

**IN THE COURT OF APPEALS**  
**CASES REPORTED WITH PUBLISHED OPINIONS**  
**(FILED 7 MAY 2002)**  
**(MANDATE 28 MAY 2002)**

Docket #	Title	County	Judge
01-964-1	In the Matter of: Williams (Civil) <b>Decision:</b> Affirmed	Brunswick	Campbell, Jr.
01-557-1	In the Matter of: Roberts (Civil) <b>Decision:</b> Affirmed	Buncombe	Tyson
01-539-1	Craig v Faulkner (Civil) <b>Decision:</b> Reversed and remanded	Caldwell	Hudson
01-370-1	Blanton v Fitch (Civil) <b>Decision:</b> Reversed	Cleveland	Thomas, Jr.
01-501-1	State v Cobb (Criminal) <b>Decision:</b> In 99CRS009436, felony larceny, judgment arrested. In 99CRS006993, first degree murder, no error. In 99CRS006991, the judgment is vacated and remanded for resentencing.	Craven	Walker
01-626-1	Eastern Carolina Internal Med v Faidas (Civil) <b>Decision:</b> Affirmed	Craven	Tyson
01-273-1	Sowers v Toliver (Civil) <b>Decision:</b> Vacated in part, reversed and remanded in part	Davidson	Thomas, Jr.
01-27-1	Land v Tall House Bldg. Co. (Civil) <b>Decision:</b> Reversed and remanded	Durham	McCullough
01-628-1	Johnson v Harris (Civil) <b>Decision:</b> Reversed	Durham	Hunter
01-154-1	Ausley v Bishop (Civil) <b>Decision:</b> Affirmed in part, vacated in part, reversed and remanded in part	Forsyth	Thomas, Jr.
01-277-1	Kolb, et al v Schatzman & Assoc, et al (Civil) <b>Decision:</b> Affirmed	Forsyth	Hudson
01-775-1	Burgess v First Union Nat'l Bank of NC (Civil) <b>Decision:</b> Affirmed	Forsyth	McCullough
01-739-1	Dixie Lumber Co. v NC DEHNR (Civil) <b>Decision:</b> Affirmed	Gaston	Wynn, Jr.
01-642-1	Darroch v Lea (Civil) <b>Decision:</b> Appeal dismissed	Harnett	Bryant
01-503-1	State v Dixon (Criminal) <b>Decision:</b> New trial	Iredell	Martin
01-734-1	Tucker v The Boulevard at Piper Glen (Civil) <b>Decision:</b> Affirmed in part and remanded in part	Mecklenburg	Hunter

Docket #	Title	County	Judge
01-842-1	Roary v Bolton (Civil) <b>Decision:</b> No error	Mecklenburg	Thomas, Jr.
01-77-1	State v Christian (Criminal) <b>Decision:</b> No error	Montgomery	Campbell, Jr.
00-1546-1	Town of Cameron v Woodell (Civil) <b>Decision:</b> Affirmed in part; reversed in part	Moore	Timmons-Goodson
00-1448-1	Foster v U.S. Airways, Inc. (Civil) <b>Decision:</b> Affirmed	N.C. Industrial Commission	Bryant
01-724-1	Landry v US Airways, Inc. (Civil) <b>Decision:</b> Reversed and remanded	N.C. Industrial Commission	Greene
01-848-1	Ratchford v C.C. Mangum, Inc. (Civil) <b>Decision:</b> Appeal dismissed	N.C. Industrial Commission	Martin
01-856-1	Shockley v Cairn Studios, Ltd. (Civil) <b>Decision:</b> Affirmed in part, reversed in part and remanded	N.C. Industrial Commission	Tyson
00-1501-1	In the Matter of: Brown (Criminal) <b>Decision:</b> Reversed	New Hanover	McCullough
00-616-2	State v Smith (Criminal) <b>Decision:</b> No error	Orange	Hunter
01-322-1	Devone v Pickett (Civil) <b>Decision:</b> No error	Pender	McGee
01-745-1	Colombo v Stevenson (Civil) <b>Decision:</b> Reversed and remanded	Pitt	Walker
01-6-1	State v Hunt (Criminal) <b>Decision:</b> Reversed and remanded	Robeson	McCullough
01-458-1	State v Spivey (Criminal) <b>Decision:</b> Affirmed	Robeson	Wynn, Jr.
01-479-1	State v Castor (Criminal) <b>Decision:</b> No error	Rowan	Martin
01-312-1	State v Davis (Criminal) <b>Decision:</b> Affirmed	Surry	McGee
01-206-1	Guilford Financial Serv. v Brevard (Civil) <b>Decision:</b> Vacated and remanded	Transylvania	Hudson
01-821-1	Martin v Parker (Civil) <b>Decision:</b> Affirmed	Union	Tyson
01-118-1	Best v Dept. of Health & Human Services (Civil) <b>Decision:</b> Affirmed	Wake	Hudson
01-304-1	Batdorff v NC State Bd. of Elections (Civil) <b>Decision:</b> Affirmed	Wake	McGee

Docket #	Title	County	Judge
01-321-1	Shook v Lynch & Howard (Civil) <b>Decision:</b> Affirmed	Wake	Hudson
01-870-1	Conseco Finance v Dependable Housing (Civil) <b>Decision:</b> Affirmed	Wake	Thomas, Jr.

**IN THE  
COURT OF APPEALS**

**CASES REPORTED WITHOUT PUBLISHED OPINIONS**

**(FILED 7 MAY 2002)  
(MANDATE 28 MAY 2002)**

Docket #	Title	County	Judge
01-645-1	State v Smith (Criminal)  <b>Decision:</b> No error	Alexander 99CRS3026,99CRS3022,99- CRS3027,99CRS3023	Wynn, Jr.
01-1073-1	Maldari v Hollar (Civil)  <b>Decision:</b> Dismissed	Alexander 01CVD199	Martin
01-404-1	State v Rees (Criminal)  <b>Decision:</b> Affirmed	Buncombe 99CRS57428	Thomas, Jr.
01-1012-1	In the Matter of: Coffey (Criminal)  <b>Decision:</b> Affirmed	Buncombe 99J21	Hudson
01-331-1	Ratcliff v NC Health & Human Services (Civil)  <b>Decision:</b> Affirmed	Burke 00CVS679	Campbell, Jr.
01-752-1	In Re: Murray (Civil)  <b>Decision:</b> Affirmed	Cabarrus 00J85	Greene
01-303-1	State v Culpepper (Criminal)  <b>Decision:</b> No error	Carteret 99CRS9314	Thomas, Jr.
00-1268-1	Whisnant v Whisnant (Civil)  <b>Decision:</b> Affirmed	Catawba 95CVD1541	Campbell, Jr.
01-94-1	Dale K. Cline, CPA, PLLC v Dahle (Civil)  <b>Decision:</b> Affirmed	Catawba 00CVS2114	McCullough
01-1156-1	State v Small (Criminal)          <b>Decision:</b> Affirmed	Columbus 98CRS5650,98CRS3598,98- CRS5656,98CRS5654,98CR- S5651,98CRS3597,98CRS56- 55,98CRS5653,98CRS5650,- 98CRS5657,98CRS3202,98- CRS5654,98CRS5652,98CR- S5649,98CRS3598,98CRS56- 56,98CRS3197,98CRS5653,- 98CRS5651,98CRS3611,98C- RS5657,98CRS5655,98CRS5652 98CRS3202,98CRS5649,98- CRS3197,98CRS3611,98CRS3597	Martin
01-941-1	State v Covington (Criminal)     <b>Decision:</b> Dismissed	Cumberland 00CRS54480,00CRS53981,0- 0CRS55326,00CRS54478,00- CRS4713,00CRS54481,00C- RS53982,00CRS54479,00C- RS4714,00CRS54482,00CR- S53983	Tyson
01-1127-1	State v Shaheed (Criminal)  <b>Decision:</b> No error	Cumberland 99CRS66126	Tyson

Docket #	Title	County	Judge
01-195-1	Burns, et al v Beacham (Civil) <b>Decision:</b> Affirmed	Dare 00CVS24	Campbell, Jr.
01-285-1	Walser v Walser (Civil) <b>Decision:</b> Affirmed	Davidson 99CVD1222	Timmons-Goodson
01-583-1	In the Matter of: K.M.A, S.L.A (Civil) <b>Decision:</b> Affirmed	Davidson 00J41,00J42	Eagles, Jr.
01-802-1	In the Matter of: K.M.A., S.L.A. (Civil) <b>Decision:</b> Affirmed	Davidson 00J41,00J42	Eagles, Jr.
01-455-1	State v Jones (Criminal) <b>Decision:</b> No error at trial; remanded for correction of clerical error	Durham 98CRS38495,99CRS18397	Campbell, Jr.
01-814-1	State v McCallum (Criminal) <b>Decision:</b> No error	Durham 00CRS57624,00CRS22512,0- 0CRS57623	Hudson
00-1391-1	State v Burgess (Criminal) <b>Decision:</b> No error	Forsyth 00CRS7228	Eagles, Jr.
01-400-1	In the Matter of: Calleja (Civil) <b>Decision:</b> Affirmed	Forsyth 97J434,97J435	Bryant
01-523-1	State v Valentine (Criminal) <b>Decision:</b> No error	Forsyth 00CRS5148,00CRS51404,00- CRS5149,00CRS5147,00CR- S51403,00CRS5148,00CRS2- 5310,00CRS51410,00CRS51- 47,00CRS51404,00CRS1302- 5,00CRS5149,00CRS5146,0- 0CRS51410 00CRS25310,00CRS13025,0- 0CRS5146,00CRS51403	Martin
01-925-1	State v Boler (Criminal) <b>Decision:</b> No error	Forsyth 00CRS56359	Hudson
01-1071-1	State v Moody (Criminal) <b>Decision:</b> No error	Forsyth 99CRS23310,99CRS23311	Hudson
01-1150-1	State v Miller (Criminal) <b>Decision:</b> Affirmed	Forsyth 99CRS450299,99CRS45305,- 99CRS450300,99CRS45029- 8,99CRS450301	Martin
01-190-1	State v Bridges (Criminal) <b>Decision:</b> No error	Gaston 98CRS25427	McGee
01-590-1	State v Simms (Criminal) <b>Decision:</b> No error	Guilford 99CRS62919,00CRS23225	Walker

Docket #	Title	County	Judge
01-597-1	Guy M. Turner, Inc. v Commercial Plant (Civil) <b>Decision:</b> Affirmed	Guilford 99CVS1816	Hudson
01-672-1	State v Wallace (Criminal) <b>Decision:</b> No error	Guilford 99CRS104819,00CRS23223	Thomas, Jr.
01-1104-1	State v Chavis (Criminal) <b>Decision:</b> No error	Guilford 00CRS23781,00CRS100029	Martin
01-262-1	State v Malone (Criminal) <b>Decision:</b> No prejudicial error	Halifax 98CRS11263,98CRS11261,9-8CRS11262	Eagles, Jr.
01-1055-1	State v Raynor (Criminal) <b>Decision:</b> Remanded for re-sentencing; motion for appropriate relief dismissed	Hertford 99CRS1533,99CRS1291,99-CRS2482 99CRS1294,99CRS1292,99-CRS1293,99CRS1295,99CRS1292,99CRS1294,99CRS12-91,99CRS1295,99CRS1293	Hudson
01-543-1	Liotta v Lakeside Restaurant & Lounge (Civil) <b>Decision:</b> Reversed and remanded in part; affirmed in part	Iredell 99CVS1808	Biggs
01-663-1	Padgett v Pro Sports, Inc. (Civil) <b>Decision:</b> Affirmed in part, dismissed in part	Iredell 99CVS2678	Wynn, Jr.
01-617-1	Bumgarner v Wood (Civil) <b>Decision:</b> Reversed	Jackson 99CVD560	Martin
01-508-1	State v Vinson (Criminal) <b>Decision:</b> No error	Johnston 99CRS50507	Wynn, Jr.
01-1253-1	State v Monroe (Criminal) <b>Decision:</b> No error	Lee 01CRS50216,01CRS50213	Martin
01-875-1	State v Barnette (Criminal) <b>Decision:</b> No error	Lincoln 96CRS3813	Hudson
01-223-1	State v Bland (Criminal) <b>Decision:</b> No error	Martin 99CRS1792	Biggs
01-540-1	State v Burke (Criminal) <b>Decision:</b> No error	Mecklenburg 00CRS3390,00CRS3392	Tyson
01-699-1	Zaben v Gardiner (Civil) <b>Decision:</b> Affirmed	Mecklenburg 00CVD1307	Walker
01-1201-1	State v Goad (Criminal) <b>Decision:</b> No error	Mecklenburg 99CRS144164	Martin
01-904-1	McKinney v Stafford (Civil)	Mitchell 99CVS227	Hudson

Docket #	Title	County	Judge
	<b>Decision:</b> Affirmed and remanded; motion for sanctions denied		
01-797-1	Underwood v Northwestern Mutual Life (Civil)	Moore 00CVS1306	Walker
	<b>Decision:</b> Affirmed		
01-1125-1	State v Cummings (Criminal)	Moore 97CRS9469,97CRS9470	Tyson
	<b>Decision:</b> Affirmed		
01-522-1	Clunk v Pfizer, Inc. (Civil)	N.C. Industrial Commission IC943216	Biggs
	<b>Decision:</b> Affirmed		
01-366-1	Keffer v Keffer (Civil)	New Hanover 98CVD3112	Hudson
	<b>Decision:</b> Affirmed		
01-497-1	Benton v American Int'l Underwriters (Civil)	New Hanover 00CVS3229	McGee
	<b>Decision:</b> Affirmed		
01-1010-1	State v Goode (Criminal)	Northampton 00CRS2030,00CRS2028,00- CRS2029	Hudson
	<b>Decision:</b> No error		
01-928-1	State v Alston (Criminal)	Pasquotank 00CRS2445	Hudson
	<b>Decision:</b> Affirmed		
01-1053-1	In the Matter of: Matasich (Criminal)	Pender 99J61	Tyson
	<b>Decision:</b> Vacated		
01-235-1	State v Gilley (Criminal)	Randolph 97CRS3847	Campbell, Jr.
	<b>Decision:</b> No error		
01-751-1	State v Crump (Criminal)	Richmond 99CRS8727,01CRS291	Wynn, Jr.
	<b>Decision:</b> No error		
01-412-1	State v Muentnich (Criminal)	Robeson 99CRS3441	Tyson
	<b>Decision:</b> No error		
01-414-1	State v Robinson (Criminal)	Robeson 97CRS11369,97CRS11371	Biggs
	<b>Decision:</b> No error		
01-511-1	State v Leggett (Criminal)	Robeson 99CRS6847	Campbell, Jr.
	<b>Decision:</b> No error		
01-509-1	State v McMasters (Criminal)	Rockingham 00CRS4501	Hudson
	<b>Decision:</b> No error		
01-474-1	Brewer v Finney (Civil)	Rowan 96CVD15	Biggs
	<b>Decision:</b> Affirmed		
01-811-1	State v Bell (Criminal)	Sampson 00CRS2308,00CRS51768 00CRS51769,00CRS2309,00- CRS51768,00CRS2309,00C- RS51769,00CRS2308	Tyson

Docket #	Title	County	Judge
	<b>Decision:</b> No error		
01-513-1	Thompson v Thompson (Civil)	Stanly 98CVD674	Martin
	<b>Decision:</b> Affirmed		
01-1296-1	State v Allen (Criminal)	Union 00CRS11367,00CRS53356	Martin
	<b>Decision:</b> No error		
01-723-1	Jones v Summit Homes Group, Inc. (Civil)	Wake 99CVS8992	Hunter
	<b>Decision:</b> Reversed and remanded		
01-778-1	Merritt v Durham Taxicab Assoc., Inc. (Civil)	Wake 00CVD7791	Biggs
	<b>Decision:</b> Appeal dismissed		
01-1087-1	Ray v Young (Civil)	Wake 98CVS6514	Hudson
	<b>Decision:</b> Affirmed		
01-1131-1	State v Langston (Criminal)	Wake 00CRS16123,00CRS16124	Tyson
	<b>Decision:</b> No error		
01-1210-1	State v Williams (Criminal)	Wake 95CRS88991,95CRS88992	Martin
	<b>Decision:</b> No error		
01-894-1	State v Matthews (Criminal)	Wayne 00CRS54404,00CRS5692	Tyson
	<b>Decision:</b> No error		
01-1049-1	State v James (Criminal)	Wayne 99CRS9378	Martin
	<b>Decision:</b> No error		
01-1115-1	State v Farr (Criminal)	Wilson 00CRS50587,00CRS50588	Martin
	<b>Decision:</b> No error		