

**IN THE COURT OF APPEALS**  
**CASES REPORTED WITH PUBLISHED OPINIONS**  
**(FILED 29 DECEMBER 1998)**  
**(MANDATE 19 JANUARY 1999)**

| Docket #  | Title  | County                     | Judge           |
|-----------|--|----------------------------|-----------------|
| 98-145-1  | NC Insurance Guaranty v Burnette, et al (Civil)<br><b>Decision:</b> Affirmed in part and remanded                    | Catawba                    | Walker          |
| 97-1257-1 | Hinkle v Hartsell (Civil)<br><b>Decision:</b> Reversed in part, vacated in part, and remanded                        | Davidson                   | Hunter          |
| 97-943-2  | Chamberlain v Thames (Civil)<br><b>Decision:</b> No error  | Durham                     | Horton, Jr.     |
| 98-97-1   | State v White (Criminal)<br><b>Decision:</b> No error  | Forsyth                    | Timmons-Goodson |
| 98-123-1  | Riddick v Myers (Civil)<br><b>Decision:</b> Affirmed   | Gates                      | Horton, Jr.     |
| 97-554-1  | State v Vestal (Criminal)<br><b>Decision:</b> Dismissed  | Guilford                   | Martin          |
| 97-1534-1 | Estridge v Housecalls Healthcare, et al (Civil)<br><b>Decision:</b> Affirmed in part, reversed in part for new trial | Guilford                   | Horton, Jr.     |
| 98-312-1  | Smith Barney, Inc. v Bardolph (Civil)<br><b>Decision:</b> Reversed and remanded with instructions                    | Guilford                   | Martin          |
| 98-20-1   | Reis v Hoots (Civil)<br><b>Decision:</b> No error  | Henderson                  | Smith           |
| 98-377-1  | Caudill v Caudill (Civil)<br><b>Decision:</b> Vacated and remanded   | Iredell                    | Hunter          |
| 97-1498-1 | Hill v Newman, et al (Civil)<br><b>Decision:</b> Affirmed  | Lee                        | Hunter          |
| 98-154-1  | RE: Variance By Town of Franklin (Civil)<br><b>Decision:</b> Reversed and remanded                                   | Macon                      | Walker          |
| 98-367-1  | Friedland v Gales (Civil)<br><b>Decision:</b> Reversed and remanded  | Mecklenburg                | Martin          |
| 98-149-1  | NC Commissioner of Ins. v NC Rate Burea (Civil)<br><b>Decision:</b> Reversed and remanded                            | N.C. Dept. of Insurance    | Greene          |
| 97-1567-1 | Deskins v Ithaca Industries, Inc. (Civil)<br><b>Decision:</b> Affirmed in part reversed and remanded                 | N.C. Industrial Commission | Timmons-Goodson |
| 98-285-1  | Wall v Macfield/Unifi, et al (Civil)<br><b>Decision:</b> Affirm  | N.C. Industrial Commission | Eagles, Jr.     |

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| 98-406-1  | Hendricks, et al v Hill Realty Group (Civil)<br><b>Decision:</b> Affirmed                              | N.C. Industrial Commission | Walker      |
| 98-225-1  | Friend-Novorska v Novorska (Civil)<br><b>Decision:</b> Affirmed in part, vacated and remanded in part  | Orange                     | Horton, Jr. |
| 97-1232-1 | Regan v Smith (Civil)<br><b>Decision:</b> Appeal of defendant dismissed; case remanded                 | Robeson                    | Lewis, Jr.  |
| 98-275-1  | Scotland County v Johnson, et al (Civil)<br><b>Decision:</b> Affirmed                                  | Scotland                   | Eagles, Jr. |
| 97-1563-1 | NC Div. Confederate Vets. v Faulkner (Civil)<br><b>Decision:</b> Affirmed in part and reversed in part | Wake                       | Greene      |
| 98-253-1  | Glass v Glass (Civil)<br><b>Decision:</b> Affirmed in part, reversed in part and remanded              | Wake                       | Horton, Jr. |
| 98-54-1   | Jimenez, et al v Brown (Civil)<br><b>Decision:</b> Affirmed in part, reversed in part                  | Wilson                     | Smith       |

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| 98-126-1  | State v Baker (Criminal)<br><b>Decision:</b> No error  | Brunswick<br>96CRS2464   | Martin          |
| 98-94-1   | West (McElreath) v McElreath (Civil)<br><b>Decision:</b> Reversed and remanded                           | Buncombe<br>95CVD4792  | Martin          |
| 97-787-1  | Prior, et al v Pruett, et al (Civil)<br><b>Decision:</b> Affirmed  | Burke<br>94CVS943  | Martin          |
| 98-210-1  | State v Merrington (Criminal)<br><b>Decision:</b> No error   | Cabarrus<br>95CRS17840 95CRS17839  | Martin          |
| 98-116-1  | Gregory, et al v City of Kings Mountain (Civil)<br><b>Decision:</b> Affirmed                             | Cleveland<br>93CVS1279   | Walker          |
| 97-1332-1 | State v Beck (Criminal)<br><b>Decision:</b> No error   | Columbus<br>95CRS8829  | Lewis, Jr.      |
| 97-1543-1 | State v Ward (Criminal)<br><b>Decision:</b> Case No. 97 CRS 719-No error. Case No. 97 CRS 718: reversed. | Columbus<br>97CRS719 97CRS718  | John, Sr.       |
| 98-156-1  | State v Davis (Criminal)<br><b>Decision:</b> No error  | Columbus<br>95CRS8513 95CRS8514<br>95CRS8512   | Horton, Jr.     |
| 98-185-1  | State v Lee (Criminal)<br><b>Decision:</b> No error  | Craven<br>97CRS3508 97CRS3507  | Greene          |
| 98-315-1  | Robeson Invest. v Cumberland Construct (Civil)<br><b>Decision:</b> Reversed and remanded                 | Cumberland<br>97CVS873   | Greene          |
| 98-14-1   | Downs v Downs (Civil)<br><b>Decision:</b> Affirmed   | Davidson<br>94CVD02124   | Timmons-Goodson |
| 98-395-1  | State v Dail (Criminal)<br><b>Decision:</b> No error   | Duplin<br>96CRS5162 96CRS4563  | Horton, Jr.     |
| 98-197-1  | State v Boyd (Criminal)<br><b>Decision:</b> Vacated and remanded for resentencing                        | Durham<br>95CRS18889 95CRS14675<br>95CRS18897 95CRS18892<br>95CRS18887 95CRS18895<br>95CRS18890 95CRS14676<br>95CRS13585 95CRS18893<br>95CRS18888 95CRS14674<br>95CRS18896 95CRS18891<br>95CRS18886 95CRS18894 | Martin          |
| 98-226-1  | State v O'Neal (Criminal)<br><b>Decision:</b> No error   | Forsyth<br>94CRS16723  | Hunter          |
| 97-1547-1 | Jenkins v Woolard (Civil)  | Guilford<br>96CVS4090  | Timmons-Goodson |

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|           | <b>Decision:</b> No error   |   |                 |
| 98-221-1  | Commonwealth Land, et al v Idol, et al (Civil)  | Guilford<br>96CVS1102   | Horton, Jr.     |
|           | <b>Decision:</b> Affirmed   |   |                 |
| 98-369-1  | Thacker v Food Lion, Inc. (Civil)   | Guilford<br>96CVS6481   | Walker          |
|           | <b>Decision:</b> Affirmed   |   |                 |
| 98-151-1  | State v Conners (Criminal)  | Henderson<br>96CRS20168   | Eagles, Jr.     |
|           | <b>Decision:</b> No error, but judgment vacated and the cause remanded for resentencing |   |                 |
| 98-271-1  | Shell v Fairfield Sapphire, et al (Civil)   | Jackson<br>96CVS009   | Eagles, Jr.     |
|           | <b>Decision:</b> Affirmed   |   |                 |
| 98-184-1  | State v Abercrombie (Criminal)  | Lee<br>95CRS13490 95CRS13484  | Horton, Jr.     |
|           | <b>Decision:</b> No error   |   |                 |
| 98-906-1  | State v Knight (Criminal)   | Martin<br>97CRS2501 97CRS2523<br>97CRS2500                                | Horton, Jr.     |
|           | <b>Decision:</b> No error   |   |                 |
| 98-177-1  | Storick v Lumbermens Mutual (Civil)   | Mecklenburg<br>97CVS9361  | Timmons-Goodson |
|           | <b>Decision:</b> Affirmed   |   |                 |
| 98-268-1  | Performance Friction v Jens Lamba (Civil)   | Mecklenburg<br>97CVS14005   | McGee           |
|           | <b>Decision:</b> Reversed   |   |                 |
| 98-353-1  | Village of Raintree v Raintree Country (Civil)  | Mecklenburg<br>92CVS11282   | Martin          |
|           | <b>Decision:</b> Reversed and remanded  |   |                 |
| 98-736-1  | SEC v National Business (Civil)   | Mecklenburg<br>97CVS8014  | Horton, Jr.     |
|           | <b>Decision:</b> Appeal dismissed   |   |                 |
| 98-381-1  | Lee (Kingsland) v Southern Elevator (Civil)   | N.C. Industrial Commission<br>IC620125                                    | Martin          |
|           | <b>Decision:</b> Affirmed in part and remanded with instructions                        |   |                 |
| 98-166-1  | Miller, et al v Shell Island Homeowners (Civil)   | New Hanover<br>97CVS2546  | Walker          |
|           | <b>Decision:</b> Dismissed  |   |                 |
| 98-26-1   | State v Corbett (Criminal)  | Orange<br>97CRS1939   | Eagles, Jr.     |
|           | <b>Decision:</b> No error   |   |                 |
| 98-303-1  | In The Matter of: Suraj Romesh Fernando (Civil)   | Orange<br>97SPC1076   | Hunter          |
|           | <b>Decision:</b> Affirmed   |   |                 |
| 97-1586-1 | State v Barrett (Criminal)  | Pitt<br>94CRS24502 94CRS12422   | Greene          |
|           | <b>Decision:</b> New trial  |   |                 |
| 98-568-1  | State v Cherry & Kelly (Criminal)   | Pitt<br>97CRS4922 97CRS4908<br>97CRS8931 97CRS8939<br>97CRS4921 97CRS4907 | Horton, Jr.     |

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|           | <b>Decision:</b> No error             |                              |             |
| 98-235-1  | State v White (Criminal)              | Rowan<br>97CRS1550 97CRS1594 | Martin      |
|           | <b>Decision:</b> No error             |                              |             |
| 97-1422-1 | Aycock, et al v Hooks, et al (Civil)  | Wayne<br>95CVS1670           | Eagles, Jr. |
|           | <b>Decision:</b> Affirm               |                              |             |
| 98-444-1  | Aycock, et al v Fuller, et al (Civil) | Wayne<br>95CVS2056           | Eagles, Jr. |
|           | <b>Decision:</b> Affirmed             |                              |             |