

IN THE COURT OF APPEALS
CASES REPORTED WITH PUBLISHED OPINIONS
(FILED 1 DECEMBER 1998)
(MANDATE 21 DECEMBER 1998)

| Docket # | Title | County | Judge |
|-----------|--|-------------|--|
| 97-1484-1 | O'Brien v O'Brien (Civil) Decision: Affirmed | Beaufort | Horton, Jr. |
| 97-1399-1 | State v Hines & Leak (Criminal) Decision: New trial | Durham | Greene |
| 98-131-1 | Duke Univ. v Bishop & London (Civil) Decision: Dismissed | Durham | Smith |
| 97-1249-1 | Albrecht, et al v Dorsett (Civil) Decision: No error | Forsyth | Timmons-Goodson |
| 98-24-1 | State v Coria (Criminal) Decision: No error | Forsyth | Martin |
| 97-1560-1 | State v Hall (Criminal) Decision: No error | Gaston | Smith |
| 98-213-1 | Coleman, et al v Rudisill, et al (Civil) Decision: Affirmed | Gaston | Martin |
| 97-1572-1 | Cox v Dine-A-Mate, et al (Civil) Decision: Affirmed | Guilford | Greene |
| 98-71-1 | Fields v Dery (Civil) Decision: Affirmed | Guilford | McGee Motion filed 21 December designating as a published opinion. |
| 97-1607-1 | State v Small (Criminal) Decision: No error | Harnett | Smith Opinion ordered to be published 12-14-98 |
| 98-164-1 | State v Mewborn (Criminal) Decision: No error | Lenoir | Smith |
| 97-1143-1 | Gaston County Dyeing v Northfield Ins. (Civil) Decision: Reversed in part affirmed in part and remanded | Mecklenburg | Timmons-Goodson |
| 98-38-1 | Alwart, et al v State Farm Fire (Civil) Decision: Affirmed | New Hanover | Hunter |
| 98-305-1 | Ruff, et al v Parex, Inc., et al (Civil) Decision: Reversed and remanded | New Hanover | Horton, Jr. |
| 98-84-1 | Friend-Novorska v Novorska (Civil) Decision: Affirmed | Orange | Horton, Jr. |
| 98-60-1 | Stroud v Harrison, et al (Civil) Decision: Affirmed | Person | McGee |

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| 97-857-1 | Timour v Pitt County Memorial Hospital (Civil) Decision: Reversed and remanded | Pitt | Martin |
| 97-1316-1 | State v Alston (Criminal) Decision: Reversed | Randolph | Greene |
| 97-1508-1 | State v Childers (Criminal) Decision: No error | Richmond | Timmons-Goodson |
| 97-719-1 | Rodwell, et al v Chamblee (Civil) Decision: Reversed in part, affirmed in part and remanded | Wake | Greene |
| 97-1489-1 | State v Saunders (Criminal) Decision: Remanded for resentencing | Wake | Hunter |
| 98-279-1 | D.G. Matthews & Son v McDevitt (Civil) Decision: Affirmed in part, reversed in part and remanded for further remand to DENR | Wake | Smith |

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| 97-894-1 | State v Woods & Woods (Criminal) | Alamance 94CRS32415,94CRS32410,- 95CRS15739,95CRS15748,- 95CRS15741,94CRS32413,- 95CRS15729736,95CRS15- 745,94CRS32419,94CRS32- 411,94CRS32396402,95CR- S15742,94CRS32414,94CR- S3249,95CRS15738,95CRS- 15747,95CRS15740,94CRS- 32412,94CRS32404407,95- CRS15744 | McGee |
| | Decision: No error in the convictions of Melisa Woods No error and find them to have no merit. No error in the convictions of Raymond Woods, except that his convictions of acting in concert in obtaining property by false pretenses are vacated in 94-CRS-32413, 95-CRS-15740, 95-CRS-15744 and 95-CRS-15747. | | |
| 98-160-1 | Cutler v Winslow (Civil) | Beaufort 96CVS827 | Walker |
| | Decision: No error | | |
| 97-1556-1 | Lee v Moore, et al (Civil) | Bladen 97CVS0197 | Greene |
| | Decision: Affirmed | | |
| 97-1592-1 | Buncombe Co. DSS v Guthrie (Civil) | Buncombe 96CVD5467 | Smith |
| | Decision: Affirmed | | |
| 98-323-1 | In The Matter of: Kristina Davis (Civil) | Buncombe 96J13 | Smith |
| | Decision: Affirmed | | |
| 98-685-1 | In Re: Zachary Taylor (Civil) | Cabarrus 95J130 | Smith |
| | Decision: Affirmed | | |
| 97-1258-1 | Johnson v Lily Transportation Corp. (Civil) | Catawba 96CVS1289 | Greene |
| | Decision: Affirmed | | |
| 98-583-1 | In The Matter of: Jonathan E. Hess (Criminal) | Dare 97J10 | Smith |
| | Decision: Vacated and remanded | | |
| 97-1391-1 | Bowers, et al v City of Thomasville (Civil) | Davidson 96CVS1673 | Martin |
| | Decision: Affirmed in part reversed in part, and remanded | | |
| 97-1446-1 | State v Gordon (Criminal) | Davidson 96CRS8256,96CRS8017 | Walker |
| | Decision: No error | | |
| 97-1516-1 | State v Allen (Criminal) | Durham 96CRS23487,96CRS5022 | McGee |
| | Decision: Reversed | | |
| 98-729-1 | State v Farley (Criminal) | Forsyth 97CRS29998 | Smith |
| | Decision: No error | | |
| 97-1585-1 | Kelly v Weyerhaeuser Company (Civil) | Lee 96CVS920 | Walker |
| | Decision: Affirmed | | |
| 98-264-1 | Town of Aberdeen v Town of Aberdeen BOA (Civil) | Moore 97CVS819 | Martin |

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| | Decision: Affirmed | | |
| 97-1286-1 | Puzio v Dennis Bost Construction Co. (Civil) | N.C. Industrial Commission IC237572 | Greene |
| | Decision: Affirmed | | |
| 97-1487-1 | Smith v Burlington Industries (Civil) | N.C. Industrial Commission IC434881 | Martin |
| | Decision: Affirmed | | |
| 97-1503-1 | Swain v C & N Evans Trucking Co., Inc. (Civil) | N.C. Industrial Commission IC143034 | Martin |
| | Decision: Affirmed in part, reversed in part and remanded | | |
| 98-113-1 | Alejandro v Willamette Industries (Civil) | N.C. Industrial Commission IC545745 | Martin |
| | Decision: Affirmed | | |
| 98-204-1 | Tracy v Guilford County (Civil) | N.C. Industrial Commission IC203762 | Martin |
| | Decision: Affirmed | | |
| 98-655-1 | Ashley v Black & Decker (Civil) | N.C. Industrial Commission IC179455 | Smith |
| | Decision: Affirmed | | |
| 97-1283-1 | Harris v New Hanover Regional (Civil) | New Hanover 97CVS510 | Martin |
| | Decision: Affirmed | | |
| 97-1593-1 | Justice v Whaley, et al (Civil) | Onslow 95SP282 | Greene |
| | Decision: Affirmed | | |
| 97-1517-1 | Orange Co. v Evans (Civil) | Orange 96CVD1567 | Martin |
| | Decision: Affirmed | | |
| 97-1609-1 | Savage v Savage (Civil) | Orange 95CVD1510 | Walker |
| | Decision: Affirmed | | |
| 98-272-1 | Tomlinson v Barnes (Civil) | Pender 96CVD170 | Smith |
| | Decision: Affirmed in part, reversed in part, and remanded | | |
| 98-70-1 | State v Dawkins (Criminal) | Richmond 96CRS349 | Martin |
| | Decision: No error | | |
| 97-1466-1 | State v Santos (Criminal) | Rowan 96CRS255 | Greene |
| | Decision: New trial | | |
| 97-1610-1 | Brooks v Lewis, et al (Civil) | Wake 95CVS6179 | Greene |
| | Decision: Affirmed | | |
| 98-254-1 | Jones v Coker, et al (Civil) | Wake 97CVS07610 | McGee |
| | Decision: Reversed and remanded | | |
| 98-678-1 | Federal Financial Co., v Brady, et al (Civil) | Wake 96CVS11683 | Smith |
| | Decision: Appeal dismissed | | |

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| 98-785-1 | State v Scott (Criminal) | Wake 96CRS43805,96CRS43806,- 96CRS43804 | Smith |
| | Decision: No error | | |
| 98-596-1 | Bass v Faircloth (Civil) | Wilson 96CVS775 | Smith |
| | Decision: No error | | |