson, et al v A Woman's Choice (Civil) Decision: Affirmed | Wake | Martin |
| 96-1530-1 | State v Waddell (Criminal) Decision: No error | Wayne | John, Sr. |
| 97-1456-1 | State v Goforth (Criminal) Decision: Affirmed | Wilkes | Wynn, Jr. |

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| 98-248-1 | State v Johnson (Criminal) Decision: No error | Ashe 96CRS254 | Smith |
| 98-40-1 | Keyes v Boyer (Civil) Decision: Appeal dismissed | Beaufort 96CVS556 | Per Curiam |
| 98-50-1 | Green v Board of Education Bladen Co. (Civil) Decision: Affirmed | Bladen 96CVS615 | Smith |
| 97-1355-1 | In The Matter of: James Smiley (Civil) Decision: Affirmed | Buncombe 96J416 | Eagles, Jr. |
| 98-3-1 | State v Jones (Criminal) Decision: No error | Buncombe 97CRS103 | Eagles, Jr. |
| 98-73-1 | State v Young (Criminal) Decision: No error | Buncombe 97CRS54202 97CRS54203 97CRS54201 97CRS54204 | Martin |
| 98-265-1 | In re: Hardin (minor children) (Juvenile - 3.1) Decision: Affirmed in part; reversed in part and remanded | Buncombe 97J196 97J197 97J195 | Walker |
| 98-269-1 | State v Boseman (Criminal) Decision: No error | Buncombe 97CRS00001 96CRS08164 97CRS00022 96CRS54259 97CRS00002 96CRS08719 96CRS54260 96CRS08162 97CRS00021 96CRS54256 | Smith |
| 98-290-1 | State v Greenwood (Criminal) Decision: Affirmed | Buncombe 96CRS57715 | Smith |
| 98-7-1 | State v Skumanich (Criminal) Decision: Affirmed | Burke 97CRS3190 97CRS3189 | Eagles, Jr. |
| 98-239-1 | Andrews v Quality Molded Products (Civil) Decision: Affirmed | Chatham 97CVS439 | Walker |
| 97-1505-1 | State v Eskridge (Criminal) Decision: No error | Cleveland 97CRS1591 | Wynn, Jr. |
| 98-183-1 | State v Haley (Criminal) Decision: No error | Cleveland 96CRS14127 | Smith |
| 98-258-1 | Rich v NC DMV (Civil) Decision: Affirmed | Craven 97CRS000896 | Walker |
| 97-944-1 | State v Yeazel (Criminal) Decision: No error | Cumberland 94CRS42731 | Walker |

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| 98-8-1 | State v Boston (Criminal) Decision: No error in No.96CRS004716; arrested in part and remanded for resentencing in No.96CRS004720 | Dare 96CRS4720 96CRS4716 | Wynn, Jr. |
| 98-174-1 | Canan, et al v Grass Courses Ltd. (Civil) Decision: Dismissed | Dare 97CVS320 | Per Curiam |
| 98-118-1 | Williams v Williams (Civil) Decision: Vacated and remanded | Duplin 95CVD602 | Eagles, Jr. |
| 97-897-1 | State v Burch (Criminal) Decision: No error | Durham 96CRS14797 96CRS17914 | Eagles, Jr. |
| 98-30-1 | State v Sanders (Criminal) Decision: Affirmed | Durham 96CRS7741 96CRS7740 | Walker |
| 98-25-1 | State v Fraley (Criminal) Decision: No error | Forsyth 97CRS20552 | Martin |
| 98-92-1 | State v Bailey (Criminal) Decision: No error | Forsyth 97CRS18479 | Eagles, Jr. |
| 98-101-1 | Lawrence v Lawrence (Civil) Decision: Affirmed | Forsyth 96CVD101 | Martin |
| 98-198-1 | State v Brown (Criminal) Decision: No error | Forsyth 96CRS00081 | Wynn, Jr. |
| 98-203-1 | State v Melton (Criminal) Decision: No error in trial; remanded for resentencing | Forsyth 97CRS31814 97CRS20849 | Martin |
| 98-342-1 | State v Carter (Criminal) Decision: No error | Forsyth 97CRS15336 | Horton, Jr. |
| 98-400-1 | State v Siddle (Criminal) Decision: No error | Forsyth 94CRS40566 94CRS40567 94CRS40565 | Smith |
| 97-1363-1 | In The Matter of Jeffery Cozart (Criminal) Decision: Reversed and remanded | Granville 97J16AB | Eagles, Jr. |
| 98-22-1 | State v McKenzie (Criminal) Decision: No error | Granville 97CRS157 | Smith |
| 98-224-1 | Hixson v Krebs (Civil) Decision: Dismissed | Granville 97CVS600 | Smith |
| 97-626-1 | State v Evans (Criminal) Decision: No error | Guilford 95CRS12642 | Timmons-Goodson |
| 97-1381-1 | Watkins v Beamon Corp., et al (Civil) | Guilford 97CVS3923 | Per Curiam |

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| | Decision: Dismissed | | |
| 97-1402-1 | Kutz v Kutz (Civil) | Guilford 87CVD8040 | Eagles, Jr. |
| | Decision: Affirmed | | |
| 98-330-1 | Kozak v Kozak (Civil) | Guilford 95CVD4370 | Smith |
| | Decision: Affirmed | | |
| 98-332-1 | State v Poe (Criminal) | Guilford 94CRS09148 | Smith |
| | Decision: No error | | |
| 98-150-1 | State v Stover (Criminal) | Henderson 95CRS801 | Martin |
| | Decision: No error | | |
| 97-1598-1 | State v Reavis (Criminal) | Iredell 97CRS14142 | Martin |
| | Decision: Affirmed | | |
| 97-1603-1 | State v Feimster (Criminal) | Iredell 97CRS06461 | Martin |
| | Decision: No error | | |
| 98-2-1 | In Re: Abelina Richardson (Civil) | Iredell 95J8 | Martin |
| | Decision: Affirmed | | |
| 98-289-1 | State v McCrary (Criminal) | Iredell 96CRS17247 96CRS17248 96CRS16526 | Walker |
| | Decision: Affirmed | | |
| 97-1139-1 | Jenkins v Canady, et al (Civil) | Lenoir 96CVS948 | Lewis, Jr. |
| | Decision: Affirmed | | |
| 98-358-1 | State v Bearden (Criminal) | Lincoln 96CRS6190 | Horton, Jr. |
| | Decision: Affirmed | | |
| 97-450-1 | State v Roth (Criminal) | McDowell 95CRS2495 | Timmons-Goodson |
| | Decision: New trial | | |
| 97-1433-1 | Kern v Creative Entertainment, Inc. (Civil) | Mecklenburg 93CVS10750 | Timmons-Goodson |
| | Decision: No error | | |
| 97-1499-1 | State v Massey (Criminal) | Mecklenburg 96CRS5157 | Walker |
| | Decision: No error | | |
| 98-42-1 | State v Dunlap (Criminal) | Mecklenburg 96CRS38494 | Martin |
| | Decision: No error | | |
| 98-74-1 | In the Matter of: Herbert L. Berry (Criminal) | Mecklenburg 97J188 | Wynn, Jr. |
| | Decision: Affirmed | | |
| 98-106-1 | In The Matter of: D. Mobley, Juvenile (Criminal) | Mecklenburg 95J802 | Smith |
| | Decision: Affirmed | | |

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| 98-148-1 | State v Ferree (Criminal) Decision: Dismissed | Mecklenburg 97CRS25491 | Eagles, Jr. |
| 98-218-1 | State v Murphy (Criminal) Decision: No error | Mecklenburg 97CRS2014 | Smith |
| 98-261-1 | In The Matter of: Ricky Darrell Elkins (Criminal) Decision: Affirmed | Mecklenburg 96J162 | Smith |
| 97-740-1 | Fallin v Atlantic Veneer (Civil) Decision: Affirmed | N.C. Industrial Commission IC247569 | Timmons-Goodson |
| 97-1576-1 | Kuenz v Reclaim It, et al (Civil) Decision: Affirmed | N.C. Industrial Commission IC439334 | Walker |
| 97-1606-1 | Rowland v Technibilt, Inc. (Civil) Decision: Affirmed | N.C. Industrial Commission IC414763 | Wynn, Jr. |
| 98-16-1 | Brinkley v Pell Paper Co. (Civil) Decision: Affirmed | N.C. Industrial Commission IC508607 | Martin |
| 98-79-1 | Adams v Goodwill Industries (Civil) Decision: Affirmed | N.C. Industrial Commission IC550888 | Martin |
| 98-109-1 | Brock v Town of Hope Mills (Civil) Decision: Affirmed | N.C. Industrial Commission IC526627 | Wynn, Jr. |
| 98-294-1 | Demery v Converse, Inc. (Civil) Decision: Reversed and remanded | N.C. Industrial Commission IC513043 IC525574 IC513040 | Horton, Jr. |
| 97-1444-1 | In Re: Dickens Children (Civil) Decision: Affirmed | Nash 97J52 97J53 97J51 | Eagles, Jr. |
| 98-76-1 | Gibbons v Gibbons (Civil) Decision: Dismissed | New Hanover 97CVD571 | Walker |
| 98-403-1 | State v Johnson (Criminal) Decision: No error | New Hanover 96CRS16525 | Smith |
| 98-58-1 | State v Williams (Criminal) Decision: No error | Northampton 96CRS2499 | Smith |
| 97-1360-1 | L & J Enterprises, Inc. v Surf City (Civil) Decision: Affirmed | Pender 95CVS1113 | Timmons-Goodson |
| 97-1496-1 | Woodcock v Webb, et al (Civil) Decision: Appeals dismissed | Pender 95CVS667 | Eagles, Jr. |
| 98-227-1 | State v Walker (Criminal) | Person 96CRS6729 97CRS5252 96CRS6728 | Walker |

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| | Decision: No error | | |
| 97-1536-1 | State v Spellman (Criminal) | Pitt 97CRS7561 97CRS7562 96CRS28004 | Martin |
| | Decision: No error | | |
| 98-19-1 | State v Williams (Criminal) | Pitt 96CRS16735 | Smith |
| | Decision: No error | | |
| 98-83-1 | State v Brown (Criminal) | Pitt 96CRS29431 | Martin |
| | Decision: No error | | |
| 98-104-1 | State v Headen (Criminal) | Randolph 96CRS1141 | Smith |
| | Decision: No error | | |
| 98-162-1 | Richardson , et al v Miller, et al (Civil) | Randolph 96E110 96CVS353 | Per Curiam |
| | Decision: Affirmed | | |
| 97-1414-1 | Chilton, et al v City of Eden, et al (Civil) | Rockingham 96CVS1721 | McGee |
| | Decision: Reversed | | |
| 97-1375-1 | State, ex rel v Mattox Dist. Co. (Civil) | Rowan 97CVS1419 | Martin |
| | Decision: Reversed | | |
| 98-308-1 | State v Davis (Criminal) | Rowan 96CRS13660 | Smith |
| | Decision: Affirmed | | |
| 97-1523-1 | In Re: Miranda Dawn Stegall (Civil) | Union 94J187 | Eagles, Jr. |
| | Decision: Affirmed | | |
| 97-1231-1 | N.C. Dep't of Correction v Wells (Civil) | Wake 96CVS6966 | Walker |
| | Decision: Affirmed | | |
| 97-1460-1 | Barbour v Malkowski, et al (Civil) | Wake 94CVS01678 | Martin |
| | Decision: Appeal dismissed in part; no error in the trial | | |
| 97-1602-1 | State v Dumervil (Criminal) | Wake 96CRS9217677 | Eagles, Jr. |
| | Decision: Affirmed | | |
| 98-47-1 | State v Wortham (Criminal) | Wake 96CRS38008 96CRS78803 | Walker |
| | Decision: No error | | |
| 98-86-1 | State v Johnson (Civil) | Wake 96CRS76828 96CRS76827 | Eagles, Jr. |
| | Decision: No error | | |
| 98-206-1 | State v Carroll (Criminal) | Washington 94CRS74 | Smith |
| | Decision: No error | | |
| 97-590-1 | Carlisle, et al v Summerlin Realty (Civil) | Wayne 96CVS1914 | Lewis, Jr. |
| | Decision: Affirmed in part, reversed in part, and remanded | | |

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| 98-75-1 | State v Brewington (Criminal) Decision: No error | Wayne 97CRS1046 96CRS20118 | Martin |
| 98-111-1 | State v McDowell (Criminal) Decision: No error | Wayne 96CRS17773 96CRS17774 96CRS17772 | Martin |