

**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) <b>Decision:</b> Affirmed	Alamance	Wynn, Jr.
97-1415-1	State v Smith (Civil) <b>Decision:</b> Vacated	Buncombe	Wynn, Jr.
97-1215-1	Atkinson v Chandler (Civil) <b>Decision:</b> Affirmed	Cumberland	Wynn, Jr.
97-1191-1	Kiousis v Kiousis, et al (Civil) <b>Decision:</b> Affirmed	Dare	Wynn, Jr.
97-1294-1	Lewis v Setty (Civil) <b>Decision:</b> Reversed	Forsyth	Greene
97-314-1	George, et al v Bray (Civil) <b>Decision:</b> Reversed and remanded	Gates	Lewis, Jr.
97-1135-1	State v Owen (Criminal) <b>Decision:</b> No error	Granville	Wynn, Jr.
98-216-1	State v Ellis (Criminal) <b>Decision:</b> No error	Guilford	Smith
97-997-1	Kewaunee Scientific v Pegram, et al (Civil) <b>Decision:</b> Reversed and remanded in part, affirmed in part	Iredell	Eagles, Jr.
97-887-1	Westbrooks v Bowes, et al (Civil) <b>Decision:</b> Remanded	N.C. Industrial Commission	Timmons-Goodson
97-848-1	In the Matter of: Appeal of P. Morris (Civil) <b>Decision:</b> Affirmed	Property Tax Commission	Martin
97-865-1	Furr v Fonville Morisey Realty, Inc. (Civil) <b>Decision:</b> 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) <b>Decision:</b> Affirmed	Wake	Martin
96-1530-1	State v Waddell (Criminal) <b>Decision:</b> No error	Wayne	John, Sr.
97-1456-1	State v Goforth (Criminal) <b>Decision:</b> Affirmed	Wilkes	Wynn, Jr.

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

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

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

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

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

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