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

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

Docket #	Title	County	Judge
98-1258-1	State v MacDonald (Criminal)	Currituck 97CRS894,97CRS895,97C-RS893,98CRS289	Eagles, Jr.
	Decision: No error		
98-1461-1	State v Gallop (Criminal)	Dare 96CRS1083,96CRS1084,96-CRS1082,96CRS1085	Eagles, Jr.
	Decision: No error		
98-1537-1	State v Thrash (Criminal)	Dare 98CRS0322,98CRS0323,98-CRS0316	Martin
	Decision: No error		
98-1586-1	Francis v Beach Medical Care, et al (Civil)	Dare 94CVS248	Smith
	Decision: Appeal dismissed		
98-956-1	State v McCoy (Criminal)	Davidson 96CRS13795	Lewis, Jr.
	Decision: No error		
98-1621-1	Buchanan v City of Thomasville, Boyd (Civil)	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 Plantiff'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.
	Decision: Appeal dismissed		
98-947-1	State v Batts (Criminal)	Duplin 97CRS3742,97CRS2997,97-CRS3003	Martin
	Decision: No error		
98-1427-1	Smith, et al v Jackson, et al (Civil)	Durham 93CVD4372	Martin
	Decision: Affirmed		
98-1071-1	Miller v K-Mart Corporation, et al (Civil)	Forsyth 96CVS998	Martin
	Decision: Appeal dismissed		
98-1336-1	State v Alexander (Criminal)	Forsyth 97CRS38438,97CRS38436	Smith
	Decision: No error		
98-1632-1	State v Armstrong (Criminal)	Gaston 94CRS007665,94CRS00766-6,94CRS007662,94CRS11047	Martin
	Decision: No error		

Docket #	Title	County	Judge
97-658-2	Stem v Richardson (Civil)	Granville 94CVS654	Smith
	Decision: Reversed in part and affirmed in part		
98-1590-1	State v Sims (Criminal)	Greene 97CRS113114	Smith
	Decision: No error		
98-1016-1	State v Austin (Criminal)	Guilford 95CRS020679,95CRS92958-2,95CRS020664,95CRS030326	Lewis, Jr.
	Decision: No error		
98-1075-1	State v Barringer (Civil)	Guilford 98CRS23201,97CRS66765,-97CRS67157,98CRS23202,-97CRS67155,97CRS67158,-97CRS66764,97CRS67156	Lewis, Jr.
	Decision: No error		
98-1268-1	Bradley v U.S. Packaging, Inc. (Civil)	Guilford 95CVS8986	Greene
	Decision: Affirmed		
98-1584-1	State v Brown (Criminal)	Guilford 97CRS75820	Smith
	Decision: No error		
98-1431-1	State v Wilson (Criminal)	Harnett 97CRS1100	Eagles, Jr.
	Decision: No error		
98-1520-1	State v Herrera (Criminal)	Harnett 97CRS14437,97CRS14436	Eagles, Jr.
	Decision: No error		
98-1400-1	State v McMahan (Criminal)	Haywood 97CRS566,97CRS5141,97C-RS569,97CRS564,97CRS56-12,97CRS567,97CRS5142,9-7CRS5610,97CRS565,97C-RS5140,97CRS568,97CRS5-143,97CRS5611	Eagles, Jr.
	Decision: No error		
98-907-1	Batten, et al v Medlin (Civil)	Jackson 95CVS575	Horton, Jr.
	Decision: Affirmed		
98-1437-1	State v Parker (Criminal)	Lenoir 97CRS11931,97CRS6893	Martin
	Decision: No error		
99-80-1	In Re: Justin Michael Creel (Civil)	Lenoir 98J3	Martin
	Decision: Affirmed		
98-1592-1	State v Edwards (Criminal)	Lincoln 93CRS6324,94CRS223224,-93CRS6323,94CRS407408	Eagles, Jr.
	Decision: No error		
98-1594-1	State v Jones (Criminal)	Martin 98CRS38	Smith
	Decision: No error		

Docket #	Title	County	Judge
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 Fergerson (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		

Docket #	Title	County	Judge
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		