

**IN THE COURT OF APPEALS**  
**CASES REPORTED WITH PUBLISHED OPINIONS**

**(FILED 5 OCTOBER 1999)**  
**(MANDATE 25 OCTOBER 1999)**

| Docket #  | Title  | County                     | Judge           |
|-----------|--|----------------------------|-----------------|
| 98-1469-1 | Collins, et al v Horizon Housing, Inc. (Civil)<br><b>Decision:</b> Affirmed  | Ashe                       | Horton, Jr.     |
| 98-1326-1 | Rissolo v Sloop, DDS (Civil)<br><b>Decision:</b> Reversed and remanded       | Durham                     | McGee           |
| 98-1394-1 | Blackmon v Bumgardner, et al (Civil)<br><b>Decision:</b> No error            | Gaston                     | Horton, Jr.     |
| 98-1118-2 | Market America, Inc. v Christman-Orth (Civil)<br><b>Decision:</b> Affirmed   | Guilford                   | Timmons-Goodson |
| 98-1285-1 | State v Graves (Criminal)<br><b>Decision:</b> New trial                      | Guilford                   | Martin          |
| 98-1247-1 | Sanders v American Spirit Insurance (Civil)<br><b>Decision:</b> Reversed     | Johnston                   | John, Sr.       |
| 98-1419-1 | The Country Club v U.S. Fidelity (Civil)<br><b>Decision:</b> Dismissed       | Johnston                   | John, Sr.       |
| 98-989-1  | State v Parisi (Criminal)<br><b>Decision:</b> Affirmed                       | Mecklenburg                | McGee           |
| 98-1530-1 | Von Pettis Realty v McKoy (Civil)<br><b>Decision:</b> No error               | Mecklenburg                | Greene          |
| 98-1376-1 | Horton, et al v Powell Plumbing & Heat (Civil)<br><b>Decision:</b> Affirmed  | N.C. Industrial Commission | Greene          |
| 98-1446-1 | Cooper v BOE for Nash-Rocky Mt. Schools (Civil)<br><b>Decision:</b> Affirmed | Nash                       | Edmunds, Jr.    |
| 98-1343-1 | G.E. Capital Mortgage v Neely, et al (Civil)<br><b>Decision:</b> Affirmed    | Rowan                      | Lewis, Jr.      |
| 98-1413-1 | State v Leggett (Criminal)<br><b>Decision:</b> No error                      | Wayne                      | Edmunds, Jr.    |

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| 98-1479-1 | Barnwell, et al v Pruitt, et al (Civil)<br><b>Decision:</b> Affirmed  | Buncombe<br>97CVS364                                      | Timmons-Goodson |
| 98-1605-1 | In The Matter of: Dade, Minor Children (Civil)<br><b>Decision:</b> Affirmed   | Buncombe<br>97J471472                                     | Hunter          |
| 99-237-1  | State v Arrington (Criminal)<br><b>Decision:</b> Affirmed   | Buncombe<br>98CRS55821 98CRS55822<br>98CRS2990 98CRS55823 | Smith           |
| 99-271-1  | In The Matter of: Varady (Criminal)<br><b>Decision:</b> Dismissed   | Buncombe<br>96J237  | Smith           |
| 99-293-1  | In The Matter of: Kristin Taylor (Juvenile - 3.1)<br><b>Decision:</b> Affirmed  | Buncombe<br>98J248  | Hunter          |
| 98-813-1  | State v Twiford (Criminal)<br><b>Decision:</b> No prejudicial error in the trial; sentence is vacated. Remanded for resentencing in accordance with this opinion. | Dare<br>97CRS5920   | McGee           |
| 98-1613-1 | State v Brown (Criminal)<br><b>Decision:</b> No error   | Davidson<br>98CRS1032                                     | Hunter          |
| 99-186-1  | State v Ingram (Criminal)<br><b>Decision:</b> No error  | Davidson<br>97CRS15919 98CRS3810<br>97CRS15918            | Hunter          |
| 99-259-1  | Miller v Miller (Civil)<br><b>Decision:</b> Dismissed   | Davidson<br>96CVD696                                      | Smith           |
| 98-1354-1 | Blackburn v Blackburn (Civil)<br><b>Decision:</b> Reversed and remanded   | Durham<br>89CVD02321                                      | McGee           |
| 99-113-1  | State v Suitt (Criminal)<br><b>Decision:</b> Affirmed   | Durham<br>98CRS32447                                      | Smith           |
| 99-220-1  | State v Hairston (Criminal)<br><b>Decision:</b> Reversed and remanded   | Forsyth<br>92CRS23061                                     | Hunter          |
| 99-247-1  | State v Sechrist (Criminal)<br><b>Decision:</b> Affirmed  | Forsyth<br>98CRS31046                                     | Smith           |
| 99-398-1  | State v Lewis (Criminal)<br><b>Decision:</b> No error   | Gaston<br>98CRS012419 98CRS012696<br>98CRS012382          | Horton, Jr.     |
| 98-828-1  | City of Durham v LoDal, Inc., et al (Civil)<br><b>Decision:</b> Affirmed  | Granville<br>94CVS577                                     | John, Sr.       |
| 98-1389-1 | Booth, et al v Russin, et al (Civil)  | Guilford<br>98CVS3406                                     | Greene          |

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|           | <b>Decision:</b> Affirmed                  |   |              |
| 99-195-1  | State v Comito (Criminal)                  | Guilford<br>97CRS79092  | Hunter       |
|           | <b>Decision:</b> Affirmed                  |   |              |
| 98-1477-1 | Hathaway v NC Farm Bureau Mutual (Civil)   | Halifax<br>98CVS323   | Greene       |
|           | <b>Decision:</b> Affirmed                  |   |              |
| 99-352-1  | State v Harrelson (Criminal)               | Iredell<br>97CRS31 97CRS30                                      | Horton, Jr.  |
|           | <b>Decision:</b> No error                  |   |              |
| 99-356-1  | State v Pilkington (Criminal)              | Jackson<br>98CRS1872 98CRS2148<br>98CRS1871                     | Horton, Jr.  |
|           | <b>Decision:</b> No error                  |   |              |
| 98-1346-1 | Ertel v Denver Air Center (Civil)          | Mecklenburg<br>98CVS4668  | Edmunds, Jr. |
|           | <b>Decision:</b> Affirmed                  |   |              |
| 99-30-1   | State v Clawson (Criminal)                 | Mecklenburg<br>97CRS19642                                       | Hunter       |
|           | <b>Decision:</b> No error                  |   |              |
| 99-187-1  | State v Freeburn (Criminal)                | Mecklenburg<br>96CRS52706                                       | Hunter       |
|           | <b>Decision:</b> No error                  |   |              |
| 99-215-1  | State v McCain (Criminal)                  | Mecklenburg<br>98CRS16115 98CRS119527<br>98CRS16114 98CRS119528 | Smith        |
|           | <b>Decision:</b> No error                  |   |              |
| 99-267-1  | State v Johnson (Criminal)                 | Mecklenburg<br>97CRS29341 97CRS144057                           | Horton, Jr.  |
|           | <b>Decision:</b> No error                  |   |              |
| 99-292-1  | State v Little (Criminal)                  | Mecklenburg<br>97CRS038096                                      | Hunter       |
|           | <b>Decision:</b> No error                  |   |              |
| 99-490-1  | State v Middleton (Criminal)               | Mecklenburg<br>95CRS059793                                      | Horton, Jr.  |
|           | <b>Decision:</b> No error                  |   |              |
| 99-345-1  | State v Jordan (Criminal)                  | Mitchell<br>97CRS1515   | Smith        |
|           | <b>Decision:</b> No error                  |   |              |
| 98-1120-1 | Allen v Whisper Knits, et al (Civil)       | N.C. Industrial Commission<br>IC526461 IC460803                 | Per Curiam   |
|           | <b>Decision:</b> Affirmed                  |   |              |
| 98-1314-1 | Coleman v Farm Fresh, Incorp. (Civil)      | N.C. Industrial Commission<br>IC390318                          | McGee        |
|           | <b>Decision:</b> Affirmed                  |   |              |
| 99-102-1  | Cherry v Perdue Farms, Inc. (Civil)        | N.C. Industrial Commission<br>IC493661                          | Hunter       |
|           | <b>Decision:</b> Affirmed                  |   |              |
| 99-158-1  | Edge v Stone Manufacturing Company (Civil) | N.C. Industrial Commission<br>IC342941                          | Horton, Jr.  |
|           | <b>Decision:</b> Appeal dismissed          |   |              |

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| 99-154-1  | State v Stallings (Criminal)                        | Onslow<br>97CRS16786 98CRS11718<br>97CRS16784                          | Horton, Jr. |
|           | <b>Decision:</b> No error                           |  |             |
| 99-155-1  | State v Person (Criminal)                           | Onslow<br>97CRS23658 97CRS24592<br>97CRS23659 97CRS23657<br>97CRS24191 | Hunter      |
|           | <b>Decision:</b> No error in part; vacated in part. |  |             |
| 99-192-1  | State v Dunn (Criminal)                             | Randolph<br>95CRS5201 95CRS5204<br>95CRS5202 95CRS5200<br>95CRS5203    | Horton, Jr. |
|           | <b>Decision:</b> No error                           |  |             |
| 99-86-1   | State v Schrader (Criminal)                         | Robeson<br>94CRS19137  | Smith       |
|           | <b>Decision:</b> No error                           |  |             |
| 98-1535-1 | State v Boyd (Criminal)                             | Rowan<br>95CRS1651 95CRS1652<br>95CRS1650                              | Smith       |
|           | <b>Decision:</b> No error                           |  |             |
| 98-1218-1 | Schooler, et al v Kennedy, et al (Civil)            | Wake<br>94CVS10760   | McGee       |
|           | <b>Decision:</b> Affirmed                           |  |             |
| 99-204-1  | State v Giles (Criminal)                            | Wake<br>96CRS5494  | Smith       |
|           | <b>Decision:</b> No error                           |  |             |
| 99-354-1  | State v Johnson (Criminal)                          | Wake<br>97CRS39472   | Horton, Jr. |
|           | <b>Decision:</b> No error                           |  |             |