

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

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

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

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	<b>Decision:</b> No error		
98-994-1	State v Rodriguez (Criminal)	Forsyth 97CRS23210 97CRS23211 97CRS2329 97CRS23212	McGee
	<b>Decision:</b> No error		
98-866-1	State v Gioglio & Vaden (Criminal)	Gaston 97CRS19421 97CRS19416 97CRS19419 97CRS19417	McGee
	<b>Decision:</b> Vacated and remanded		
98-957-1	State v Cooke (Criminal)	Gaston 97CRS20110	McGee
	<b>Decision:</b> No error		
98-984-1	State v Harper (Criminal)	Gaston 96CRS13575 96CRS13578 96CRS13576 96CRS13574 96CRS13577	Eagles, Jr.
	<b>Decision:</b> No error		
98-546-1	State v Sutton (Criminal)	Greene 97CRS64 97CRS63	Timmons-Goodson
	<b>Decision:</b> No error		
98-515-1	Gillenwater v NCDOT, Bridge Inspection (Civil)	Guilford 97CVS9013	Horton, Jr.
	<b>Decision:</b> Reversed and remanded		
98-579-1	Bane, et al v Mowery (Civil)	Guilford 96CVS1187	Timmons-Goodson
	<b>Decision:</b> Dismissed		
98-778-1	State v Minor (Criminal)	Guilford 95CRS074714	Eagles, Jr.
	<b>Decision:</b> No error		
98-905-1	State v Westfield (Criminal)	Guilford 97CRS62636	Horton, Jr.
	<b>Decision:</b> No error		
98-969-1	State v Murray (Criminal)	Guilford 97CRS82255	Eagles, Jr.
	<b>Decision:</b> No error		
98-1012-1	State v Wallace (Criminal)	Guilford 97CRS79092	McGee
	<b>Decision:</b> No error		
98-1112-1	State v McCoy (Criminal)	Guilford 98CRS23277	Eagles, Jr.
	<b>Decision:</b> No error		
98-427-1	State v Scott (Criminal)	Halifax 96CRS8215	Timmons-Goodson
	<b>Decision:</b> No error		
98-347-1	State v Surrett (Criminal)	Haywood 97CRS847 97CRS2179 97CRS2181 97CRS791 97CRS1393 97CRS2180 97CRS846 97CRS2178 97CRS1394 97CRS790	Timmons-Goodson
	<b>Decision:</b> No error		
98-482-1	State v Perry (Criminal)	Iredell 96CRS20436 96CRS20435	Timmons-Goodson

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

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