

**IN THE COURT OF APPEALS**  
**CASES REPORTED WITH PUBLISHED OPINIONS**  
**(FILED 6 APRIL 1999)**  
**(MANDATE 26 APRIL 1999)**

Docket #	Title	County	Judge
98-485-1	Andrews v Alamance County, et al (Civil) <b>Decision:</b> Reversed	Alamance	Walker
98-604-1	State v Reaves (Civil) <b>Decision:</b> No error	Brunswick	Edmunds, Jr.
98-577-1	State v Hyatt (Civil) <b>Decision:</b> New trial	Buncombe	Wynn, Jr.
98-820-1	Dillingham v NC DHR (Civil) <b>Decision:</b> Reversed and remanded	Buncombe	Martin
98-383-1	State v Summers (Criminal) <b>Decision:</b> New trial	Durham	Hunter
98-451-1	Falk Integrated Technologies v Stack (Civil) <b>Decision:</b> Reversed	Forsyth	John, Sr.
98-790-1	Wiggins v Pelikan, Inc. (Civil) <b>Decision:</b> Affirmed	Gates	Martin
96-1067-1	Teleflex Information v Arnold (Civil) <b>Decision:</b> Affirmed	Guilford	Horton, Jr.
97-1303-1	Romig v Jefferson-Pilot Life (Civil) <b>Decision:</b> Dismissed	Guilford	Timmons-Goodson
98-530-1	State v Moore (Criminal) <b>Decision:</b> Reversed	Guilford	Walker
98-634-1	State v Cintron (Criminal) <b>Decision:</b> New trial	Guilford	Greene
98-757-1	Middleton v The Russell Group, et al (Civil) <b>Decision:</b> Affirmed	Guilford	Horton, Jr.
98-712-1	Gibson v Faulkner (Civil) <b>Decision:</b> Affirmed	Haywood	Horton, Jr.
98-726-1	Rice v Danas, Incorporated (Civil) <b>Decision:</b> Affirmed	Lee	Horton, Jr.
98-460-1	State v Phillips (Criminal) <b>Decision:</b> No error	Mecklenburg	Eagles, Jr.
98-673-1	Vogl v LVD Corporation, et al (Civil) <b>Decision:</b> Affirmed	Mecklenburg	Wynn, Jr.
98-686-1	Haight, et al v Travelers/Aetna (Civil) <b>Decision:</b> Reversed and remanded	Mecklenburg	Timmons-Goodson

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98-626-1	State v Woody (Criminal) <b>Decision:</b> Judgment vacated	Mitchell	Edmunds, Jr.
97-869-1	Davis v Weyerhaeuser Co. (Civil) <b>Decision:</b> Affirmed	N.C. Industrial Commission	Greene
98-672-1	Peeler v Piedmont Elastic, Inc. (Civil) <b>Decision:</b> Affirmed in part, reversed in part and remanded	N.C. Industrial Commission	Lewis, Jr.
98-812-1	Higgins v Michael Powell Builders (Civil) <b>Decision:</b> Affirmed	N.C. Industrial Commission	Martin From unpublished to published 4-20-99
98-759-1	State of NC, ex rel v MCI, et al (Civil) <b>Decision:</b> Reversed	N.C. Utilities Commission	Greene
98-794-1	Centura Bank v Executive Leather, Inc. (Civil) <b>Decision:</b> Affirmed	Nash	Timmons-Goodson
98-329-1	Brandon v Brandon (Civil) <b>Decision:</b> Reversed	New Hanover	Greene
98-373-1	State v Adams (Criminal) <b>Decision:</b> Reversed	Randolph	John, Sr.
98-764-1	Gibbons, et al v Cole, et al (Civil) <b>Decision:</b> Affirmed in part and vacated and remanded in part	Richmond	Eagles, Jr.
97-956-2	Union Carbide Corp. v Offerman (Civil) <b>Decision:</b> Affirmed	Wake	Lewis, Jr.
98-374-1	Williams v 100 Block Associates (Civil) <b>Decision:</b> Affirmed	Wake	McGee
98-780-1	State, Long v ILA Corp. (Civil) <b>Decision:</b> Affirmed	Wake	Edmunds, Jr.
98-368-1	Webb v McKeel (Civil) <b>Decision:</b> Appeal dismissed	Wilson	Per Curiam
98-783-1	Holcomb v Holcomb (Civil) <b>Decision:</b> Affirmed in part; vacated and remanded in part	Wilson	Horton, Jr.
98-627-1	Seigel v Patel, et al (Civil) <b>Decision:</b> Affirmed	Yadkin	Lewis, Jr.

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98-642-1	State v Foster (Criminal)	Alamance 97CRS7491 97CRS7486 97CRS7489 97CRS9883 97CRS7487 97CRS7490 97CRS7485 97CRS7488	Martin
	<b>Decision:</b> Affirmed; motion for appropriate relief denied		
98-1239-1	State v Street (Criminal)	Alamance 97CRS23874 97CRS23875 97CRS23873	Lewis, Jr.
	<b>Decision:</b> No error		
97-1042-1	In the Matter of: Bentley (Criminal)	Alexander 95J25	Timmons-Goodson
	<b>Decision:</b> Affirmed		
98-217-1	In The Matter of: N.R. Roberts, et al (Civil)	Buncombe 96CVS5526	Timmons-Goodson
	<b>Decision:</b> Reversed and remanded		
98-653-1	Ireland v Lam (Civil)	Buncombe 96CVD2298	Eagles, Jr.
	<b>Decision:</b> Affirmed in part and vacated in part		
98-860-1	In The Matter of: Emily Tremblay (Civil)	Buncombe 97J265	McGee
	<b>Decision:</b> Affirmed		
98-975-1	Clay v Clay (Civil)	Buncombe 96CVD1795	Lewis, Jr.
	<b>Decision:</b> Dismissed		
97-1471-1	In Re: Makala E. Bailey (Civil)	Caldwell 96J52	John, Sr.
	<b>Decision:</b> Affirmed; costs taxed personally to counsel for appellee		
98-723-1	Startown Fence Co. v Newsom Const. (Civil)	Catawba 96CVD516	Greene
	<b>Decision:</b> Appeal dismissed		
97-914-1	State v Wilson (Criminal)	Cleveland 96CRS12519 96CRS12522 96CRS12520 96CRS10145 96CRS12521	Timmons-Goodson
	<b>Decision:</b> No error		
98-791-1	Bradfield v Bradfield (Civil)	Craven 95CVD1169	Edmunds, Jr.
	<b>Decision:</b> Affirmed		
97-1187-1	State v Henagan (Criminal)	Cumberland 95CRS32325 95CRS60555 95CRS32324 96CRS8097	John, Sr.
	<b>Decision:</b> No error		
98-693-1	Necaise v Mitchell, et al (Civil)	Cumberland 97CVS4129	Edmunds, Jr.
	<b>Decision:</b> Reversed and remanded		
98-923-1	State v Warren (Criminal)	Edgecombe 97CRS1724	Lewis, Jr.
	<b>Decision:</b> No error		
98-309-1	State v Bitting (Criminal)	Forsyth 97CRS35760 97CRS23155	Martin

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	<b>Decision:</b> Affirmed		
98-879-1	State v Benjamin (Criminal)	Forsyth 98CRS4461 97CRS35189	Lewis, Jr.
	<b>Decision:</b> No error		
98-710-1	Luard v Ross Angel Assoc. Inc. (Civil)	Guilford 97CVS3959	Edmunds, Jr.
	<b>Decision:</b> Affirmed		
98-371-1	State v Parks (Criminal)	Harnett 96CRS13830	Walker
	<b>Decision:</b> No error		
98-454-1	Hess v Radius Motorsports, Inc. (Civil)	Lincoln 95CVS498	Martin
	<b>Decision:</b> Affirmed		
98-611-1	State v Fite (Criminal)	Mecklenburg 96CRS25314	Wynn, Jr.
	<b>Decision:</b> No error		
98-784-1	Government Emp. v Eaton, et al (Civil)	Mecklenburg 97CVS5731	Greene
	<b>Decision:</b> Affirmed		
98-1044-1	Brame v Sharpe (Civil)	Mecklenburg 93CVD13666JVH	Lewis, Jr.
	<b>Decision:</b> Affirmed		
98-1045-1	In The Matter of: Nicholas J. Johnson (Criminal)	Mecklenburg 98J99	Lewis, Jr.
	<b>Decision:</b> Affirmed		
97-1476-1	State, ex rel v Purvis Farms (Civil)	Montgomery 95CVS517	Lewis, Jr.
	<b>Decision:</b> Reversed		
98-246-1	Smith, et al v Blankenship, et al (Civil)	Montgomery 96CVS58	Greene
	<b>Decision:</b> Affirmed		
98-529-1	Latham, et al v McBride, et al (Civil)	Montgomery 92CVD74	Lewis, Jr.
	<b>Decision:</b> As to the order denying plaintiffs' motion to reopen the case, affirmed. As to the amended judgment, no error.		
98-845-1	Williams v Jenkins (Civil)	Moore 97CVS479	Walker
	<b>Decision:</b> Affirmed		
98-437-1	Ziglar v City of Winston-Salem (Civil)	N.C. Industrial Commission IC128709	Martin
	<b>Decision:</b> Affirmed and remanded with instructions		
98-719-1	Morgan v American Airlines (Civil)	N.C. Industrial Commission IC435683	Wynn, Jr.
	<b>Decision:</b> Affirmed		
98-776-1	Fariss v Bridgestone/Firestone, Inc. (Civil)	N.C. Industrial Commission IC173665	Lewis, Jr.
	<b>Decision:</b> Affirmed		
98-1088-1	Wilson v Freightliner Corp. (Civil)	N.C. Industrial Commission IC405018	Lewis, Jr.
	<b>Decision:</b> Affirmed		

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98-632-1	State v Thomas (Criminal) <b>Decision:</b> Vacated and remanded for reinstatement of the jury verdict and sentencing	Onslow 97CRS7612 97CRS7611	Horton, Jr.
98-743-1	Parker, et al v SC Insurance Co.. (Civil) <b>Decision:</b> Affirmed	Onslow 96CVS3041	Lewis, Jr.
98-566-1	Hughes v Triangle Waterproofing (Civil) <b>Decision:</b> Affirmed	Orange 97CVD50	McGee
98-991-1	State v Gauldin (Criminal) <b>Decision:</b> In sum, the judgment revoking defendant's probation in 95CRS4807 is vacated. As to the remaining judgments, no error. 95CRS4807--vacated. 95CRS3375, 7144, 8382-8388, 8390-8395, 8397-8399, 8215-8216, 8219-8221; and 98CRS4806--no error.	Rockingham 95CRS8397 95CRS8390 95CRS8398 95CRS8215 95CRS8399 95CRS11561 95CRS8386 95CRS11556 95CRS7144 95CRS8216 95CRS8391 95CRS11559 95CRS8384 95CRS8221 95CRS8394 98CRS4806 95CRS8387 95CRS11557 95CRS8382 95CRS8219 95CRS8392 95CRS11560 95CRS8385 95CRS11555 95CRS3375 95CRS8395 98CRS4807 95CRS8388 95CRS11558 95CRS8383 95CRS8220 95CRS8393	Lewis, Jr.
97-1454-1	State v Boothe (Criminal) <b>Decision:</b> No error	Stokes 96CRS2943 96CRS5949 96CRS2942	Hunter
98-99-1	Stokes County DSS v Duncan (Civil) <b>Decision:</b> Affirmed in part, vacated and remanded in part	Stokes 96CVD60	Horton, Jr.
98-516-1	Simmons v Gardner (Civil) <b>Decision:</b> Affirmed	Surry 97CVS278	Lewis, Jr.
98-706-1	Crowder v Crowder (Civil) <b>Decision:</b> Reversed and remanded with instructions	Vance 95CVD749	Wynn, Jr.
98-590-1	Tuttle Community v Coleman, et al (Civil) <b>Decision:</b> Affirmed	Wake 96CVS11449	Eagles, Jr.
98-608-1	State v Boone (Criminal) <b>Decision:</b> No error	Wayne 96CRS4594	Eagles, Jr.
98-576-1	Jones v Sanders, et al (Civil) <b>Decision:</b> Affirmed	Wilson 95CVS1613	Edmunds, Jr.