

**IN THE COURT OF APPEALS**  
**CASES REPORTED WITH PUBLISHED OPINIONS**  
**(FILED 6 NOVEMBER 2001)**  
**(MANDATE 26 NOVEMBER 2001)**

Docket #	Title	County	Judge
00-895-1	State v Barber (Criminal) <b>Decision:</b> New trial	Alexander	Timmons-Goodson
00-1210-1	State v Kincaid (Criminal) <b>Decision:</b> No error	Buncombe	McGee
00-1355-1	State v Greenlee (Criminal) <b>Decision:</b> No error	Buncombe	Greene
00-1474-1	Fulcher v Golden (Civil) <b>Decision:</b> Affirmed	Carteret	Tyson
00-1079-1	State v Woods (Criminal) <b>Decision:</b> Affirmed	Caswell	Thomas, Jr.
00-992-1	Godette v Godette (Civil) <b>Decision:</b> Reversed and remanded	Craven	Thomas, Jr.
00-1358-1	Duncan v Duncan (Civil) <b>Decision:</b> Affirmed in part and reversed in part	Craven	Walker
00-1220-1	Gaskill v Jennette Enterprises, Inc. (Civil) <b>Decision:</b> Reversed and remanded	Dare	Eagles, Jr.
00-1244-1	In Re: Estate of Monk (Civil) <b>Decision:</b> Affirmed	Duplin	Hudson
00-1464-1	Bell v Nationwide Insurance Company (Civil) <b>Decision:</b> Affirmed	Duplin	Tyson
00-1032-1	Couch v Private Diagnostic Clinic (Civil) <b>Decision:</b> Affirmed in part; reversed and remanded in part	Durham	Hunter
00-1279-1	State v Parker (Criminal) <b>Decision:</b> No error as to 99CRS011122,011123; judgment vacated in 99CRS011124 and remanded	Durham	Hunter
00-1435-1	In The Matter Of: Dexter (Civil) <b>Decision:</b> Affirmed	Durham	Thomas, Jr.
00-957-1	Raspet v Buck (Civil) <b>Decision:</b> Affirmed	Guilford	Biggs
00-1160-1	Seyboth v Seyboth (Civil) <b>Decision:</b> Reversed and remanded	Guilford	Bryant

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00-1202-1	State v McNair (Criminal) <b>Decision:</b> Accordingly, as to No.00CRS023236 (two counts of second degree kidnapping), we vacate the 60-month enhanced sentence based on the firearm possession, judgment is arrested, and the case is remanded for resentencing. As to No. 98CRS040303 (robbery with dangerous weapon), No. 00CRS023235 (two counts of robbery with dangerous weapon, No.00CRS023237 (robbery with dangerous weapon and first degree kidnapping), no error	Guilford	McCullough
00-1195-1	In The Matter Of The Will Of McCauley (Civil) <b>Decision:</b> Affirmed	Harnett	Greene
00-396-1	Maraman v Cooper Steel, et al (Civil) <b>Decision:</b> New trial as to defendant Cooper Steel [Judge Greene concurring Part I of Judge John's opinion], Judge Tyson dissenting; no error as to defendant Gray [Judge Greene concurring in Judge Tyson's opinion dealing with part II of Judge John's opinion regarding defendant Gray], Judge John dissenting	Mecklenburg	John, Sr.
00-1179-1	Moore v Wood (Civil) <b>Decision:</b> Affirmed	Mecklenburg	Campbell, Jr.
00-1267-1	State v Garcia (Criminal) <b>Decision:</b> Vacated	Mecklenburg	Greene
00-1346-1	American Ripener Co., Inc. v Offerman (Civil) <b>Decision:</b> Affirmed	Mecklenburg	Martin
00-1360-1	Davis v Kelly (Civil) <b>Decision:</b> Affirmed and remanded	Mecklenburg	Martin
00-1384-1	Barber v The Presbyterian Hospital (Civil) <b>Decision:</b> New trial	Mecklenburg	McCullough
00-1140-1	In The Matter Of: Pierce (Civil) <b>Decision:</b> Reversed	New Hanover	Hudson
00-1190-1	Lewis v Edwards (Civil) <b>Decision:</b> Affirmed in part, reversed in part and remanded	Robeson	Greene
00-1348-1	Washington v Mitchell (Civil) <b>Decision:</b> Affirmed	Stokes	Walker
00-1063-1	State v Stitt (Criminal) <b>Decision:</b> No Error	Union	Hunter
00-1123-1	In The Matter of the Estate of Hanner (Civil) <b>Decision:</b> Affirmed	Union	Hudson
00-374-1	Cacha v Montaco, Inc., et al (Civil) <b>Decision:</b> Affirmed	Wake	John, Sr.
00-999-1	State v Butler (Criminal) <b>Decision:</b> No error	Wake	Hunter

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00-1078-1	Monteau v Reis Trucking & Construction (Civil) <b>Decision:</b> Affirmed in part, reversed in part, and remanded	Wake	Greene
00-1111-1	Oberlin Capital v Slavin, et al (Civil) <b>Decision:</b> Affirmed as to Bettina Slavin, Joseph Finn-Egan, and Jeffrey Lipkin. Affirmed in part and reversed in part as to Edward Slavin	Wake	Eagles, Jr.
00-1347-1	State v West (Criminal) <b>Decision:</b> No error	Wake	Greene
00-1356-1	Shwe v Jaber (Civil) <b>Decision:</b> Affirmed	Wake	Martin
00-1225-1	Hilliard v Hilliard (Civil) <b>Decision:</b> Affirmed	Warren	Wynn, Jr.
00-1165-1	State v Green (Criminal) <b>Decision:</b> Affirmed	Wayne	Hunter
00-1104-1	Schmeltzle v Schmeltzle (Civil) <b>Decision:</b> Reversed and remanded	Wilson	Bryant

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Docket #	Title	County	Judge
00-1493-1	State v Scott (Criminal)	Alamance 00CRS0203 99CRS57105 00CRS0202	Campbell, Jr.
	<b>Decision:</b> Remanded for resentencing		
01-30-1	State v Blount (Criminal)	Alexander 97CRS4127	Campbell, Jr.
	<b>Decision:</b> Affirmed		
00-605-1	State v Galindo (Criminal)	Buncombe 98CRS10545 98CRS56101 98CRS002751 98CRS10547	Eagles, Jr.
	<b>Decision:</b> No error as to 98CRS2751 and 98CRS10545. New trial as to 98CRS56101 and 98CRS10547.		
00-1226-1	State v Smith (Criminal)	Buncombe 99CRS008019 99CRS008021 99CRS008010 99CRS053741 99CRS008014 99CRS008011	Hudson
	<b>Decision:</b> No error		
01-28-1	State v Hardee (Criminal)	Columbus 98CRS9160 99CRS6579	Campbell, Jr.
	<b>Decision:</b> Affirmed		
01-148-1	State v Fonville (Criminal)	Craven 99CRS14063	Campbell, Jr.
	<b>Decision:</b> No error		
00-1144-1	State v Lee (Criminal)	Cumberland 00CRS14518	McGee
	<b>Decision:</b> Affirmed		
00-1297-1	State v Mitchell (Criminal)	Cumberland 98CRS73090 98CRS73141	Hudson
	<b>Decision:</b> Affirmed		
00-1322-1	State v Paige (Criminal)	Cumberland 99CRS67537	Tyson
	<b>Decision:</b> No error		
00-1061-1	State v McDonald (Criminal)	Durham 99CRS68896 99CRS68897	Campbell, Jr.
	<b>Decision:</b> No error		
00-1419-1	State v Short (Criminal)	Durham 00CRS51233	Campbell, Jr.
	<b>Decision:</b> No error		
00-451-1	Davis v Davis (Civil)	Forsyth 98CVD1744	Thomas, Jr. Court withdrew opinion 8-24-01 that was originally filed on 8-7-01
	<b>Decision:</b> Affirmed in part, reversed and remanded in part		
00-1241-1	State v Covert (Criminal)	Forsyth 99CRS54137 00CRS27454	Campbell, Jr.
	<b>Decision:</b> No error		
00-1304-1	Pizzino v Pizzino (Civil)	Forsyth 99CVD7911	Hunter
	<b>Decision:</b> Affirmed		
00-1305-1	State v Morgan (Criminal)	Forsyth 99CRS46367 00CRS3262	Wynn, Jr.
	<b>Decision:</b> No prejudicial error		

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00-1345-1	State v Brown (Criminal) <b>Decision:</b> Affirmed in part and remanded	Forsyth 00CRS27620	Campbell, Jr.
00-1367-1	State v Key (Criminal) <b>Decision:</b> No error	Forsyth 00CRS20219 00CRS20885	Campbell, Jr.
00-1547-1	State v Sykes (Criminal) <b>Decision:</b> No error	Forsyth 99CRS18175	Campbell, Jr.
00-1366-1	State v Perry (Criminal) <b>Decision:</b> No error	Franklin 98CRS5760 97CRS6122	Campbell, Jr.
00-1115-1	In Re: Stewart (Civil) <b>Decision:</b> Affirmed	Gaston 98J333	Eagles, Jr.
01-44-1	Gett v Bostic (Civil) <b>Decision:</b> Appeal Dismissed	Granville 97CVS452	Per Curiam
00-1272-1	State v Byrd (Criminal) <b>Decision:</b> No prejudicial error	Guilford 99CRS100936 99CRS100937	Hunter
00-1324-1	Jackson v AOC (Civil) <b>Decision:</b> Affirmed	Guilford 99CVS9148	Thomas, Jr.
00-1442-1	State v Thompson (Criminal) <b>Decision:</b> No error	Guilford 98CRS45077	Tyson
00-1503-1	State v Ward (Criminal) <b>Decision:</b> Affirmed	Guilford 99CRS65176 00CRS23399	Campbell, Jr.
00-1087-1	State v Chamberlain (Criminal) <b>Decision:</b> No prejudicial error	Harnett 99CRS9804 98CRS15021 98CRS15022	Tyson
00-1537-1	In Re: Sawvel and Werbelow (Civil) <b>Decision:</b> Affirmed	Harnett 99J74 99J75	Thomas, Jr.
00-1223-1	State v Watts (Criminal) <b>Decision:</b> No error	Hertford 99CRS2789 99CRS2786 99CRS2790 99CRS2787	Walker
00-803-1	Lundy v Melex USA, Inc. (Civil) <b>Decision:</b> Affirmed	Johnston 98CVS1397	Greene
00-1409-1	State v Robinson (Criminal) <b>Decision:</b> No error	Lenoir 99CRS5754	Campbell, Jr.
00-910-1	Howie v Ashour (Civil) <b>Decision:</b> Affirmed	Mecklenburg 99CVS10751	Campbell, Jr.
00-1423-1	State v Bernal (Criminal)	Mecklenburg 00CRS3008	Campbell, Jr.

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	<b>Decision:</b> No error		
00-1422-1	State v Morales-Berrios (Criminal)	Moore 99CRS4339	Tyson
	<b>Decision:</b> Reversed and remanded for a new hearing		
00-931-1	Linker v Coy's Auto Parts (Civil)	N.C. Industrial Commission IC646299	Biggs
	<b>Decision:</b> Affirmed		
00-1505-1	Hughes v Rhodes, Inc. (Civil)	N.C. Industrial Commission IC279832	Campbell, Jr.
	<b>Decision:</b> Affirmed		
01-133-1	State v Ogundeji (Criminal)	New Hanover 99CRS025804	Campbell, Jr.
	<b>Decision:</b> No error		
00-1261-1	In The Matter Of: Johnson (Civil)	Onslow 00J77	McGee
	<b>Decision:</b> Affirmed		
00-955-1	Chaigneau v Wheeler (Civil)	Orange 98CVD1759	Campbell, Jr.
	<b>Decision:</b> Affirmed		
00-1372-1	Widewaters Property v Investors Title (Civil)	Orange 00CVS240	Tyson
	<b>Decision:</b> Reversed and remanded		
01-139-1	State v Jenkins (Criminal)	Person 99CRS7039	Campbell, Jr.
	<b>Decision:</b> No error		
00-1300-1	State v Glenn (Criminal)	Randolph 98CRS5540 98CRS5541	Wynn, Jr.
	<b>Decision:</b> No error		
00-1277-1	State v Davis (Criminal)	Rowan 98CRS12998	Per Curiam
	<b>Decision:</b> No error		
00-1478-1	State v Tucker (Criminal)	Rowan 99CRS17411	Tyson
	<b>Decision:</b> No error		
00-1310-1	Horne v Flack (Civil)	Rutherford 96CVD784	Thomas, Jr.
	<b>Decision:</b> No error		
01-88-1	State v McLendon (Criminal)	Union 99CRS18042 99CRS17775 99CRS18040 99CRS17291 00CRS3993 99CRS17776 99CRS18041 99CRS17292 99CRS18039	Campbell, Jr.
	<b>Decision:</b> Affirmed		
00-828-1	Paar v Glenaire, Inc. (Civil)	Wake 98CVS13013	Thomas, Jr.
	<b>Decision:</b> Affirmed in part, reversed and remanded in part		
00-1254-1	Koone v Benton (Civil)	Watauga 99CVD547	Walker
	<b>Decision:</b> Affirmed		

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00-1012-1	State v Newsome (Criminal)	Wayne 98CRS16619 98CRS14020 98CRS14828	Thomas, Jr.
	<b>Decision:</b> No error		
00-1421-1	In The Matter Of: Carter (Criminal)	Wilson 98J41B	Hunter
	<b>Decision:</b> Affirmed		