

**IN THE COURT OF APPEALS**  
**CASES REPORTED WITH PUBLISHED OPINIONS**  
**(FILED 18 APRIL 2000)**  
**(MANDATE 8 MAY 2000)**

| Docket #  | Title                                                                                                                    | County      | Judge           |
|-----------|--------------------------------------------------------------------------------------------------------------------------|-------------|-----------------|
| 99-207-1  | State v Riley (Criminal)<br><b>Decision:</b> No error                                                                    | Alamance    | Edmunds, Jr.    |
| 99-166-1  | State v Noffsinger (Criminal)<br><b>Decision:</b> No error; remanded for a new sentencing hearing                        | Brunswick   | Timmons-Goodson |
| 99-243-1  | State v Salters (Criminal)<br><b>Decision:</b> Larceny conviction vacated; no error in breaking and entering conviction. | Buncombe    | Hunter          |
| 99-291-1  | In The Matter of: Thrift (Civil)<br><b>Decision:</b> Reversed and remanded                                               | Buncombe    | Timmons-Goodson |
| 99-526-1  | Jacobs v City of Asheville (Civil)<br><b>Decision:</b> Affirmed                                                          | Buncombe    | Horton, Jr.     |
| 99-1051-1 | In The Matter of: Cogdill (Civil)<br><b>Decision:</b> Affirmed as modified                                               | Buncombe    | Greene          |
| 99-454-1  | Long v Harris (Civil)<br><b>Decision:</b> No error                                                                       | Burke       | John, Sr.       |
| 99-530-1  | State v Montford (Criminal)<br><b>Decision:</b> No error                                                                 | Carteret    | Lewis, Jr.      |
| 99-564-1  | Novacare Orthotics v Spellman (Civil)<br><b>Decision:</b> Affirmed in part, vacated in part and remanded                 | Cumberland  | Timmons-Goodson |
| 99-71-1   | Johnson, et al v Scott (Civil)<br><b>Decision:</b> Affirmed                                                              | Durham      | John, Sr.       |
| 99-681-1  | In The Matter of: Montgomery (Civil)<br><b>Decision:</b> Affirmed                                                        | Forsyth     | Greene          |
| 99-483-1  | Condellone v Condellone (Civil)<br><b>Decision:</b> Affirmed                                                             | Guilford    | Edmunds, Jr.    |
| 99-538-1  | Fennell v Stephenson (Civil)<br><b>Decision:</b> Affirmed in part and reversed in part                                   | Guilford    | Greene          |
| 99-567-1  | DOT v Mahaffey (Civil)<br><b>Decision:</b> No error                                                                      | Guilford    | Greene          |
| 99-440-1  | Miller v Piedmont Steam Company (Civil)<br><b>Decision:</b> Affirm                                                       | Mecklenburg | Timmons-Goodson |
| 99-453-1  | Jordan v Civil Service Board (Civil)<br><b>Decision:</b> Reversed and remanded                                           | Mecklenburg | Hunter          |

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| 99-471-1  | Grover v Norris (Civil)<br><b>Decision:</b> Affirmed                                                                                                                                                                                                                                        | Mecklenburg                | Hunter          |
| 99-608-1  | State v Jackson (Criminal)<br><b>Decision:</b> No error                                                                                                                                                                                                                                     | Mecklenburg                | Greene          |
| 99-402-1  | Calloway v Memorial Mission Hospital (Civil)<br><b>Decision:</b> Affirmed                                                                                                                                                                                                                   | N.C. Industrial Commission | Lewis, Jr.      |
| 98-1626-1 | State v Diehl (Criminal)<br><b>Decision:</b> Vacated and remanded                                                                                                                                                                                                                           | Randolph                   | Timmons-Goodson |
| 99-627-1  | State v Brogden (Criminal)<br><b>Decision:</b> Judgment in 98CRS8327 vacated and remanded for re-sentencing on the conviction of assault on a government official. Arrested judgment in 97CRS16059 set aside and remanded for sentencing on the conviction of assault with a deadly weapon. | Rowan                      | Wynn, Jr.       |
| 99-765-1  | Associates Financial v NC Farm Bureau (Civil)<br><b>Decision:</b> Affirmed                                                                                                                                                                                                                  | Rutherford                 | Greene          |
| 99-1176-1 | State v Stanback (Criminal)<br><b>Decision:</b> New trial                                                                                                                                                                                                                                   | Stanly                     | Greene          |
| 98-1541-1 | Walker, et al v Sloan, et al (Civil)<br><b>Decision:</b> Affirmed in part, reversed in part, and remanded                                                                                                                                                                                   | Wake                       | Timmons-Goodson |
| 99-431-1  | State v Miller (Criminal)<br><b>Decision:</b> No error in part, vacated in part, and remanded for resentencing                                                                                                                                                                              | Wilkes                     | Martin          |

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| 99-565-1  | Burns v Phipps (Civil)<br><b>Decision:</b> Reversed                   | Ashe<br>97CVD340                                                 | Walker       |
| 99-818-1  | In The Matter of: Pope-Deal (Civil)<br><b>Decision:</b> Affirmed      | Catawba<br>97J111                                                | McGee        |
| 99-1194-1 | In The Matter of: Johnson (Criminal)<br><b>Decision:</b> Dismissed    | Catawba<br>98J358                                                | Greene       |
| 99-563-1  | State v Cansler (Criminal)<br><b>Decision:</b> No error               | Cleveland<br>98CRS115                                            | Martin       |
| 99-590-1  | In The Matter of: Haynes, Minors (Civil)<br><b>Decision:</b> Affirmed | Cleveland<br>97J195,97J196,97J194,97J197                         | Walker       |
| 99-922-1  | State v McSwain (Criminal)<br><b>Decision:</b> No error               | Cumberland<br>95CRS25662                                         | Walker       |
| 99-1086-1 | State v Verdicanno (Criminal)<br><b>Decision:</b> No error            | Durham<br>96CRS17847                                             | Walker       |
| 99-250-1  | State v Ingram (Criminal)<br><b>Decision:</b> No error                | Forsyth<br>96CRS39938                                            | Edmunds, Jr. |
| 99-1040-1 | State v Conrad (Criminal)<br><b>Decision:</b> No error                | Forsyth<br>98CRS37342,98CRS46695                                 | Greene       |
| 98-1443-1 | State v Pickett & Foreman (Criminal)<br><b>Decision:</b> New trial    | Greene<br>96CRS415 96CRS414<br>96CRS400 96CRS402-03,<br>96CRS401 | McGee        |
| 99-312-1  | State v Clontz (Criminal)<br><b>Decision:</b> Affirmed                | Guilford<br>98CRS62528,98CRS62529,9-<br>8CRS62527                | McGee        |
| 99-1285-1 | State v Slade (Criminal)<br><b>Decision:</b> Dismissed                | Guilford<br>98CRS73984,98CRS73985,9-<br>8CRS73983,98CRS73986     | Greene       |
| 99-649-1  | Stephens v Reynolds, et al (Civil)<br><b>Decision:</b> New trial      | Harnett<br>96CVS1738                                             | Wynn, Jr.    |
| 99-933-1  | Altman v Moore (Civil)<br><b>Decision:</b> Affirmed                   | Harnett<br>98CVS01377                                            | Walker       |
| 99-840-1  | Killian v Thompson & Whitney (Civil)<br><b>Decision:</b> Affirmed     | Haywood<br>98CVS484                                              | Walker       |

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| 99-1226-1 | State v White (Criminal)<br><b>Decision:</b> No error                        | Lenoir<br>98CRS2232                                             | Greene      |
| 99-374-1  | Van Every v Reid (Civil)<br><b>Decision:</b> Affirmed                        | Mecklenburg<br>88CVD9201                                        | McGee       |
| 99-758-1  | In The Matter of: Lyons (Criminal)<br><b>Decision:</b> No error              | Mecklenburg<br>98J1025                                          | Wynn, Jr.   |
| 99-1033-1 | Miesen v Buckman (Civil)<br><b>Decision:</b> Vacated and remanded            | Mecklenburg<br>97CVS6277                                        | Walker      |
| 99-1017-1 | Foreman v Elizabeth City (Civil)<br><b>Decision:</b> Affirmed                | N.C. Industrial Commission<br>IC662586                          | Walker      |
| 99-968-1  | State v Arrington (Criminal)<br><b>Decision:</b> No error                    | Nash<br>97CRS5310,97CRS9157,97C-<br>RS5312,96CRS13778,97CRS9156 | Greene      |
| 99-674-1  | Rogers v City of Wilmington (Civil)<br><b>Decision:</b> Affirmed             | New Hanover<br>98CVS2388                                        | Wynn, Jr.   |
| 99-749-1  | Wells v Ocean Broadcasting, LLC (Civil)<br><b>Decision:</b> Affirmed         | New Hanover<br>99CVM2085                                        | Wynn, Jr.   |
| 99-819-1  | State v Gilliam (Criminal)<br><b>Decision:</b> No error                      | Northampton<br>97CRS956,97CRS839                                | Walker      |
| 99-953-1  | In The Matter of: Price (Civil)<br><b>Decision:</b> Affirmed                 | Pasquotank<br>83CRS3037,83CRS3036                               | Greene      |
| 99-659-1  | Ford v Mattingly & Ford (Civil)<br><b>Decision:</b> Affirmed                 | Richmond<br>96CVS960                                            | Wynn, Jr.   |
| 99-336-1  | State v Callahan (Criminal)<br><b>Decision:</b> No error                     | Robeson<br>95CRS9162,95CRS12408,95-<br>CRS9161                  | Horton, Jr. |
| 99-1015-1 | State v Murray (Criminal)<br><b>Decision:</b> Remanded                       | Robeson<br>94CRS4001                                            | Greene      |
| 99-672-1  | Associates Financial v State Farm (Civil)<br><b>Decision:</b> Affirmed       | Rutherford<br>98CVS692                                          | Greene      |
| 99-1068-1 | State v Jacobs (Criminal)<br><b>Decision:</b> No error                       | Scotland<br>95CRS9364,95CRS9363                                 | Walker      |
| 99-330-1  | Ricks, et al v White Construction, Inc. (Civil)<br><b>Decision:</b> Affirmed | Wake<br>98CVS11103                                              | McGee       |

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| 99-653-1  | Ostrowski v ESC of North Carolina (Civil)<br><b>Decision:</b> Affirmed | Wake<br>99CVS287                | Martin     |
| 99-784-1  | Winters v Winters, et al (Civil)<br><b>Decision:</b> Dismissed         | Wake<br>98CVS13482              | Per Curiam |
| 99-1013-1 | State v Avila (Criminal)<br><b>Decision:</b> No error                  | Wilson<br>97CRS17554,97CRS17551 | Walker     |