

**IN THE COURT OF APPEALS**  
**CASES REPORTED WITH PUBLISHED OPINIONS**  
**(FILED 2 FEBRUARY 1999)**  
**(MANDATE 22 FEBRUARY 1999)**

| Docket #  | Title  | County                     | Judge       |
|-----------|--|----------------------------|-------------|
| 98-534-1  | Crutchfield v Crutchfield (Civil)<br><b>Decision:</b> Affirmed   | Alamance                   | Lewis, Jr.  |
| 98-266-1  | State v Bennett (Criminal)<br><b>Decision:</b> Vacated and remanded  | Anson                      | Walker      |
| 97-1551-1 | State v Britt (Criminal)<br><b>Decision:</b> Defendant's conviction of burning an uninhabited house, 96CRS1413, is vacated. No error as to defendant's conviction of first-degree murder, 96CRS1412. | Bladen                     | Lewis, Jr.  |
| 98-284-1  | Sharp v Gailor, et al (Civil)<br><b>Decision:</b> Affirmed   | Dare                       | Lewis, Jr.  |
| 98-505-1  | American Manuf. v Hagler, et al (Civil)<br><b>Decision:</b> Affirmed   | Guilford                   | Horton, Jr. |
| 98-557-1  | Sharpe v Worland, et al (Civil)<br><b>Decision:</b> Appeal dismissed   | Guilford                   | Martin      |
| 98-387-1  | State v Byrd (Criminal)<br><b>Decision:</b> No error   | Johnston                   | Greene      |
| 98-214-1  | Delta Environmental v Wysong & Miles (Civil)<br><b>Decision:</b> Affirmed in part, reversed in part and remanded   | Mecklenburg                | Smith       |
| 98-499-1  | Trosch, et al v State Farm Automobile (Civil)<br><b>Decision:</b> Affirmed   | Mecklenburg                | Horton, Jr. |
| 98-569-1  | Hart, et al v F.N. Thompson Construct (Civil)<br><b>Decision:</b> Appeal dismissed   | Mecklenburg                | Martin      |
| 98-421-1  | State v Hill (Criminal)<br><b>Decision:</b> Vacated and remanded   | Mitchell                   | Wynn, Jr.   |
| 98-341-1  | Pittman v International Paper Company (Civil)<br><b>Decision:</b> Affirmed   | N.C. Industrial Commission | Horton, Jr. |
| 98-855-1  | Riggins v Elkay Southern Corporation (Civil)<br><b>Decision:</b> Appeal dismissed  | N.C. Industrial Commission | Eagles, Jr. |
| 98-360-1  | State v Moore (Criminal)<br><b>Decision:</b> Affirmed  | Onslow                     | Martin      |
| 98-348-1  | Beechridge Development v Dahners (Civil)<br><b>Decision:</b> Reversed  | Orange                     | Lewis, Jr.  |
| 98-88-1   | Daniel v Daniel (Civil)<br><b>Decision:</b> Affirmed   | Pamlico                    | Greene      |

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| 97-1365-1 | Faulkenbury v State Retirement System (Civil)<br><b>Decision:</b> Reversed and remanded | Wake   | Walker |

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| 98-674-1  | State v Ford (Criminal)<br><b>Decision:</b> No error   | Alamance<br>97CRS3844                        | Eagles, Jr.  |
| 97-1084-1 | State v Hodges (Criminal)<br><b>Decision:</b> No error   | Avery<br>95CRS1211                           | John, Sr.    |
| 98-852-1  | State v Ross (Criminal)<br><b>Decision:</b> No error   | Beaufort<br>96CRS1495 96CRS1496<br>96CRS1494 | Eagles, Jr.  |
| 98-135-1  | Deerman v Beverly California Corp. (Civil)<br><b>Decision:</b> Appeal dismissed  | Buncombe<br>97CVS2952                        | John, Sr.    |
| 98-682-1  | In The Matter of: Michael David Grant (Juvenile - 3.1)<br><b>Decision:</b> No prejudicial error  | Buncombe<br>97J316                           | Wynn, Jr.    |
| 98-528-1  | In The Matter of: Matthew D. Martinat (Civil)<br><b>Decision:</b> Affirmed   | Burke<br>97J42                               | Eagles, Jr.  |
| 98-871-1  | In The Matter of: C. I. Mutz, et al (Civil)<br><b>Decision:</b> Affirmed   | Catawba<br>93J88 94J187 97J47                | Eagles, Jr.  |
| 98-514-1  | State v Stephens (Criminal)<br><b>Decision:</b> No error   | Columbus<br>95CRS8003 95CRS8002              | Wynn, Jr.    |
| 98-883-1  | Brown v Tyler (Civil)<br><b>Decision:</b> Dismissed  | Craven<br>97SP47                             | McGee        |
| 98-445-1  | State v Willis (Criminal)<br><b>Decision:</b> No error   | Cumberland<br>96CRS9401                      | Edmunds, Jr. |
| 98-301-1  | In The Matter of The Will of: Cole (Civil)<br><b>Decision:</b> As to the Propounder's appeal, no error. As to the Caveator's appeal, no error. | Durham<br>97E331                             | Eagles, Jr.  |
| 98-4-1    | Brigance v NC Baptist Hospitals (Civil)<br><b>Decision:</b> Reversed and remanded in part and affirmed in part                                 | Forsyth<br>95CVS8137                         | Hunter       |
| 97-1608-1 | Hoffner v Diamond Exhaust et al (Civil)<br><b>Decision:</b> Reversed   | Guilford<br>97CVS1158                        | McGee        |
| 98-877-1  | Henderson v Henderson (Civil)<br><b>Decision:</b> Dismissed  | Guilford<br>97CVD5919                        | McGee        |
| 98-968-1  | Rhynehardt v Koury Corp. (Civil)<br><b>Decision:</b> Affirmed  | Guilford<br>97CVS6622                        | McGee        |
| 98-1173-1 | In The Matter of: Jessica M. Jennings (Civil)<br><b>Decision:</b> Affirmed   | Guilford<br>93J313                           | McGee        |

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| 98-389-1  | State v Cofield (Criminal)<br><br><b>Decision:</b> No error   | Harnett<br>94CRS10993 94CRS10994<br>94CRS10992 96CRS10991 | John, Sr.       |
| 98-564-1  | Bodwell v Poly Processing, Inc. (Civil)<br><br><b>Decision:</b> Affirmed                              | Henderson<br>96CVS630                                     | Martin          |
| 98-817-1  | State v Collins (Criminal)<br><br><b>Decision:</b> No error   | Hyde<br>97CRS517 97CRS516                                 | Eagles, Jr.     |
| 98-749-1  | Sigmon v Sigmon (Civil)<br><br><b>Decision:</b> Appeal dismissed                                      | McDowell<br>97CVD406                                      | McGee           |
| 97-1511-1 | Vail v Anglin, et al (Civil)<br><br><b>Decision:</b> Affirmed in part, reversed in part, and remanded | Mecklenburg<br>94CVS14736                                 | Walker          |
| 98-93-1   | Prism Laboratories, Inc. v Klotz, et al (Civil)<br><br><b>Decision:</b> Reversed                      | Mecklenburg<br>97CVS16154                                 | John, Sr.       |
| 98-489-1  | Pepsi-Cola Bottling v Cornelison (Civil)<br><br><b>Decision:</b> Affirmed                             | Mecklenburg<br>97CVS8168                                  | Horton, Jr.     |
| 98-971-1  | State v Pinkleton (Criminal)<br><br><b>Decision:</b> No error   | Moore<br>97CRS11540 97CRS11539                            | McGee           |
| 98-486-1  | Dukes v Harleysville Mutual Ins. Co. (Civil)<br><br><b>Decision:</b> Affirmed                         | N.C. Industrial Commission<br>IC421655                    | Edmunds, Jr.    |
| 98-512-1  | Davis v Mega Force Temporaries (Civil)<br><br><b>Decision:</b> Affirmed                               | N.C. Industrial Commission<br>IC229328                    | Edmunds, Jr.    |
| 98-625-1  | Minton v Kincaid Furniture (Civil)<br><br><b>Decision:</b> Affirmed                                   | N.C. Industrial Commission<br>IC322472                    | Timmons-Goodson |
| 98-695-1  | Dunn v Conover Woodworking (Civil)<br><br><b>Decision:</b> Affirmed                                   | N.C. Industrial Commission<br>IC482527                    | Smith           |
| 98-761-1  | Holcomb v Pepsi Cola Company (Civil)<br><br><b>Decision:</b> Affirmed                                 | N.C. Industrial Commission<br>IC441169                    | Eagles, Jr.     |
| 98-130-1  | General Accident Ins. v TH Construction (Civil)<br><br><b>Decision:</b> Reversed and remanded         | Orange<br>97CVS743  | Lewis, Jr.      |
| 98-689-1  | State v Davis (Criminal)<br><br><b>Decision:</b> No error   | Pasquotank<br>96CRS4769                                   | Eagles, Jr.     |
| 98-168-1  | In the Matter of: Jeremy Davenport (Criminal)<br><br><b>Decision:</b> Affirmed                        | Perquimans<br>97J1  | McGee           |
| 98-298-1  | Foster v Lanier (Civil)   | Rowan<br>86CVD1092  | Hunter          |

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|          | <b>Decision:</b> Affirmed in part, reversed in part and remanded |                               |             |
| 98-959-1 | State v Hargroves (Criminal)                                     | Sampson<br>97CRS10963         | McGee       |
|          | <b>Decision:</b> No error  |                               |             |
| 98-317-1 | Nelson v Nelson (Civil)  | Stokes<br>97CVD300            | Lewis, Jr.  |
|          | <b>Decision:</b> Affirmed in part, vacated in part               |                               |             |
| 98-898-1 | State v Mitchell (Criminal)                                      | Wake<br>95CRS71451 95CRS14248 | McGee       |
|          | <b>Decision:</b> No error  |                               |             |
| 98-645-1 | State v Spruill (Criminal)                                       | Washington<br>97CRS278        | McGee       |
|          | <b>Decision:</b> No error  |                               |             |
| 98-832-1 | State v Moore (Criminal)   | Washington<br>97CRS1810       | Eagles, Jr. |
|          | <b>Decision:</b> No error  |                               |             |
| 98-833-1 | State v Moore (Criminal)   | Washington<br>97CRS1808       | Eagles, Jr. |
|          | <b>Decision:</b> No error  |                               |             |
| 98-834-1 | State v Barrow (Criminal)  | Washington<br>97CRS1809       | Eagles, Jr. |
|          | <b>Decision:</b> No error  |                               |             |
| 98-805-1 | State v Robinson (Criminal)                                      | Yancey<br>96CRS871 96CRS870   | Eagles, Jr. |
|          | <b>Decision:</b> No error  |                               |             |