

**IN THE COURT OF APPEALS**  
**CASES REPORTED WITH PUBLISHED OPINIONS**  
**(FILED 4 MAY 1999)**  
**(MANDATE 24 MAY 1999)**

Docket #	Title	County	Judge
98-1306-1	Stafford v Stafford (Civil) <b>Decision:</b> Dismissed	Buncombe	Walker
98-1367-1	Anderson v Town of Andrews, et al (Civil) <b>Decision:</b> Dismissed	Cherokee	Smith
97-1532-1	Parkwood Association v Capital Health (Civil) <b>Decision:</b> Reverse	Durham	Timmons-Goodson
97-1540-1	Couch, et al v Diagnostic Clinic (Civil) <b>Decision:</b> Private Diagnostic Clinic-Reversed. Duke-Affirmed.	Durham	Wynn, Jr.
98-1013-1	Replacements, LTD v Midwesterling (Civil) <b>Decision:</b> Reversed and remanded	Guilford	Hunter
98-740-1	Swan Quarter Farms, Inc. v Spencer (Civil) <b>Decision:</b> Affirmed	Hyde	Eagles, Jr.
98-917-1	Sale Chevrolet v Peterbilt of Florence (Civil) <b>Decision:</b> Affirmed	Lenoir	McGee
97-1025-1	Mehovic v Mehovic, et al (Civil) <b>Decision:</b> No error	McDowell	John, Sr.
98-977-1	First Citizens v 4325 Park Road Asso (Civil) <b>Decision:</b> Affirmed	Mecklenburg	Horton, Jr.
98-701-1	Davies, et al v Lewis, et al (Civil) <b>Decision:</b> Affirmed	New Hanover	Lewis, Jr.
98-865-1	Laing v Lewis (Civil) <b>Decision:</b> Vacated and remanded	New Hanover	Martin
98-649-1	Martin v Vance, et al (Civil) <b>Decision:</b> Reversed and remanded	Orange	Walker
98-854-1	Procter v City of Raleigh, BOA (Civil) <b>Decision:</b> Reversed and remanded	Wake	Walker
98-938-1	Coleman v Hines, et al (Civil) <b>Decision:</b> Affirmed in part and reversed in part	Wake	Horton, Jr.
98-639-1	Sharp v Sharp, et al (Civil) <b>Decision:</b> Reversed	Wilson	Lewis, Jr.

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98-821-1	Pitts v Pitts (Civil) <b>Decision:</b> Affirmed	Alamance 95CVD1394 94CVD256	Edmunds, Jr.
98-1228-1	State v Corbett (Criminal) <b>Decision:</b> No error	Alamance 97CRS21924	Edmunds, Jr.
98-756-1	Scronce, et al The Town of Long Beach (Civil) <b>Decision:</b> Affirmed	Brunswick 96CVS1203	Edmunds, Jr.
98-1111-1	State v Hill (Criminal) <b>Decision:</b> No error in the trial; Remanded for correction of the judgment.	Brunswick 97CRS2618	Wynn, Jr.
98-980-1	In the Matter of: Amber Mitchell (Civil) <b>Decision:</b> Affirmed	Buncombe 97J233	Edmunds, Jr.
98-1077-1	In The Matter of: Gregory Steven Jacobs (Criminal) <b>Decision:</b> Vacated and remanded	Buncombe 98J84	Wynn, Jr.
98-1250-1	Memorial Mission v Gudger (Civil) <b>Decision:</b> Affirmed	Buncombe 97CVD1973	Edmunds, Jr.
98-1213-1	Halstenberg v Halstenberg (Civil) <b>Decision:</b> Appeal dismissed, and petition for writ of certiori denied.	Cabarrus 98CVD359	Wynn, Jr.
98-1296-1	Bullard v McCall (Civil) <b>Decision:</b> Affirmed	Caldwell 97CVS1078	Walker
98-473-1	State v Rankins (Criminal) <b>Decision:</b> No error	Chowan 97CRS93	Hunter
98-1059-1	State v Maxwell (Criminal) <b>Decision:</b> No error	Craven 97CRS0009	Walker
98-1162-1	State v Tolson (Criminal) <b>Decision:</b> No error	Craven 97CRS15606 98CRS2242	Wynn, Jr.
98-978-1	State v Smith (Criminal) <b>Decision:</b> No error	Cumberland 97CRS10803 97CRS10802	Wynn, Jr.
98-1490-1	In The Matter of: C. Smith, et al (Civil) <b>Decision:</b> Affirmed	Cumberland 92J633689	Walker
98-1493-1	In The Matter of: C. Tousignant, et al (Civil) <b>Decision:</b> Affirmed	Cumberland 97CVD2096	Smith
98-702-1	State v Scaff (Criminal) <b>Decision:</b> Remanded	Currituck 96CRS1906	McGee
98-681-1	Jakob v Culpepper (Civil)	Dare 96CVS336	Edmunds, Jr.

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	<b>Decision:</b> Affirmed		
98-122-1	Edwards, et al v Bd. of Governors UNC (Civil)	Durham 91CVS01866	Hunter
	<b>Decision:</b> Affirmed in part, reversed in part, and remanded		
98-1168-1	State v Holman (Criminal)	Durham 93CRS2349 93CRS2133	Edmunds, Jr.
	<b>Decision:</b> Affirmed		
98-1365-1	State v Keith (Criminal)	Durham 97CRS29400	Walker
	<b>Decision:</b> Affirmed		
98-1212-1	State v Simpson (Criminal)	Edgecombe 95CRS4234	Walker
	<b>Decision:</b> No error		
97-1584-1	DOT v Whiteheart (Civil)	Forsyth 95CVS4198	Hunter
	<b>Decision:</b> Affirmed		
98-847-1	State v Davis (Criminal)	Forsyth 97CRS36280 97CRS38282	Martin
	<b>Decision:</b> No error		
98-1073-1	State v Moore (Criminal)	Forsyth 98CRS27708 98CRS17706 98CRS10483	Edmunds, Jr.
	<b>Decision:</b> No error		
98-1129-1	State v Borders (Criminal)	Forsyth 98CRS22217	Wynn, Jr.
	<b>Decision:</b> Affirmed		
98-1280-1	State v Vaughn (Criminal)	Forsyth 97CRS42908	Walker
	<b>Decision:</b> No error		
98-1134-1	Childers v Wallace (Civil)	Gaston 97CVS3267	Walker
	<b>Decision:</b> Affirmed		
98-1219-1	State v Dyar (Civil)	Gaston 97CRS12018 97CRS11671 97CRS12019 97CRS12017 97CRS12020	Edmunds, Jr.
	<b>Decision:</b> No error		
98-1467-1	Conrad v Adams (Civil)	Gaston 98CVD3294	Smith
	<b>Decision:</b> Appeal dismissed		
95-698-2	Perritt v St. Pierre, et al (Civil)	Guilford 94CVS3989	Walker
	<b>Decision:</b> Affirmed in part and reversed in part		
97-1384-1	State v Garner (Criminal)	Guilford 94CRS20637 94CRS20636	Timmons-Goodson
	<b>Decision:</b> Affirmed		
98-730-1	State v Wrenn (Criminal)	Guilford 97CRS38447	Wynn, Jr.
	<b>Decision:</b> No prejudicial error		
98-735-1	State v Lewis (Criminal)	Guilford 97CRS54265 97CRS23511	Wynn, Jr.

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	<b>Decision:</b> No error		
98-901-1	Edwards, et al v Guilford Co. School (Civil)	Guilford 98CVS4885	Walker
	<b>Decision:</b> Affirmed		
98-930-1	State v Williams (Criminal)	Guilford 97CRS50722	Edmunds, Jr.
	<b>Decision:</b> No error in the trial; remanded for resentencing		
98-986-1	State v King (Criminal)	Guilford 96CRS074921	Wynn, Jr.
	<b>Decision:</b> No error		
98-1008-1	CAP Care Group, Inc. v McDonald, et al (Civil)	Guilford 97CVS10824	Wynn, Jr.
	<b>Decision:</b> Reversed in part and dismissed in part		
98-1064-1	State v White (Criminal)	Guilford 93CRS33228	Wynn, Jr.
	<b>Decision:</b> No error		
98-1103-1	State v Perkins (Criminal)	Guilford 97CRS081483	Wynn, Jr.
	<b>Decision:</b> Affirmed		
98-1327-1	State v Siharath (Criminal)	Guilford 98CRS2611	Walker
	<b>Decision:</b> No error		
98-1217-1	Cummings Cove v Liebert (Civil)	Henderson 93CVD980	Edmunds, Jr.
	<b>Decision:</b> Affirmed		
98-1125-1	State v Glover (Criminal)	Iredell 96CRS20427	Edmunds, Jr.
	<b>Decision:</b> No error		
98-985-1	Thompson v Waters, et al (Civil)	Lee 98CVS371	Smith
	<b>Decision:</b> Affirmed		
98-1447-1	State v Heath (Criminal)	Lenoir 95CRS5259	Walker
	<b>Decision:</b> Dismissed		
98-1076-1	State v Baxter (Criminal)	Lincoln 97CRS5572	Wynn, Jr.
	<b>Decision:</b> No error		
98-1115-1	Thomas v Bullock (Civil)	Martin 95CVS365	Wynn, Jr.
	<b>Decision:</b> Affirmed		
98-1107-1	State v Wynn (Criminal)	Mecklenburg 97CRS137721 97CRS137720	Wynn, Jr.
	<b>Decision:</b> No error		
98-1191-1	State v Stinson (Criminal)	Mecklenburg 94CRS75378 94CRS75379 94CRS75375	Edmunds, Jr.
	<b>Decision:</b> No error		
98-1206-1	State v Brevard (Criminal)	Mecklenburg 94CRS1141	Wynn, Jr.
	<b>Decision:</b> No error		

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98-1263-1	State v O'Neal (Criminal)  <b>Decision:</b> No error	Mecklenburg 96CRS78839 96CRS78841 96CRS78837	Smith
98-1308-1	Collins v Dean, et al (Civil)  <b>Decision:</b> Dismissed	Mecklenburg 98CVD4967	Walker
98-1323-1	State v Elliott (Criminal)  <b>Decision:</b> No error	Mecklenburg 97CRS42689	Wynn, Jr.
98-1401-1	State v Kirk (Criminal)  <b>Decision:</b> No error	Mecklenburg 97CRS17008 97CRS17007	Walker
98-839-1	Martinez v Ramada Inn (Civil)  <b>Decision:</b> Affirmed	N.C. Industrial Commission IC418054	Edmunds, Jr.
98-878-1	Hamby v Sherwin Williams, Co. (Civil)  <b>Decision:</b> Affirmed	N.C. Industrial Commission IC500721	Martin
98-914-1	Cuff v Pelican Bldg., et al (Civil)  <b>Decision:</b> Affirmed in part remanded in part	N.C. Industrial Commission IC493002	Martin
98-950-1	Smith v Carolina Dairies (Civil)  <b>Decision:</b> Affirmed	N.C. Industrial Commission IC961626	Per Curiam
98-1055-1	Roberts v Sara Lee Hosiery (Civil)  <b>Decision:</b> Affirmed	N.C. Industrial Commission IC589226 IC24358	Edmunds, Jr.
98-1057-1	Meeker v US Air, Inc., et al (Civil)  <b>Decision:</b> Affirmed	N.C. Industrial Commission IC865023	Smith
98-1130-1	Williams v City of Fayetteville (Civil)  <b>Decision:</b> Affirmed	N.C. Industrial Commission IC619840	Wynn, Jr.
98-1261-1	VanSipe v Service America Corp. (Civil)  <b>Decision:</b> Affirmed	N.C. Industrial Commission IC474935	Walker
98-806-1	State v Brown (Criminal)  <b>Decision:</b> No error	New Hanover 97CRS004	Edmunds, Jr.
98-837-1	State v Kimble (Criminal)  <b>Decision:</b> No error	New Hanover 97CRS8051 97CRS8050	Edmunds, Jr.
98-1127-1	State v Bullock (Criminal)  <b>Decision:</b> No error	New Hanover 96CRS17005	Edmunds, Jr.
98-1287-1	State v Jones (Criminal)  <b>Decision:</b> No error	Northampton 96CRS2199	Walker
98-801-1	Baldwin v McMillian (Civil)	Orange 92CVD676	Smith

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	<b>Decision:</b> Reversed		
98-802-1	Orange Co., ex rel v McMillian (Civil)	Orange 90CVD1431	Smith
	<b>Decision:</b> Reversed		
98-1214-1	State v Creech (Criminal)	Pender 97CRS1214 97CRS1215 97CRS1213	Walker
	<b>Decision:</b> No error		
98-1282-1	State v Whitehead (Criminal)	Pitt 96CRS18332 96CRS18327 96CRS18330 96CRS18328 96CRS18331 96CRS18326 96CRS18329	Walker
	<b>Decision:</b> Affirmed		
98-1254-1	State v Hoover (Criminal)	Randolph 96CRS87	Walker
	<b>Decision:</b> Affirmed		
98-1288-1	State v Quick (Criminal)	Richmond 95CRS4770 95CRS4771 95CRS4769	Edmunds, Jr.
	<b>Decision:</b> No error		
96-708-2	Floyd, et al v Cape Fear Farm Credit (Civil)	Robeson 92CVS02625	Eagles, Jr.
	<b>Decision:</b> New trial		
98-1154-1	State v McPhatter (Criminal)	Robeson 97CRS4397	Wynn, Jr.
	<b>Decision:</b> No error		
98-1137-1	State v Mayfield (Criminal)	Rowan 98CRS206	Wynn, Jr.
	<b>Decision:</b> Affirmed		
98-640-1	Hardin v Gilbert-Brown (Civil)	Rutherford 97CVD811	Edmunds, Jr.
	<b>Decision:</b> Vacated and remanded		
97-1313-1	Wood v Southside Oil Co. (Civil)	Surry 95CVS12	John, Sr.
	<b>Decision:</b> No error		
98-875-1	Williams, et al v Mitchell, et al (Civil)	Vance 95CVS481	Martin
	<b>Decision:</b> Defendant Mitchell's appeal-affirmed Plaintiffs' appeal-affirmed		
97-1561-1	Yuan v Circle Computer Corporation (Civil)	Wake 96CVD11073	Timmons-Goodson
	<b>Decision:</b> Vacated and remanded		
98-675-1	Hughes v Chappell (Civil)	Wake 97CVS07314	Horton, Jr.
	<b>Decision:</b> Reversed and remanded		
98-1207-1	Martin v E&R Farms, et al (Civil)	Wake 97CVS11588	Smith
	<b>Decision:</b> Affirmed		
98-1292-1	State v Bronson (Criminal)	Wake 98CRS6871	Walker
	<b>Decision:</b> Affirmed		

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98-1316-1	State v Lyons (Criminal) <b>Decision:</b> Affirmed	Wake 96CRS20770 96CRS20769	Walker
98-1359-1	State v Roper (Criminal) <b>Decision:</b> No error	Wake 97CRS25105 97CRS27988 97CRS25104 97CRS30200	Edmunds, Jr.
98-1181-1	State v Smith (Criminal) <b>Decision:</b> No error	Wayne 96CRS9045	Walker
98-1209-1	In The Matter of: Myers (Civil) <b>Decision:</b> Affirmed	Wilkes 95J4445	Smith