

IN THE COURT OF APPEALS
CASES REPORTED WITH PUBLISHED OPINIONS
(FILED 16 FEBRUARY 1999)
(MANDATE 8 MARCH 1999)

Docket #	Title	County	Judge
98-533-1	Horner, Executrix v Byrnett (Civil) Decision: No error	Alamance	Timmons-Goodson
98-465-1	State v McCaslin (Criminal) Decision: No error	Alexander	Martin
98-1004-1	Whitley v Kennerly, et al (Civil) Decision: Reversed and remanded	Cabarrus	Eagles, Jr.
97-1382-1	State v Fritsch, et al (Criminal) Decision: Reversed	Carteret	Hunter
98-616-1	Hicks, et al v Clegg's Termite (Civil) Decision: Affirmed	Craven	Lewis, Jr.
98-909-1	Washington, et al v Horton (Civil) Decision: Reversed and remanded	Cumberland	Horton, Jr.
97-638-2	Watson v Dixon & Duke Univ. (Civil) Decision: Affirmed	Durham	Timmons-Goodson
98-597-1	Few, et al v Hammack Enterprises (Civil) Decision: Vacated and remanded	Durham	Greene
98-687-1	Transcontinental Gas v Calco Enterprise (Criminal) Decision: Affirmed	Forsyth	Edmunds, Jr.
98-277-1	State v Monk (Criminal) Decision: No error	Guilford	McGee
98-518-1	State v Gartlan (Criminal) Decision: No prejudicial error	Guilford	Wynn, Jr.
98-531-1	In Re: Atasha D. Bean (Civil) Decision: Affirmed	Lincoln	Walker
98-607-1	Vanasek v Duke Power (Civil) Decision: Affirmed	Mecklenburg	Greene
98-897-1	In The Matter of: Emmanuel Molina (Juvenile - 3.1) Decision: Affirmed	Mecklenburg	Horton, Jr.
97-1230-2	Timmons v NCDOT (Civil) Decision: Affirmed	N.C. Industrial Commission	Lewis, Jr.
98-631-1	Lewis v Jones, et al (Civil) Decision: Affirmed	New Hanover	Walker

Docket #	Title	County	Judge
98-283-1	Hudson-Cole Development v Beemer (Civil) Decision: Affirmed	Orange	Timmons-Goodson
98-232-1	State v McAllister (Criminal) Decision: No error	Pender	Timmons-Goodson
98-270-1	In The Matter of: C. D. Owens, et al (Civil) Decision: Reversed and remanded	Property Tax Commission	John, Sr.
98-538-1	In The Matter of: Sterling Diagnostic (Civil) Decision: Reversed and remanded	Property Tax Commission	Per Curiam
98-526-1	State v Hamilton (Criminal) Decision: No error	Sampson	Lewis, Jr.
98-352-1	Huang v Ziko, et al (Civil) Decision: Affirmed	Wake	Timmons-Goodson
98-443-1	O'Carroll v Texasgulf, Inc. (Civil) Decision: New trial	Wake	Greene
98-539-1	Sutton v NC Department of Labor (Civil) Decision: Vacated and remanded	Wake	Greene
98-643-1	Daughtry v McLamb, et al (Civil) Decision: Affirmed	Wayne	Walker

**IN THE
COURT OF APPEALS**

CASES REPORTED WITHOUT PUBLISHED OPINIONS

**(FILED 16 FEBRUARY 1999)
(MANDATE 8 MARCH 1999)**

Docket #	Title	County	Judge
98-925-1	State v Wheeler (Criminal) Decision: Reversed as to conspiracy to sell and/or deliver a controlled substance with A. Smith (97CRS377). No error as to 97CRS376, 97CRS378 and 97CRS379.	Alamance 97CRS377,97CRS378,97CR- S376,97CRS379	Horton, Jr.
98-1019-1	State v Love (Criminal) Decision: Affirmed	Alamance 95CRS31581	Horton, Jr.
98-665-1	Paramore v Lilley, et al (Civil) Decision: Affirmed	Beaufort 95CVS99	Horton, Jr.
98-263-1	Jones, et al v NC Farm Bureau Mutual (Civil) Decision: Affirmed	Brunswick 96CVS192	John, Sr.
98-988-1	In the Matter of: Claude Honeycutt (Criminal) Decision: Affirmed	Buncombe 94J186	McGee
98-602-1	Greene, et al v Humphrey, et al (Criminal) Decision: Dismissed	Burke 96CVS654	Timmons-Goodson
98-365-1	State v Chavis (Criminal) Decision: No error	Chatham 94CRS3887,94CRS3886	Timmons-Goodson
98-893-1	State v Jarman (Criminal) Decision: No error	Craven 97CRS4489	Horton, Jr.
98-630-1	In The Matter of: Gibbs (Civil) Decision: Affirmed	Dare 97J38	McGee
98-708-1	N. C. Farm Bureau v Caldwell, et al (Civil) Decision: Affirmed	Dare 96CVS492	Timmons-Goodson
98-699-1	Deal, et al v Baptist Children's Homes (Civil) Decision: Affirmed	Davidson 97CVS1566	Edmunds, Jr.
98-251-1	Boger v Groce (Civil) Decision: No error	Davie 96CVS2	Lewis, Jr.
98-895-1	Wickline v Moore (Civil) Decision: Affirmed	Duplin 97CVS794	McGee
98-659-1	Griffin, et al v Fonville Morisey Realt (Civil) Decision: Affirmed	Durham 97CVS02440	Edmunds, Jr.
98-491-1	Williams v Aikens (Civil) Decision: Affirmed	Edgecombe 96CVS980	Wynn, Jr.
98-407-1	State v Brown (Criminal)	Forsyth 96CRS25219,96CRS31203,9- 6CRS25220,96CRS25218,96- CRS31202	Timmons-Goodson

Docket #	Title	County	Judge
	Decision: No error		
98-994-1	State v Rodriguez (Criminal)	Forsyth 97CRS23210,97CRS23211,9-7CRS2329,97CRS23212	McGee
	Decision: No error		
98-866-1	State v Gioglio & Vaden (Criminal)	Gaston 97CRS19421,97CRS19416,9-7CRS19419,97CRS19417	McGee
	Decision: Vacated and remanded		
98-957-1	State v Cooke (Criminal)	Gaston 97CRS20110	McGee
	Decision: No error		
98-984-1	State v Harper (Criminal)	Gaston 96CRS13575,96CRS13578,9-6CRS13576,96CRS13574,96-CRS13577	Eagles, Jr.
	Decision: No error		
98-546-1	State v Sutton (Criminal)	Greene 97CRS64,97CRS63	Timmons-Goodson
	Decision: No error		
98-515-1	Gillenwater v NCDOT, Bridge Inspection (Civil)	Guilford 97CVS9013	Horton, Jr.
	Decision: Reversed and remanded		
98-579-1	Bane, et al v Mowery (Civil)	Guilford 96CVS1187	Timmons-Goodson
	Decision: Dismissed		
98-778-1	State v Minor (Criminal)	Guilford 95CRS074714	Eagles, Jr.
	Decision: No error		
98-905-1	State v Westfield (Criminal)	Guilford 97CRS62636	Horton, Jr.
	Decision: No error		
98-969-1	State v Murray (Criminal)	Guilford 97CRS82255	Eagles, Jr.
	Decision: No error		
98-1012-1	State v Wallace (Criminal)	Guilford 97CRS79092	McGee
	Decision: No error		
98-1112-1	State v McCoy (Criminal)	Guilford 98CRS23277	Eagles, Jr.
	Decision: No error		
98-427-1	State v Scott (Criminal)	Halifax 96CRS8215	Timmons-Goodson
	Decision: No error		
98-347-1	State v Surrett (Criminal)	Haywood 97CRS847,97CRS2179,97C-RS2181,97CRS791,97CRS1-393,97CRS2180,97CRS846,-97CRS2178,97CRS1394,97-CRS790	Timmons-Goodson
	Decision: No error		
98-482-1	State v Perry (Criminal)	Iredell 96CRS20436,96CRS20435	Timmons-Goodson

Docket #	Title	County	Judge
	Decision: Case number 96CRS20435--reversed Case number 96CRS20436--no error		
98-733-1	State v Glover (Criminal)	Iredell 96CRS20428	Eagles, Jr.
	Decision: No error		
97-1140-1	In The Matter of: Rosa Alonso (Civil)	Johnston 94J149	Timmons-Goodson
	Decision: Affirmed		
98-1090-1	State v Howell (Criminal)	Johnston 98CRS1664	Eagles, Jr.
	Decision: No error		
98-461-1	State v Estrada (Criminal)	Lee 97CRS3419	Timmons-Goodson
	Decision: No error		
98-629-1	State v Solomon (Criminal)	Martin 97CRS1984	Timmons-Goodson
	Decision: No error		
98-415-1	State v Jones (Criminal)	McDowell 97CRS2820	Timmons-Goodson
	Decision: No error		
98-796-1	State v Saunders (Criminal)	Mecklenburg 94CRS49477	Eagles, Jr.
	Decision: No error		
98-1069-1	State v James (Criminal)	Mecklenburg 97CRS30489	McGee
	Decision: No error		
98-535-1	Huckabee , et al v UCB & C. Jones (Civil)	New Hanover 94CVS1870	Walker
	Decision: Affirmed		
98-563-1	State v Johnson (Criminal)	New Hanover 95CRS23224	Timmons-Goodson
	Decision: Affirmed		
98-836-1	State v Jackson (Criminal)	New Hanover 97CRS13563,97CRS13780,9- 7CRS13564,97CRS13562,97- CRS13779	Eagles, Jr.
	Decision: No error		
98-409-1	In The Matter of: Jane Svoboda (Civil)	Orange 97SPC1132	McGee
	Decision: Dismissed		
98-1186-1	Leigh v Elizabeth City Housing (Civil)	Pasquotank 98CVD122	McGee
	Decision: Dismissed		
98-260-1	Person County, ex rel K. Higgs v Ewing (Civil)	Person 97CVD91	Timmons-Goodson
	Decision: Vacated and remanded		
98-767-1	Horton v Horton (Civil)	Person 97CVD200	Horton, Jr.
	Decision: Affirmed in part, reversed and remanded in part		
98-300-1	State v Chandler (Criminal)	Randolph 95CRS11149	Timmons-Goodson
	Decision: No error at trial. Remanded for resentencing.		

Docket #	Title	County	Judge
98-831-1	State v Candelaria (Criminal) Decision: No error	Robeson 95CRS24286	Horton, Jr.
98-497-1	State v Funderburk (Criminal) Decision: No error	Rowan 96CRS10391,96CRS10390	Walker
98-501-1	State v Davis (Criminal) Decision: Affirmed	Rowan 96CRS13661	Timmons-Goodson
98-974-1	State v Sizemore (Criminal) Decision: No error	Rutherford 95CRS3137	McGee
98-842-1	State v Caulder (Criminal) Decision: No error	Sampson 97CRS7137	McGee
98-448-1	Collins v Collins (Civil) Decision: Dismissed	Surry 97CVS1357	Timmons-Goodson
98-690-1	Gunter, et al v Kirkland (Civil) Decision: Affirmed	Swain 92CVS89	Horton, Jr.
98-1035-1	Floyd v Lewis (Civil) Decision: Reversed and remanded	Vance 97CVD282	McGee
98-440-1	State v Harris (Criminal) Decision: No error	Wake 97CRS17762,97CRS17763,9-7CRS17759,97CRS23180	Timmons-Goodson
98-717-1	Lattimore v Miller, et al (Civil) Decision: Affirmed	Wake 96CVS12532	Wynn, Jr.
98-964-1	State v Barbour (Criminal) Decision: No error	Wake 95CRS64915	Horton, Jr.
98-965-1	State v Gonzales (Criminal) Decision: Affirmed	Wake 94CRS63104,94CRS63103	Horton, Jr.
98-1049-1	State v Williams (Criminal) Decision: No error in trial; Vacated and remanded for resentencing in 97CRS1434	Wake 97CRS13435,97CRS13369,9-7CRS13434	Eagles, Jr.
98-606-1	In The Matter of: Phillip R. Swinson (Criminal) Decision: Affirmed	Wilson 96J128	Timmons-Goodson
98-479-1	State v Kimmer (Criminal) Decision: No error	Yadkin 96CRS2182,96CRS2181	Lewis, Jr.