# IN THE COURT OF APPEALS

## CASES REPORTED WITH PUBLISHED OPINIONS

## (FILED 28 DECEMBER 2001)
## (MANDATE 17 JANUARY 2002)

| Docket # | Title | County | Judge |
|---|---|---|---|
| 00-1465-1 | B & F Slosman v Sonopress, Inc. (Civil)<br>**Decision:** Affirmed | Buncombe | Walker |
| 01-110-1 | State v Sams (Criminal)<br>**Decision:** No error | Buncombe | Timmons-Goodson |
| 01-159-1 | Doyle v Asheville Orthopaedic Assoc. (Criminal)<br>**Decision:** Reversed | Buncombe | Wynn, Jr. |
| 00-1101-1 | Huffman v Inglefield (Civil)<br>**Decision:** Affirmed | Burke | Campbell, Jr. |
| 01-150-1 | Bradley v Hidden Valley Transp. (Civil)<br>**Decision:** Affirmed | Burke | Tyson |
| 00-1381-1 | State v Isenberg (Criminal)<br>**Decision:** No error | Cabarrus | McGee |
| 01-198-1 | Atchley Grading Co. v West Cabarrus Ch. (Civil)<br>**Decision:** Dismissed | Cabarrus | Bryant |
| 01-66-1 | In Re: Foreclosure of Deed from Webber (Civil)<br>**Decision:** Vacated | Chowan | Hunter |
| 01-158-1 | Dowless v Kroger Co., et al (Civil)<br>**Decision:** Affirmed in part and reversed and remanded in part | Cumberland | Hunter |
| 00-1262-1 | State v Logner (Criminal)<br>**Decision:** No error | Durham | Campbell, Jr. |
| 01-586-1 | State v Brooks (Criminal)<br>**Decision:** No error; remanded for correction of clerical error | Durham | Thomas, Jr. |
| 00-1412-1 | State v Fleming (Criminal)<br>**Decision:** Vacated and remanded for resentencing | Forsyth | McCullough |
| 00-1485-1 | Mitchell v Linville (Civil)<br>**Decision:** Affirmed in part, reversed in part, and remanded | Forsyth | Timmons-Goodson |
| 01-67-1 | Winston-Salem Wrecker Assoc. v Barker (Civil)<br>**Decision:** Affirmed | Forsyth | Eagles, Jr. |
| 00-1414-1 | Stilwell v Gust v Stilwell (Civil)<br>**Decision:** Affirmed | Gaston | Eagles, Jr. |
| 00-781-1 | Olive v Faulkner (Civil)<br>**Decision:** Vacated | Johnston | Bryant |

| Docket # | Title | County | Judge |
|---|---|---|---|
| 01-191-1 | State v Santigo (Criminal)<br>**Decision:** No error | Madison | Hunter |
| 00-1489-1 | Deadwood, Inc v NC Dept of Revenue (Civil)<br>**Decision:** Reversed | Martin | Wynn, Jr. |
| 00-1083-1 | Best v Ford Motor Company (Civil)<br>**Decision:** Affirmed | Mecklenburg | Bryant |
| 00-1426-1 | Tucker v The Mecklenburg Co Zoning Bd (Civil)<br>**Decision:** Reversed | Mecklenburg | Thomas, Jr. |
| 01-114-1 | Medearis v Trustees/Myers Pk Baptist (Civil)<br>**Decision:** Affirmed | Mecklenburg | Bryant |
| 01-185-1 | MMR Holdings, et al v City of Charlotte (Civil)<br>**Decision:** Affirmed | Mecklenburg | Wynn, Jr. |
| 01-250-1 | Washington v Washington (Civil)<br>**Decision:** Appeal dismissed | Mecklenburg | Tyson |
| 01-256-1 | State v Hicks (Criminal)<br>**Decision:** Judgment arrested | Mecklenburg | Eagles, Jr. |
| 00-860-1 | Stevenson v Noel Williams Masonry, Inc. (Civil)<br>**Decision:** Affirmed | N.C. Industrial Commission | Bryant |
| 00-1113-1 | Loch v Entertainment Partners (Civil)<br>**Decision:** Affirmed in part, reversed in part, and remanded | N.C. Industrial Commission | Timmons-Goodson |
| 00-1411-1 | Cline v McCullen (Civil)<br>**Decision:** Affirmed | Sampson | Campbell, Jr. |
| 01-47-1 | Johnson v Pearce (Civil)<br>**Decision:** Affirmed | Wake | Eagles, Jr. |
| 01-52-1 | Nationwide Mut Ins Co v Douglas (Civil)<br>**Decision:** Affirmed | Wake | Wynn, Jr. |
| 01-80-1 | Boykin v Morrison (Civil)<br>**Decision:** No prejudicial error | Wake | Tyson |
| 01-152-1 | NC Farm Bureau v Harrell (Civil)<br>**Decision:** Affirmed | Wake | Thomas, Jr. |
| 00-1273-1 | Pardue v Darnell (Civil)<br>**Decision:** Affirmed | Wilkes | Biggs |

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| Docket # | Title | County | Judge |
|---|---|---|---|
| 01-591-1 | In the Matter of: Hall (Civil) | Alexander<br>97J8 | Thomas, Jr. |
| | **Decision:** Dismissed | | |
| 01-56-1 | Jordan Auction & Realty v Huffman (Civil) | Ashe<br>99CVS44 | Martin |
| | **Decision:** Dismissed in part, reversed in part | | |
| 00-1340-1 | Pinewood Manor Homes v Simmons (Civil) | Brunswick<br>99CVD658 | Bryant |
| | **Decision:** No error | | |
| 00-1280-1 | Raper v Raper (Civil) | Buncombe<br>98CVD4908 | Eagles, Jr. |
| | **Decision:** Affirmed in part, reversed and remanded in part | | |
| 00-1335-1 | Electrics of Asheville v Jaipur Corp (Civil) | Buncombe<br>97CVS3351 | Campbell, Jr. |
| | **Decision:** Reversed and remanded | | |
| 00-1410-1 | McGaha v McGaha (Civil) | Buncombe<br>97CVD3944 | Bryant |
| | **Decision:** Dismissed | | |
| 01-19-1 | State v Davis (Criminal) | Buncombe<br>99CRS59056,98CRS66472,-<br>99CRS8991 | Biggs |
| | **Decision:** Motion to dismiss denied; no error | | |
| 01-221-1 | Patel, et al v The County of Buncombe (Civil) | Buncombe<br>00CVS3583 | Tyson |
| | **Decision:** Affirmed as to defendants. Appeal dismissed as to plaintiffs. | | |
| 01-452-1 | State v Uribe (Criminal) | Buncombe<br>98CRS52526,98CRS52702 | Thomas, Jr. |
| | **Decision:** No error | | |
| 01-434-1 | In the Matter of: Radford (Civil) | Burke<br>00J3798J47 | Thomas, Jr. |
| | **Decision:** Affirmed | | |
| 01-702-1 | In the Matter of: Radford (Civil) | Burke<br>00J3798J47 | Thomas, Jr. |
| | **Decision:** Vacated | | |
| 01-172-1 | State v Greene (Criminal) | Cabarrus<br>00CRS13435,00CRS13430,-<br>00CRS13433,96CRS16568,-<br>00CRS13436,00CRS13431,-<br>00CRS13434,97CRS17632,-<br>00CRS13437,00CRS13432 | Biggs |
| | **Decision:** Affirmed | | |
| 01-212-1 | Conway v Yeomans, et al (Civil) | Carteret<br>00CVS920 | Hunter |
| | **Decision:** Affirmed | | |
| 00-1281-1 | State v Baker (Criminal) | Catawba<br>99CRS3343 | Walker |
| | **Decision:** No error | | |
| 01-535-1 | State v Hasch (Criminal) | Catawba<br>00CRS7466<br>00CRS3534,00CRS7466,97-<br>CRS13269 | Thomas, Jr. |

| Docket # | Title | County | Judge |
|---|---|---|---|
| | **Decision:** 97CRS13269--REMANDED. 00CRS3534 and 00CRS7466--AFFIRMED. | | |
| 00-1433-1 | Watson v Underwriters at Lloyd's London (Civil) | Columbus<br>00CVS810 | Walker |
| | **Decision:** Vacated and remanded | | |
| 01-69-1 | State v Fowler (Criminal) | Columbus<br>97CRS5613,97CRS5614 | Walker |
| | **Decision:** No error | | |
| 01-142-1 | State v Hicks (Criminal) | Cumberland<br>98CRS11435 | Tyson |
| | **Decision:** No error | | |
| 01-215-1 | State v Magee (Criminal) | Cumberland<br>98CRS10715 | Tyson |
| | **Decision:** No error | | |
| 00-1453-1 | State v Talbert (Criminal) | Davidson<br>98CRS7161,98CRS7162 | Bryant |
| | **Decision:** No error | | |
| 01-71-1 | Mountain Lake Shores v Bluebird Corp. (Civil) | Davidson<br>99CVS3243 | Greene |
| | **Decision:** Affirmed in part, and remanded | | |
| 01-363-1 | State v Pullium (Criminal) | Davidson<br>00CRS3190 | Thomas, Jr. |
| | **Decision:** No error | | |
| 00-1479-1 | State v Pulley (Criminal) | Durham<br>99CRS58990,99CRS13831 | Biggs |
| | **Decision:** No error | | |
| 00-1207-1 | State v Holleman (Criminal) | Forsyth<br>99CRS009972 | Biggs |
| | **Decision:** Affirmed | | |
| 01-130-1 | State v Crews (Criminal) | Forsyth<br>00CRS050667 | Biggs |
| | **Decision:** No error | | |
| 01-491-1 | State v Rutledge (Criminal) | Forsyth<br>96CRS3457<br>95CRS29420,96CRS3457 | Thomas, Jr. |
| | **Decision:** No error | | |
| 01-36-1 | State v Shackleford (Criminal) | Greene<br>00CRS337 | Biggs |
| | **Decision:** No error | | |
| 01-83-1 | State v Blackwell (Criminal) | Guilford<br>99CRS103879,99CRS103880 | Thomas, Jr. |
| | **Decision:** No error | | |
| 01-169-1 | Dula v McPherson, et al (Civil) | Guilford<br>99CVS535 | Wynn, Jr. |
| | **Decision:** Affirmed | | |
| 01-307-1 | State v Carter (Criminal) | Guilford<br>00CRS23389,00CRS75615 | Thomas, Jr. |
| | **Decision:** Affirmed | | |
| 01-403-1 | State v McCray (Criminal) | Guilford<br>98CRS72348 | Thomas, Jr. |
| | **Decision:** No error | | |

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|---|---|---|---|
| 01-429-1 | In the Matter of: Uzzle (Criminal) | Guilford<br>00J619 | Thomas, Jr. |
| | **Decision:** Affirmed | | |
| 01-413-1 | State v Parker (Criminal) | Halifax<br>98CRS1 | Thomas, Jr. |
| | **Decision:** No error | | |
| 01-259-1 | State v Stubbs (Criminal) | Harnett<br>99CRS3558,99CRS2996,99-CRS2997 | Thomas, Jr. |
| | **Decision:** No error | | |
| 00-1520-1 | State v Garner (Criminal) | Lee<br>00CRS668,99CRS51892,00-CRS667 | Walker |
| | **Decision:** No error | | |
| 00-941-1 | Harrell v Hawley (Civil) | Martin<br>97CVS272 | Biggs |
| | **Decision:** Dismissed | | |
| 01-857-1 | In the Matter of: Boone (Civil) | Martin<br>97J34 | Thomas, Jr. |
| | **Decision:** Affirmed | | |
| 00-1072-1 | Newlands v Newlands (Civil) | Mecklenburg<br>92CVD16496 | McGee |
| | **Decision:** Vacated and remanded | | |
| 00-1392-1 | State v Edwards (Criminal) | Mecklenburg<br>98CRS39089,99CRS151171 | Biggs |
| | **Decision:** No error | | |
| 00-1432-1 | Webb v Killo Exterminating Company, Inc (Civil) | Mecklenburg<br>98CVS17639 | Thomas, Jr. |
| | **Decision:** Dismissed | | |
| 01-197-1 | Keiser v Schulz (Civil) | Mecklenburg<br>99CVS13784 | Per Curiam |
| | **Decision:** Affirmed | | |
| 00-1266-1 | In Re: Hyatt (Civil) | Mitchell<br>99J1 | McCullough |
| | **Decision:** Affirmed | | |
| 01-579-1 | McRae Woodtreating, Inc. v Bullard (Civil) | Montgomery<br>00CVS489 | Thomas, Jr. |
| | **Decision:** Affirmed | | |
| 01-145-1 | State v Henderson (Criminal) | Moore<br>99CRS4200,00CRS974 | Biggs |
| | **Decision:** Appeal dismissed; petition for writ of certiorari denied | | |
| 00-1240-1 | Finn v Franklin County (Civil) | N.C. Industrial Commission<br>IC840232 | Biggs |
| | **Decision:** Affirmed | | |
| 01-8-1 | Rowe v E. I. Dupont De Nemours & Co. (Civil) | N.C. Industrial Commission<br>IC681886 | Per Curiam |
| | **Decision:** Affirmed | | |
| 01-51-1 | Mejia v Fulton (Civil) | N.C. Industrial Commission<br>IC970005 | Biggs |
| | **Decision:** Affirmed | | |
| 01-95-1 | Howard v Speechcenter, Inc. (Civil) | N.C. Industrial Commission<br>IC143065,IC640111 | Wynn, Jr. |

| Docket # | Title | County | Judge |
|---|---|---|---|
| | **Decision:** Affirmed in part, and remanded in part | | |
| 00-1339-1 | State v Jennings (Criminal) | New Hanover 99CRS2491,99CRS2090,99-CRS2492,99CRS2091 | McGee |
| | **Decision:** No error | | |
| 00-1374-1 | State v Johnson (Criminal) | New Hanover 99CRS18772,99CRS18773 | Timmons-Goodson |
| | **Decision:** No error | | |
| 01-423-1 | State v Grady (Criminal) | New Hanover 00CRS50213 | Thomas, Jr. |
| | **Decision:** No error | | |
| 00-1540-1 | Rosario v Rosario (Civil) | Onslow 97CVD2697 | Hunter |
| | **Decision:** Affirmed | | |
| 00-1192-1 | State v Smith (Criminal) | Person 99CRS4191,99CRS4189,99-CRS4190 | Biggs |
| | **Decision:** No error | | |
| 00-1469-1 | Schoolcraft Enterprises v Bright Life (Civil) | Richmond 00CVS753 | Walker |
| | **Decision:** Affirmed | | |
| 01-149-1 | State v Reeves (Criminal) | Richmond 00CRS1144 | Wynn, Jr. |
| | **Decision:** No error | | |
| 01-270-1 | Merritt v Owen (Civil) | Rowan 99CVS1155 | Thomas, Jr. |
| | **Decision:** Dismissed | | |
| 00-694-1 | Double H Farms v Surles, et al (Civil) | Sampson 99CVS688 | Per Curiam |
| | **Decision:** Dismissed | | |
| 01-347-1 | State v Williams (Criminal) | Scotland 00CRS228 | Thomas, Jr. |
| | **Decision:** No error | | |
| 01-466-1 | State v Hamilton (Criminal) | Union 00CRS1259,00CRS1261 | Thomas, Jr. |
| | **Decision:** No error | | |
| 00-1458-1 | State v Norman (Criminal) | Wake 97CRS49066,97CRS49067 | Hudson |
| | **Decision:** No prejudicial error | | |
| 01-31-1 | State v Lyons (Criminal) | Wake 99CRS79540 | Biggs |
| | **Decision:** No error | | |
| 01-519-1 | State v Jones (Criminal) | Wake 96CRS55289 | Thomas, Jr. |
| | **Decision:** No error | | |
| 00-1522-1 | State v Watson (Criminal) | Wayne 99CRS10421 | Biggs |
| | **Decision:** No error | | |
| 01-365-1 | State v Mason (Criminal) | Wayne 99CRS53416,99CRS53414,-99CRS53415 | Thomas, Jr. |

| Docket # | Title | County | Judge |
|---|---|---|---|
| | **Decision:** No error | | |