

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

| Docket # | Title | County | Judge |
|-----------|--|----------------------------|-----------------|
| 98-1205-1 | Sweet, et al v Boggs (Civil) Decision: Affirmed | Alexander | Horton, Jr. |
| 98-120-1 | Freeman v Sugar Mountain Resort (Civil) Decision: Reversed and remanded for trial | Avery | Eagles, Jr. |
| 98-782-1 | Aycock v Padgett, et al (Civil) Decision: Affirmed | Buncombe | Lewis, Jr. |
| 98-1267-1 | Concrete Machinery v City of Hickory (Civil) Decision: No error in part, reversed in part and remanded | Catawba | Smith |
| 98-822-1 | Brisson v Santoriello (Civil) Decision: Reversed and remanded | Cumberland | Timmons-Goodson |
| 98-1148-1 | State v Earhart (Criminal) Decision: No error | Currituck | Walker |
| 98-940-1 | Duke University Medical v Bruton (Civil) Decision: Affirmed | Guilford | Martin |
| 98-943-1 | Bogan v Bogan (Civil) Decision: Affirmed | Guilford | Greene |
| 98-1101-1 | Howard v Oakwood Homes Corp. (Civil) Decision: Reversed and remanded | Guilford | Martin |
| 98-1169-1 | CBP Resources, Inc. v Mountaire Farms (Civil) Decision: Dismissed and remanded | Guilford | Walker |
| 98-1147-1 | Huskins v Huskins (Civil) Decision: Affirmed in part, and reversed in part | McDowell | Horton, Jr. |
| 98-102-1 | Hieb, et al v Lowery (Civil) Decision: Affirmed in part, vacated in part, and remanded with instructions | Mecklenburg | John, Sr. |
| 98-1038-1 | Lorinovich, et al v K Mart Corporation (Civil) Decision: Reversed and remanded | Mecklenburg | Greene |
| 98-1053-1 | Fran's Pecans, Inc. v Greene, et al (Civil) Decision: Affirmed | Mecklenburg | Lewis, Jr. |
| 98-41-1 | Lanning v Fieldcrest-Cannon, Inc. (Civil) Decision: Affirmed in part, reversed in part, and remanded | N.C. Industrial Commission | Timmons-Goodson |
| 98-1226-1 | Smith v Champion International (Civil) Decision: Affirmed | N.C. Industrial Commission | Hunter |

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| 98-916-1 | State v Pierce (Criminal) Decision: Affirmed | Randolph | Greene |
| 98-781-1 | State v Smith (Criminal) Decision: No error | Transylvania | Martin |
| 98-436-1 | Buckingham v Buckingham (Civil) Decision: Affirmed | Wake | Hunter |
| 98-927-1 | In The Matter of: A Declaratory Ruling (Civil) Decision: Reversed | Wake | Martin |
| 98-1023-1 | Jones v Winckelmann, et al (Civil) Decision: Vacated and remanded | Wake | Horton, Jr. |
| 98-1266-1 | Schnitzlein v Hardee's Food Systems (Civil) Decision: Vacated | Wake | McGee |
| 98-1274-1 | In the Matter of: Crawford (Civil) Decision: Affirmed | Wake | Martin |

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| 98-859-1 | State v Tyner (Criminal) Decision: Reversed and remanded | Alamance 97CRS16750 97CRS16749 | Eagles, Jr. |
| 98-1052-1 | Bartlett v Bartlett (Civil) Decision: Affirmed in part; appeal dismissed in part | Alamance 97CVD375 | Martin |
| 99-20-1 | State v Frye (Criminal) Decision: No error | Alexander 98CRS697700 | Martin |
| 98-1381-1 | State v Taylor (Criminal) Decision: No error | Beaufort 96CRS2967 | Martin |
| 98-1425-1 | State v Aldridge (Criminal) Decision: No error | Beaufort 97CRS1352 96CRS6326 | Smith |
| 98-1249-1 | Hassell, et al v Godwin, et al (Civil) Decision: Dismissed | Bertie 97CVS146 | Per Curiam |
| 98-948-1 | State v Greene (Criminal) Decision: New trial | Brunswick 96CRS4553 | Greene |
| 98-958-1 | State v Scott (Criminal) Decision: No error | Brunswick 95CRS4089 95CRS4088 | Wynn, Jr. |
| 98-169-1 | In The Matter of: Tripp, et al (Civil) Decision: Affirmed | Buncombe 97J58 97J59 97J57 97J60 | Timmons-Goodson |
| 98-1026-1 | State v Buckner (Criminal) Decision: Dismissed | Buncombe 97CRS130 97CRS51559 97CRS51556 97CRS51560 97CRS129 97CRS51558 | Lewis, Jr. |
| 98-1167-1 | Pettiford v Brown (Civil) Decision: Affirmed | Buncombe 80CVD1941 | Walker |
| 98-1240-1 | Conley, et al v J.C. Penney, Inc. (Civil) Decision: Reversed and remanded | Buncombe 97CVS4257 | McGee |
| 98-1294-1 | State v Messer (Criminal) Decision: Reversed | Buncombe 97CRS66540 | Per Curiam |
| 98-1560-1 | State v Sartori (Criminal) Decision: 96CRS54809 and 96CRS06111-No error. 96CRS54810-Vacated and remanded for re-sentencing. 96CRS59327 and 97CRS3-Vacated and remanded for resentencing. | Buncombe 96CRS54809 97CRS00003 96CRS54810 96CRS06111 96CRS59327 | Martin |
| 98-1434-1 | State v Ellis (Criminal) Decision: No error | Catawba 96CRS10853 96CRS10852 | Eagles, Jr. |

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| 98-1258-1 | State v MacDonald (Criminal) Decision: No error | Currituck 97CRS894 97CRS895 97CRS893 98CRS289 | Eagles, Jr. |
| 98-1461-1 | State v Gallop (Criminal) Decision: No error | Dare 96CRS1083 96CRS1084 96CRS1082 96CRS1085 | Eagles, Jr. |
| 98-1537-1 | State v Thrash (Criminal) Decision: No error | Dare 98CRS0322 98CRS0323 98CRS0316 | Martin |
| 98-1586-1 | Francis v Beach Medical Care, et al (Civil) Decision: Appeal dismissed | Dare 94CVS248 | Smith |
| 98-956-1 | State v McCoy (Criminal) Decision: No error | Davidson 96CRS13795 | Lewis, Jr. |
| 98-1621-1 | Buchanan v City of Thomasville, Boyd (Civil) Decision: Appeal dismissed | Davidson 97CVS2409 | Smith IT IS HEREBY ORDERED that the opinion filed in this case on 6 July, 1999 be WITHDRAWN. The Clerk of the Court of Appeals is hereby directed not to certify said opinion. The panel to which case was assigned was not made aware that the Plaintiff's Motion to Amend the Record had been allowed, nor that the Addendum to the Record had been filed with this court, and will reconsider the case in the light of the Record as amended. No additional briefs shall be permitted. |
| 98-947-1 | State v Batts (Criminal) Decision: No error | Duplin 97CRS3742 97CRS2997 97CRS3003 | Martin |
| 98-1427-1 | Smith, et al v Jackson, et al (Civil) Decision: Affirmed | Durham 93CVD4372 | Martin |
| 98-1071-1 | Miller v K-Mart Corporation, et al (Civil) Decision: Appeal dismissed | Forsyth 96CVS998 | Martin |
| 98-1336-1 | State v Alexander (Criminal) Decision: No error | Forsyth 97CRS38438 97CRS38436 | Smith |
| 98-1632-1 | State v Armstrong (Criminal) Decision: No error | Gaston 94CRS007665 94CRS007666 94CRS007662 94CRS11047 | Martin |

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| 97-658-2 | Stem v Richardson (Civil) Decision: Reversed in part and affirmed in part | Granville 94CVS654 | Smith |
| 98-1590-1 | State v Sims (Criminal) Decision: No error | Greene 97CRS113114 | Smith |
| 98-1016-1 | State v Austin (Criminal) Decision: No error | Guilford 95CRS020679 95CRS929582 95CRS020664 95CRS030326 | Lewis, Jr. |
| 98-1075-1 | State v Barringer (Civil) Decision: No error | Guilford 98CRS23201 97CRS66765 97CRS67157 98CRS23202 97CRS67155 97CRS67158 97CRS66764 97CRS67156 | Lewis, Jr. |
| 98-1268-1 | Bradley v U.S. Packaging, Inc. (Civil) Decision: Affirmed | Guilford 95CVS8986 | Greene |
| 98-1584-1 | State v Brown (Criminal) Decision: No error | Guilford 97CRS75820 | Smith |
| 98-1431-1 | State v Wilson (Criminal) Decision: No error | Harnett 97CRS1100 | Eagles, Jr. |
| 98-1520-1 | State v Herrera (Criminal) Decision: No error | Harnett 97CRS14437 97CRS14436 | Eagles, Jr. |
| 98-1400-1 | State v McMahan (Criminal) Decision: No error | Haywood 97CRS566 97CRS5141 97CRS569 97CRS564 97CRS5612 97CRS567 97CRS5142 97CRS5610 97CRS565 97CRS5140 97CRS568 97CRS5143 97CRS5611 | Eagles, Jr. |
| 98-907-1 | Batten, et al v Medlin (Civil) Decision: Affirmed | Jackson 95CVS575 | Horton, Jr. |
| 98-1437-1 | State v Parker (Criminal) Decision: No error | Lenoir 97CRS11931 97CRS6893 | Martin |
| 99-80-1 | In Re: Justin Michael Creel (Civil) Decision: Affirmed | Lenoir 98J3 | Martin |
| 98-1592-1 | State v Edwards (Criminal) Decision: No error | Lincoln 93CRS6324 94CRS223224 93CRS6323 94CRS407408 | Eagles, Jr. |
| 98-1594-1 | State v Jones (Criminal) | Martin 98CRS38 | Smith |

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| | Decision: No error | | |
| 98-414-1 | Christ Covenant v DS Atlantic Corp.. (Civil) | Mecklenburg 97CVS8846 | John, Sr. |
| | Decision: Reversed | | |
| 98-464-1 | STC, Inc. v Zickafoose (Civil) | Mecklenburg 97CVS10268 | McGee |
| | Decision: Affirmed | | |
| 98-918-1 | State v Roberts (Criminal) | Mecklenburg 96CRS47418 | Lewis, Jr. |
| | Decision: No error | | |
| 98-999-1 | Wynn v Employment Security Commission (Civil) | Mecklenburg 98CVS5440 | Walker |
| | Decision: Affirmed | | |
| 98-1096-1 | Charlotte-Mecklenburg Hosp. v Bruton (Civil) | Mecklenburg 97CVS14460 | Martin |
| | Decision: Affirmed | | |
| 98-1368-1 | State v Truesdale (Criminal) | Mecklenburg 97CRS140341 97CRS35436 | Smith |
| | Decision: No error | | |
| 98-1097-1 | Waga v MSAS Cargo International (Civil) | N.C. Industrial Commission IC652853 | Greene |
| | Decision: Affirmed | | |
| 98-1155-1 | Harris v Union Camp Corporation (Civil) | N.C. Industrial Commission IC515217 | Eagles, Jr. |
| | Decision: Affirmed | | |
| 98-1058-1 | State v Ferguson (Criminal) | Onslow 97CRS1515 | Greene |
| | Decision: No error | | |
| 98-1084-1 | State v Murphy (Criminal) | Pender 96CRS2277 96CRS2276 | Walker |
| | Decision: Affirmed | | |
| 98-1187-1 | State v Jones (Criminal) | Robeson 96CRS15942 96CRS15946 96CRS15944 96CRS15947 96CRS15939 96CRS15945 | Per Curiam |
| | Decision: Reversed | | |
| 98-1259-1 | State v Middleton (Criminal) | Rockingham 97CRS3661 | Per Curiam |
| | Decision: Reversed | | |
| 98-1547-1 | State v Bowker (Criminal) | Sampson 98CRS3932 98CRS3931 | Martin |
| | Decision: No error | | |
| 98-1439-1 | In The Matter of Sprinkle: Minors (Civil) | Surry 98J2526 | Smith |
| | Decision: Affirmed | | |
| 98-128-1 | Trico Elec. v City of Raleigh, et al (Civil) | Wake 95CVS5382 | Hunter |
| | Decision: Affirmed in part, reversed in part and remanded. | | |
| 98-1010-1 | Christopher v NC Board of Therapy (Civil) | Wake 96CVS10384 96CVS05452 | Greene |
| | Decision: Reversed | | |

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| 98-1384-1 | State v Calderon (Criminal) | Wake 97CRS58830 97CRS58831 97CRS58829 97CRS80218 | Smith |
| | Decision: No error in the trial; remanded for resentencing | | |
| 98-1464-1 | State v Phengdara (Criminal) | Wake 97CRS29138 97CRS29139 97CRS23185 97CRS29140 | Eagles, Jr. |
| | Decision: No error | | |
| 98-1600-1 | State v Hedderman (Criminal) | Wake 97CRS91446 97CRS58686 | Eagles, Jr. |
| | Decision: No error | | |
| 98-509-1 | Human Resources ex rel Lerch v Fralish (Civil) | Watauga 97CVD56 | Hunter |
| | Decision: Affirmed | | |
| 98-963-1 | Tyndall, et al v NCDOT (Civil) | Wayne 96CVS102 | Eagles, Jr. |
| | Decision: Affirmed | | |
| 98-1275-1 | Sheek v Pennsylvania National Mutual (Civil) | Yadkin 97CVS470 | Greene |
| | Decision: Affirmed | | |