

**IN THE COURT OF APPEALS**  
**CASES REPORTED WITH PUBLISHED OPINIONS**  
**(FILED 6 AUGUST 2002)**  
**(MANDATE 26 AUGUST 2002)**

| Docket #  | Title  | County     | Judge           |
|-----------|--|------------|-----------------|
| 01-878-1  | Boney Pub. v Burlington City Council (Civil)<br><b>Decision:</b> Defendant's appeal affirmed. Plaintiff's appeal-Affirmed in part, reversed in part. | Alamance   | Martin          |
| 01-767-1  | In the Matter of: Mills (Civil)<br><b>Decision:</b> Affirmed in part, reversed in part, and remanded   | Buncombe   | Timmons-Goodson |
| 01-828-1  | Creasman v Creasman (Civil)<br><b>Decision:</b> Affirmed   | Buncombe   | Eagles, Jr.     |
| 01-1047-1 | Connolly v Robertson (Civil)<br><b>Decision:</b> Affirmed  | Buncombe   | Campbell, Jr.   |
| 01-214-1  | In Re: Brode (Civil)<br><b>Decision:</b> Vacated and remanded for findings consistent with this opinion and dictates of the UCCJEA and PKPA          | Caswell    | Bryant          |
| 01-578-1  | Van Engen v Que Scientific, Inc. (Civil)<br><b>Decision:</b> Dismissed in part; affirmed in part   | Catawba    | McGee           |
| 01-1164-1 | Anthony v City of Shelby (Civil)<br><b>Decision:</b> Affirmed  | Cleveland  | Martin          |
| 01-779-1  | State v Moore (Criminal)<br><b>Decision:</b> No error  | Columbus   | Thomas, Jr.     |
| 01-887-1  | Davis v McMillian (Civil)<br><b>Decision:</b> Affirmed   | Columbus   | Wynn, Jr.       |
| 01-600-1  | State v Seek (Criminal)<br><b>Decision:</b> Reversed   | Cumberland | McGee           |
| 01-872-1  | In the Matter of: Shaw (Civil)<br><b>Decision:</b> Reversed and remanded   | Cumberland | Hunter          |
| 01-949-1  | State v Castellon (Criminal)<br><b>Decision:</b> Affirmed  | Cumberland | Hudson          |
| 01-1244-1 | QSP, Inc. v Hair (Civil)<br><b>Decision:</b> Reversed and remanded   | Cumberland | Eagles, Jr.     |
| 01-619-1  | Hobby v City of Durham (Civil)<br><b>Decision:</b> Affirmed  | Durham     | Thomas, Jr.     |
| 01-996-1  | State v Starnier (Criminal)<br><b>Decision:</b> No error   | Forsyth    | Thomas, Jr.     |
| 01-635-1  | Boynton v ESC Medical System, Inc. (Civil)<br><b>Decision:</b> Affirmed in part, reversed in part and remanded                                       | Guilford   | Bryant          |

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| 01-1069-1 | McDonald v Skeen (Civil)<br><b>Decision:</b> Affirmed  | Guilford                   | Thomas, Jr.     |
| 01-1172-1 | State v Dudley (Criminal)<br><b>Decision:</b> Affirmed in part and remanded in part for re-sentencing  | Guilford                   | Campbell, Jr.   |
| 01-987-1  | Bowman v Vester Ford Lincoln Mercury (Civil)<br><b>Decision:</b> Affirmed in part and reversed in part | Halifax                    | Hudson          |
| 01-973-1  | Thompson v First Citizens Bank & Trust (Civil)<br><b>Decision:</b> Affirmed                            | Henderson                  | Biggs           |
| 01-978-1  | Buchanan v Weber (Civil)<br><b>Decision:</b> Modified and remanded                                     | Jackson                    | Campbell, Jr.   |
| 01-966-1  | Murphy v First Union Capital Markets (Civil)<br><b>Decision:</b> Reversed and remanded                 | Mecklenburg                | Thomas, Jr.     |
| 01-1056-1 | Nationwide Mutual Ins. Co. v Haight (Civil)<br><b>Decision:</b> Reversed and remanded                  | Mecklenburg                | Hudson          |
| 01-1110-1 | Sowell v Clark (Civil)<br><b>Decision:</b> No error  | Mecklenburg                | Thomas, Jr.     |
| 01-1130-1 | Alexander v Alexander (Civil)<br><b>Decision:</b> Reversed   | Mecklenburg                | Hunter          |
| 01-1440-1 | In the Matter of: Johnston (Civil)<br><b>Decision:</b> Affirmed  | Mecklenburg                | Thomas, Jr.     |
| 01-809-1  | Butler v Butler (Civil)<br><b>Decision:</b> Affirmed   | Moore                      | Campbell, Jr.   |
| 01-1009-1 | McConnell v McConnell (Civil)<br><b>Decision:</b> Affirmed   | Moore                      | Biggs           |
| 01-510-1  | Dildy v MBW Investments, Inc. (Civil)<br><b>Decision:</b> Affirmed                                     | N.C. Industrial Commission | Campbell, Jr.   |
| 01-768-1  | Skillin v Magna Corporation (Civil)<br><b>Decision:</b> Affirmed                                       | N.C. Industrial Commission | Hudson          |
| 01-955-1  | Gilberto v Wake Forest University (Civil)<br><b>Decision:</b> Affirmed                                 | N.C. Industrial Commission | Timmons-Goodson |
| 01-999-1  | Pittillo v NC DEHNR (Civil)<br><b>Decision:</b> Affirmed   | N.C. Industrial Commission | Biggs           |
| 01-1058-1 | Creel v NC Dept Health & Human Svcs. (Civil)<br><b>Decision:</b> Affirmed                              | N.C. Industrial Commission | Hunter          |
| 01-1178-1 | Poole v Tammy Lynn Center (Civil)<br><b>Decision:</b> Affirmed   | N.C. Industrial Commission | Martin          |
| 01-1300-1 | Ward v Long Beach Vol. Rescue Squad (Civil)<br><b>Decision:</b> Affirmed                               | N.C. Industrial Commission | Bryant          |

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| 01-589-1  | HCA Health Svcs of Texas v Reddix (Civil)<br><b>Decision:</b> Vacated and remanded                              | Nash    | Hudson          |
| 01-351-1  | Hutton v Logan (Civil)<br><b>Decision:</b> Affirmed   | Orange  | McCullough      |
| 01-740-1  | Guthrie v Conroy (Civil)<br><b>Decision:</b> Affirmed in part, reversed in part                                 | Orange  | Biggs           |
| 01-1145-1 | Kawai America Corporation v UNC-CH (Civil)<br><b>Decision:</b> Reversed in part, affirmed in part, and remanded | Orange  | Hudson          |
| 01-963-1  | State v Smith (Criminal)<br><b>Decision:</b> No error   | Robeson | Thomas, Jr.     |
| 01-950-1  | State v Kinlock (Criminal)<br><b>Decision:</b> No error   | Sampson | Eagles, Jr.     |
| 01-1289-1 | Edwards v Edwards (Civil)<br><b>Decision:</b> Affirmed in part, remanded in part                                | Sampson | Martin          |
| 01-1152-1 | In the Matter of: Pineault (Criminal)<br><b>Decision:</b> Affirmed  | Stokes  | Hunter          |
| 01-817-1  | In the Matter of: Robinson (Criminal)<br><b>Decision:</b> Affirmed  | Union   | Thomas, Jr.     |
| 01-1124-1 | Ragland v Harris (Civil)<br><b>Decision:</b> Affirmed   | Vance   | Campbell, Jr.   |
| 01-478-1  | Blair Concrete Svcs v Van-Allen Steel (Civil)<br><b>Decision:</b> Affirmed                                      | Wake    | Hudson          |
| 01-599-1  | State v McGriff (Criminal)<br><b>Decision:</b> Affirmed   | Wake    | Bryant          |
| 01-861-1  | Scottsdale Ins. v Travelers Indemnity (Civil)<br><b>Decision:</b> Affirmed                                      | Wake    | McGee           |
| 01-922-1  | State v Quick (Criminal)<br><b>Decision:</b> No error   | Wake    | Hudson          |
| 01-1016-1 | Godfrey Lumber Co., Inc. v Howard (Civil)<br><b>Decision:</b> Affirmed  | Wake    | McGee           |
| 01-1084-1 | State v Craycraft (Criminal)<br><b>Decision:</b> Reversed and remanded  | Wake    | Timmons-Goodson |
| 01-1179-1 | NC Ins. Guaranty v International Paper (Civil)<br><b>Decision:</b> Affirmed                                     | Wake    | Bryant          |
| 01-820-1  | Cartin v Harrison (Civil)<br><b>Decision:</b> Affirmed  | Watauga | Martin          |
| 01-1089-1 | McColl v Anderson (Civil)<br><b>Decision:</b> Dismissed   | Watauga | Walker          |

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| 01-1462-1 | State v McCarn (Civil)<br><b>Decision:</b> Affirmed | Watauga | Biggs |

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| 01-493-1  | Perkins v Perkins (Civil)<br><b>Decision:</b> Affirmed                       | Alamance<br>00CVD1448  | McGee           |
| 01-1423-1 | State v Tart (Criminal)<br><b>Decision:</b> No error                         | Alamance<br>00CRS12247 00CRS12246                                    | Walker          |
| 01-1190-1 | Greiner v Greiner (Civil)<br><b>Decision:</b> Reversed and remanded          | Brunswick<br>00CVD655  | Campbell, Jr.   |
| 01-854-1  | Crowfields Condominium Assoc. v Smith (Civil)<br><b>Decision:</b> Affirmed   | Buncombe<br>99CVS4918  | McGee           |
| 01-905-1  | In the Matter of: Williamson (Civil)<br><b>Decision:</b> Affirmed            | Buncombe<br>00J99-101  | Timmons-Goodson |
| 01-946-1  | State v Rice (Criminal)<br><b>Decision:</b> No error                         | Buncombe<br>00CRS52009   | Biggs           |
| 01-1074-1 | State v Robinson (Criminal)<br><b>Decision:</b> No error                     | Buncombe<br>00CRS8285 00CRS8254<br>00CRS8286 00CRS8255<br>00CRS55503 | Biggs           |
| 01-1355-1 | State v Fountain (Criminal)<br><b>Decision:</b> No error                     | Buncombe<br>99CRS61001 99CRS61002<br>99CRS61002 99CRS61001           | Walker          |
| 01-939-1  | State v Dudley (Criminal)<br><b>Decision:</b> Reversed                       | Cabarrus<br>00CRS50763   | Hudson          |
| 01-1280-1 | In the Matter of: Deguzman (Civil)<br><b>Decision:</b> Affirmed              | Caldwell<br>00J16  | Martin          |
| 02-42-1   | State v Shaw (Criminal)<br><b>Decision:</b> Vacated and remanded for hearing | Caldwell<br>99CRS9638 99CRS9658<br>99CRS9648 99CRS9659               | Biggs           |
| 01-1259-1 | McCormick v Morris (Civil)<br><b>Decision:</b> Vacated and remanded          | Carteret<br>00CVS754   | Hudson          |
| 01-898-1  | State v Davis (Criminal)<br><b>Decision:</b> No error                        | Caswell<br>99CRS2467 99CRS2468                                       | McGee           |
| 01-799-1  | Wells v Brown Investment Properties (Civil)<br><b>Decision:</b> Affirmed     | Catawba<br>00CVS2300   | McGee           |
| 01-1587-1 | State v Goodson (Criminal)<br><b>Decision:</b> No error                      | Cleveland<br>01CRS3375   | Biggs           |
| 01-552-1  | State v McPherson (Criminal)   | Columbus<br>98CRS3368  | Bryant          |

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|           | <b>Decision:</b> No error                            |  |            |
| 01-352-1  | State v Thornton (Criminal)                          | Cumberland<br>99CRS4685  | McGee      |
|           | <b>Decision:</b> No error                            |  |            |
| 01-1404-1 | State v Scott (Criminal)                             | Cumberland<br>00CRS60709   | Walker     |
|           | <b>Decision:</b> No error                            |  |            |
| 01-1294-1 | Norris v Alexander (Civil)                           | Duplin<br>98CVS169   | McGee      |
|           | <b>Decision:</b> Affirmed                            |  |            |
| 01-1471-1 | State v Pittman (Criminal)                           | Edgecombe<br>99CRS5674   | Biggs      |
|           | <b>Decision:</b> No error                            |  |            |
| 01-691-1  | State v Myers (Criminal)                             | Forsyth<br>00CRS43722 00CRS56987   | McGee      |
|           | <b>Decision:</b> No error                            |  |            |
| 01-741-1  | Coffey v Savers Life Insurance Co. (Civil)           | Forsyth<br>98CVS6848   | McGee      |
|           | <b>Decision:</b> Appeal dismissed                    |  |            |
| 01-1314-1 | State v Berrow (Criminal)                            | Forsyth<br>01CRS4427 01CRS9289   | Walker     |
|           | <b>Decision:</b> No error                            |  |            |
| 01-1373-1 | Pfaff v Blue Rhino Corporation (Civil)               | Forsyth<br>01CVS3617   | Walker     |
|           | <b>Decision:</b> Appeal dismissed                    |  |            |
| 01-1551-1 | State v Davis (Criminal)                             | Forsyth<br>01CRS58 00CRS54126<br>00CRS54127  | Biggs      |
|           | <b>Decision:</b> No error                            |  |            |
| 01-332-1  | State v Strange (Criminal)                           | Gaston<br>99CRS1201 99CRS1198<br>99CRS1203 99CRS1199   | McCullough |
|           | <b>Decision:</b> No error; remanded for resentencing |  |            |
| 01-791-1  | State v Garvin (Criminal)                            | Gaston<br>99CRS23208   | McGee      |
|           | <b>Decision:</b> No error                            |  |            |
| 01-1195-1 | Worsham v Triones Plastics, L.L.C. (Civil)           | Guilford<br>99CVS4334  | McCullough |
|           | <b>Decision:</b> Affirmed                            |  |            |
| 01-1301-1 | State v Campbell (Criminal)                          | Guilford<br>00CRS93197 00CRS92573<br>00CRS93186 00CRS92570<br>00CRS92575 00CRS93195<br>00CRS92571 00CRS92576 | Walker     |
|           | <b>Decision:</b> Affirmed in part; no error in part  |  |            |
| 01-1321-1 | Lescrinier v North Point Partners, II (Civil)        | Guilford<br>00CVS2838  | McGee      |
|           | <b>Decision:</b> Affirmed                            |  |            |
| 01-953-1  | State v Bracey (Criminal)                            | Halifax<br>00CRS2809   | Walker     |
|           | <b>Decision:</b> No error                            |  |            |

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| 01-1221-1 | State v Scurlock (Criminal)<br><b>Decision:</b> No error in the trial. Remand for correction of judgment. | Harnett<br>00CRS4153 00CRS10294   | Walker      |
| 01-1475-1 | Harris v Stamey (Civil)<br><b>Decision:</b> Affirmed  | Haywood<br>00CVS1203  | Walker      |
| 01-1185-1 | State v Smith (Criminal)<br><b>Decision:</b> No error   | Henderson<br>99CRS54425 99CRS54422<br>00CRS2162 99CRS54423<br>00CRS2163 | Walker      |
| 01-903-1  | Boyd v Edmund (Civil)<br><b>Decision:</b> Appeal dismissed  | Iredell<br>00CVS2499  | McGee       |
| 01-1019-1 | Johnston v Gallimore (Civil)<br><b>Decision:</b> No error   | Iredell<br>99CVS2488  | Martin      |
| 01-1474-1 | State v Smith (Criminal)<br><b>Decision:</b> No error   | Iredell<br>99CRS21897 99CRS21376<br>99CRS21896                          | Walker      |
| 01-1410-1 | In the Matter of: Jackson (Civil)<br><b>Decision:</b> Affirmed  | Johnston<br>98J61   | Walker      |
| 01-1042-1 | Ledford v Smoky Mtn. Healthcare Assoc. (Civil)<br><b>Decision:</b> Dismissed                              | Macon<br>00CVS522   | Thomas, Jr. |
| 01-881-1  | In the Matter of: Killian (Civil)<br><b>Decision:</b> Affirmed  | Mecklenburg<br>00J530 00J590 00J528<br>00J531 00J529 00J589             | Bryant      |
| 01-1332-1 | Sweeney v Penn (Civil)<br><b>Decision:</b> Dismissed  | Mecklenburg<br>00CVS19879   | Walker      |
| 01-1510-1 | State v Dunn (Criminal)<br><b>Decision:</b> Affirmed  | Mecklenburg<br>00CRS51061   | Walker      |
| 01-13-1   | Aldridge v NC Dept Correction (Civil)<br><b>Decision:</b> Affirmed  | N.C. Industrial Commission<br>IC827311                                  | McCullough  |
| 01-346-1  | Crawford v Greensboro Innkeeper (Civil)<br><b>Decision:</b> Affirmed                                      | N.C. Industrial Commission<br>IC624829                                  | Bryant      |
| 01-568-1  | Ward v Floors Perfect (Civil)<br><b>Decision:</b> Affirmed  | N.C. Industrial Commission<br>IC816964                                  | McCullough  |
| 01-869-1  | Nunnally v Wal-Mart Stores (Civil)<br><b>Decision:</b> Affirmed   | N.C. Industrial Commission<br>IC881100                                  | Hudson      |
| 01-1507-1 | Smith v Ken Nowlin Trucking (Civil)<br><b>Decision:</b> Affirmed  | N.C. Industrial Commission<br>IC935400                                  | Biggs       |

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| 01-1006-1 | Perry v Owens (Civil)<br><b>Decision:</b> Affirmed                         | Nash<br>00CVS2291   | Hudson        |
| 01-499-1  | State v Billups (Criminal)<br><b>Decision:</b> No error                    | New Hanover<br>00CRS52513   | Eagles, Jr.   |
| 02-31-1   | State v Sutton (Criminal)<br><b>Decision:</b> No error                     | New Hanover<br>99CRS9892 99CRS19352   | Walker        |
| 01-1573-1 | State v Gray (Criminal)<br><b>Decision:</b> Affirmed                       | Northampton<br>00CRS454   | Biggs         |
| 01-804-1  | Jacob v Onslow County Board of Health (Civil)<br><b>Decision:</b> Affirmed | Onslow<br>00CVS2978   | Eagles, Jr.   |
| 01-1029-1 | State v McGinnis (Criminal)<br><b>Decision:</b> No error                   | Pender<br>99CRS50651  | Campbell, Jr. |
| 01-1038-1 | State v Walker (Criminal)<br><b>Decision:</b> No error                     | Person<br>00CRS5420   | Bryant        |
| 01-1309-1 | Davis v Hartford Accident & Indemnity (Civil)<br><b>Decision:</b> Affirmed | Person<br>95CVS45   | McGee         |
| 01-1308-1 | State v Artis (Criminal)<br><b>Decision:</b> No error                      | Pitt<br>00CRS67006 00CRS4854  | Walker        |
| 01-1173-1 | State v Player (Criminal)<br><b>Decision:</b> No error                     | Randolph<br>99CRS5030 99CRS11331<br>99CRS59 99CRS5031<br>99CRS5029 99CRS11330 | Walker        |
| 02-131-1  | State v Covington (Criminal)<br><b>Decision:</b> No error                  | Richmond<br>00CRS7864 00CRS3363<br>00CRS3364                                  | Biggs         |
| 01-1234-1 | State v Goins (Criminal)<br><b>Decision:</b> No error                      | Robeson<br>95CRS5117 95CRS5118  | McGee         |
| 01-1126-1 | State v Hunter (Criminal)<br><b>Decision:</b> No error                     | Rowan<br>99CRS15577 99CRS15578  | McCullough    |
| 01-1107-1 | In the Matter of: Kennedy (Civil)<br><b>Decision:</b> Affirmed             | Sampson<br>00J23 94J30 94J31  | Walker        |
| 01-1442-1 | State v Massey (Criminal)<br><b>Decision:</b> No error                     | Union<br>00CRS53945 00CRS14204  | Walker        |
| 01-538-1  | State v Wilt (Criminal)<br><b>Decision:</b> No error                       | Wake<br>99CRS31524 98CRS107849<br>98CRS107850                                 | Bryant        |



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| 01-698-1  | Wake County, ex rel Isgett v Beecham (Civil)<br><b>Decision:</b> Dismissed | Wake<br>99CVD11006            | Bryant        |
| 01-827-1  | Eastern Outdoor, Inc. v McCoy (Civil)<br><b>Decision:</b> Affirmed         | Wake<br>00CVS3194             | McGee         |
| 01-1045-1 | Cardinal Extension Co. v Pleasant (Civil)<br><b>Decision:</b> No error     | Wake<br>99SP438               | Thomas, Jr.   |
| 01-1140-1 | Kelly v Kelly (Civil)<br><b>Decision:</b> Reversed and remanded            | Wake<br>94CVD1377             | Greene        |
| 01-1160-1 | Carnes v DHR (Civil)<br><b>Decision:</b> Reversed                          | Wake<br>98CVS6123 98CVS8514   | Martin        |
| 01-1174-1 | Tombrello v Huang (Civil)<br><b>Decision:</b> Affirmed                     | Wake<br>95CVD1078             | Campbell, Jr. |
| 01-1231-1 | Lee v O'Brien (Civil)<br><b>Decision:</b> Affirmed                         | Wake<br>00CVD2269             | Walker        |
| 01-1335-1 | In the Matter of: Gomez (Criminal)<br><b>Decision:</b> Affirmed            | Wake<br>00J746                | Walker        |
| 01-1426-1 | Huang v Huang (Civil)<br><b>Decision:</b> Affirmed                         | Wake<br>95CVD1078             | Campbell, Jr. |
| 01-1584-1 | State v Wiggins (Criminal)<br><b>Decision:</b> No error                    | Wake<br>99CRS63089 99CRS63090 | Biggs         |
| 01-800-1  | State v Dunn (Criminal)<br><b>Decision:</b> No error                       | Wayne<br>99CRS55272 00CRS1312 | Walker        |
| 01-853-1  | State v Hagans (Criminal)<br><b>Decision:</b> No error                     | Wilson<br>99CRS55786          | Biggs         |