

**IN THE COURT OF APPEALS**

**CASES REPORTED WITH PUBLISHED OPINIONS**

**(FILED 15 DECEMBER 1998)**  
**(MANDATE 4 JANUARY 1999)**

| Docket #  | Title   | County                     | Judge           |
|-----------|---|----------------------------|-----------------|
| 97-1439-1 | Conway v Conway (Civil)<br><b>Decision:</b> Affirmed in part, vacated in part, and remanded   | Buncombe                   | Martin          |
| 97-686-1  | Liller v Quick Stop Food Mart, Inc. (Civil)<br><b>Decision:</b> Affirmed  | Cumberland                 | John, Sr.       |
| 98-121-1  | Cato v Crown Financial, et al (Civil)<br><b>Decision:</b> Reversed and remanded   | Guilford                   | Eagles, Jr.     |
| 98-291-1  | NC Trust Co., et al v Taylor, et al (Civil)<br><b>Decision:</b> Appeal dismissed  | Guilford                   | Smith           |
| 98-137-1  | State v Jordan (Criminal)<br><b>Decision:</b> No error  | Halifax                    | Timmons-Goodson |
| 97-823-1  | Kephart v Pendergraph, et al (Civil)<br><b>Decision:</b> Affirmed   | Mecklenburg                | John, Sr.       |
| 97-1564-1 | State, ex rel. v Lukinoff (Civil)<br><b>Decision:</b> Reversed and remanded   | Mecklenburg                | Smith           |
| 98-29-1   | Design Plus v Citro Corp. v Decolam Inc (Civil)<br><b>Decision:</b> Affirmed in part, reversed in part, and remanded  | Mecklenburg                | Martin          |
| 98-286-1  | Star Financial Corp. v Howard Nance Co. (Civil)<br><b>Decision:</b> Affirmed  | Mecklenburg                | Horton, Jr.     |
| 98-140-1  | State v Rollins (Criminal)<br><b>Decision:</b> No error in the trial; remand for resentencing; costs taxed to defendant, to be paid personally by counsel for defendant | Moore                      | John, Sr.       |
| 97-1343-1 | Roman, et al v Southland Transportation (Civil)<br><b>Decision:</b> Reversed  | N.C. Industrial Commission | Greene          |
| 97-1553-1 | Stamey v NC Self-Insurance Guaranty (Civil)<br><b>Decision:</b> Reversed and remanded   | N.C. Industrial Commission | Greene          |
| 97-1573-1 | Bailey v Sears (Civil)<br><b>Decision:</b> Affirmed   | N.C. Industrial Commission | Smith           |
| 98-91-1   | Chused v Chused (Civil)<br><b>Decision:</b> Affirmed in part; reversed in part and remanded   | Pitt                       | Greene          |
| 97-1012-1 | Terrell v Lawyers Mutual Liability (Civil)<br><b>Decision:</b> Affirmed   | Wake                       | Smith           |
| 97-1251-1 | State v Hinnant (Criminal)<br><b>Decision:</b> No error   | Wake                       | Eagles, Jr.     |

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| 97-1559-1 | Howell v Morton, et al (Civil)<br><b>Decision:</b> Vacated and remanded with instructions | Wake   | Smith           |
| 98-188-1  | Burke, et al v Wilkins, et al (Civil)<br><b>Decision:</b> Reversed and remanded           | Wake   | Timmons-Goodson |
| 98-215-1  | McGowan, et al v Argo Travel, et al (Civil)<br><b>Decision:</b> Dismissed and remanded    | Wake   | Greene          |
| 98-345-1  | Water Tower v Town of Cary, Bd Adj. (Civil)<br><b>Decision:</b> Affirmed                  | Wake   | Greene          |
| 98-158-1  | Fortson v McClellan (Civil)<br><b>Decision:</b> Reversed and remanded                     | Wilson | Martin          |

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| 98-462-1  | State v Sumner (Criminal)<br><b>Decision:</b> No error   | Alamance<br>97CRS05324   | Hunter      |
| 98-594-1  | State v Johnson (Criminal)<br><b>Decision:</b> Affirmed  | Alamance<br>97CRS867 96CRS25820<br>97CRS8526 96CRS25823<br>97CRS868 96CRS25821<br>96CRS25824 96CRS27318<br>97CRS869 96CRS25822 | Hunter      |
| 97-1467-1 | State v Williams (Criminal)<br><b>Decision:</b> No error. The trial court's order denying defendant's motion for appropriate relief is affirmed. | Beaufort<br>95CRS7211 95CRS7214<br>95CRS7212 95CRS7210<br>95CRS7213  | McGee       |
| 98-103-1  | State v Bunch (Criminal)<br><b>Decision:</b> No error  | Bertie<br>97CRS653 97CRS654<br>97CRS652 97CRS655   | Hunter      |
| 98-829-1  | In The Matter of: Little (Civil)<br><b>Decision:</b> Affirmed  | Buncombe<br>96J61  | Martin      |
| 98-542-1  | State v Spooner (Criminal)<br><b>Decision:</b> No error  | Craven<br>97CRS17254 97CRS16890<br>97CRS16893 97CRS16891<br>97CRS16894 97CRS16871<br>97CRS16892                                | Hunter      |
| 98-559-1  | State v Jarman (Criminal)<br><b>Decision:</b> No error   | Craven<br>97CRS7585  | Smith       |
| 98-638-1  | State v Drew (Criminal)<br><b>Decision:</b> No error   | Craven<br>97CRS8347 97CRS8349  | Smith       |
| 97-1420-1 | State v Harrell (Criminal)<br><b>Decision:</b> No error  | Cumberland<br>96CRS18080   | Lewis, Jr.  |
| 98-521-1  | State v McLaughlin (Criminal)<br><b>Decision:</b> No error   | Cumberland<br>95CRS33745 95CRS33742  | Hunter      |
| 98-372-1  | Selckmann v Dixon, et al (Civil)<br><b>Decision:</b> Dismissed   | Dare<br>97CVS307   | Per Curiam  |
| 97-680-1  | Shadrick v Mezzanotte & Little (Civil)<br><b>Decision:</b> Affirmed  | Davidson<br>94CVS007012  | John, Sr.   |
| 97-1183-1 | Barrett v Miller (Civil)<br><b>Decision:</b> Reversed and remanded   | Davidson<br>95CVD1821  | Eagles, Jr. |
| 98-826-1  | State v Earwood (Criminal)<br><b>Decision:</b> No error  | Davidson<br>97CRS17354   | Martin      |

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| 98-713-1  | Pfouts v Henly's Discount Furniture (Civil)<br><b>Decision:</b> Appeal dismissed | Durham<br>97CVD602                             | Martin          |
| 97-1305-1 | State v Fulp (Criminal)<br><b>Decision:</b> Vacated and remanded                 | Forsyth<br>97CRS41767 97CRS8468<br>97CRS8468   | Eagles, Jr.     |
| 98-34-1   | State v Malinzak (Criminal)<br><b>Decision:</b> No error                         | Forsyth<br>96CRS36408 96CRS36407               | John, Sr.       |
| 98-141-1  | Green, et al v Hindre, et al (Civil)<br><b>Decision:</b> No error                | Forsyth<br>95CVS7696                           | Martin          |
| 98-278-1  | State v Astrop (Criminal)<br><b>Decision:</b> No error                           | Forsyth<br>96CRS27220 96CRS41468               | Smith           |
| 98-449-1  | State v Smith (Criminal)<br><b>Decision:</b> No error                            | Forsyth<br>97CRS6594 97CRS6593                 | Hunter          |
| 98-508-1  | State v Moore (Criminal)<br><b>Decision:</b> No error                            | Forsyth<br>97CRS35454 97CRS18506<br>97CRS18507 | Hunter          |
| 98-511-1  | State v Elder (Criminal)<br><b>Decision:</b> No error                            | Forsyth<br>96CRS36802                          | Martin          |
| 98-738-1  | State v Hazel (Criminal)<br><b>Decision:</b> No error                            | Forsyth<br>97CRS42789 97CRS16289               | Martin          |
| 98-793-1  | State v McCoy (Criminal)<br><b>Decision:</b> No error                            | Forsyth<br>96CRS34948 96CRS34945               | Smith           |
| 97-1285-1 | State v Kirkland (Criminal)<br><b>Decision:</b> No error                         | Gaston<br>96CRS1115 96CRS1114                  | Walker          |
| 98-321-1  | Robinson v Robinson, et al (Civil)<br><b>Decision:</b> Affirmed                  | Gaston<br>97CVS2852                            | Lewis, Jr.      |
| 98-82-1   | Munn v Certain-Teed Corporation (Civil)<br><b>Decision:</b> Affirmed             | Granville<br>97CVS526                          | McGee           |
| 97-1591-1 | Hoffer v Hoffer (Civil)<br><b>Decision:</b> Dismissed                            | Guilford<br>96CVD8392                          | Timmons-Goodson |
| 98-830-1  | State v Jones (Criminal)<br><b>Decision:</b> No error                            | Guilford<br>97CRS69226                         | Smith           |
| 98-711-1  | State v Scott (Criminal)<br><b>Decision:</b> Affirmed                            | Halifax<br>96CRS8220 96CRS9389<br>96CRS10702   | Smith           |

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| 98-856-1  | State v Strain (Criminal)<br><b>Decision:</b> Dismissed  | Harnett<br>97CRS9206 97CRS9205                           | Smith           |
| 98-766-1  | State v Armstrong (Criminal)<br><b>Decision:</b> No error  | Martin<br>97CRS465                                       | Martin          |
| 98-299-1  | Lester v Tramz Hotel, Inc. (Civil)<br><b>Decision:</b> Affirmed  | Mecklenburg<br>96CVS11475                                | Martin          |
| 98-519-1  | State v Bostic (Criminal)<br><b>Decision:</b> No error   | Mecklenburg<br>96CRS24085 96CRS24084                     | Hunter          |
| 98-582-1  | State v Bradley (Criminal)<br><b>Decision:</b> Remanded for entry of a corrected judgment; in all other respects, no error | Mecklenburg<br>97CRS118324<br>97CRS118326<br>97CRS118323 | Smith           |
| 98-652-1  | State v Odom (Criminal)<br><b>Decision:</b> No error   | Mecklenburg<br>97CRS17586                                | Hunter          |
| 98-857-1  | State v Khaaliq (Criminal)<br><b>Decision:</b> Appeal dismissed  | Mecklenburg<br>96CRS19433                                | Smith           |
| 98-311-1  | Winborne v Perdue Farms, Inc. (Civil)<br><b>Decision:</b> Affirmed   | N.C. Industrial Commission<br>IC502850                   | Martin          |
| 98-513-1  | Carroll v Sears Roebuck & Co. (Civil)<br><b>Decision:</b> Affirmed   | N.C. Industrial Commission<br>IC519739                   | Hunter          |
| 98-549-1  | Kornegay v Tyson Foods, Inc. (Civil)<br><b>Decision:</b> Affirmed  | N.C. Industrial Commission<br>IC325186                   | Hunter          |
| 98-561-1  | Kelley v DJ's Trucking, et al (Civil)<br><b>Decision:</b> Affirmed   | N.C. Industrial Commission<br>IC252733                   | Hunter          |
| 98-575-1  | Hiatt v City of Winston-Salem (Civil)<br><b>Decision:</b> Affirmed   | N.C. Industrial Commission<br>IC510382                   | Hunter          |
| 97-477-1  | Thorn v Scherrer (Civil)<br><b>Decision:</b> Affirmed  | Orange<br>93CVS1535                                      | John, Sr.       |
| 98-293-1  | In The Matter of: Hargrove (Civil)<br><b>Decision:</b> Affirmed  | Orange<br>94SPC786                                       | Timmons-Goodson |
| 98-617-1  | State v Fearrington (Criminal)<br><b>Decision:</b> Dismissed   | Orange<br>97CRS793 97CRS791                              | Hunter          |
| 98-618-1  | State v Vanhook (Criminal)<br><b>Decision:</b> No error  | Orange<br>97CRS7802                                      | Hunter          |
| 97-1558-1 | State v Brown (Criminal)   | Pitt<br>96CRS12099 96CRS11686                            | Hunter          |

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|           | <b>Decision:</b> No error                            |                              |             |
| 97-1410-1 | State v Sinclair (Criminal)                          | Robeson<br>97CRS08254        | Smith       |
|           | <b>Decision:</b> No error                            |                              |             |
| 97-1578-1 | Cross v Cross (Pearson) (Civil)                      | Rockingham<br>93CVD706       | Eagles, Jr. |
|           | <b>Decision:</b> Reversed and remanded               |                              |             |
| 98-741-1  | State v Rankin (Criminal)                            | Rowan<br>96CRS10195          | Martin      |
|           | <b>Decision:</b> No error                            |                              |             |
| 97-821-1  | In Re: Bobby Gene Morrow (juvenile) (Juvenile - 3.1) | Rutherford<br>96J28          | Eagles, Jr. |
|           | <b>Decision:</b> Affirmed                            |                              |             |
| 98-798-1  | State v Simmons (Criminal)                           | Surry<br>98CRS3486 97CRS9773 | Smith       |
|           | <b>Decision:</b> No error                            |                              |             |
| 98-417-1  | State v Williams (Criminal)                          | Union<br>96CRS13444          | Hunter      |
|           | <b>Decision:</b> No error                            |                              |             |
| 97-595-1  | Morrison v Niles (Civil)                             | Wake<br>96CVS4521            | John, Sr.   |
|           | <b>Decision:</b> Affirmed                            |                              |             |
| 98-391-1  | State v Hollingsworth (Criminal)                     | Wake<br>97CRS28211           | Hunter      |
|           | <b>Decision:</b> No error                            |                              |             |
| 98-696-1  | State v Jarvis (Criminal)                            | Wake<br>97CRS972             | Martin      |
|           | <b>Decision:</b> Appeal dismissed                    |                              |             |
| 98-774-1  | State v Davis (Criminal)                             | Wayne<br>96CRS9053 96CRS9052 | Martin      |
|           | <b>Decision:</b> No error                            |                              |             |
| 98-430-1  | Equipment Service v Cargill, Inc. (Civil)            | Wilson<br>96CVS925           | McGee       |
|           | <b>Decision:</b> Affirmed                            |                              |             |
| 98-703-1  | Dinkins v Matthews (Civil)                           | Yadkin<br>96CVD580           | Martin      |
|           | <b>Decision:</b> Dismissed                           |                              |             |