

**IN THE COURT OF APPEALS**  
**CASES REPORTED WITH PUBLISHED OPINIONS**  
**(FILED 5 NOVEMBER 2002)**  
**(MANDATE 25 NOVEMBER 2002)**

| Docket #  | Title  | County      | Judge           |
|-----------|--|-------------|-----------------|
| 01-1003-1 | State v Bartlett (Criminal)<br><b>Decision:</b> No error   | Alamance    | Timmons-Goodson |
| 01-1356-1 | State v Hill (Civil)<br><b>Decision:</b> Vacated and remanded  | Brunswick   | McCullough      |
| 01-1357-1 | State v Hill (Civil)<br><b>Decision:</b> Vacated and remanded  | Brunswick   | McCullough      |
| 01-1479-1 | Bee Tree Missionary Baptist v McNeil (Civil)<br><b>Decision:</b> Affirmed  | Buncombe    | Walker          |
| 01-1601-1 | Franks v Franks (Civil)<br><b>Decision:</b> Affirmed   | Buncombe    | Wynn, Jr.       |
| 01-1428-1 | State v Trull (Criminal)<br><b>Decision:</b> No error  | Cabarrus    | Martin          |
| 02-85-1   | State v Simpson (Criminal)<br><b>Decision:</b> No error  | Cabarrus    | Martin          |
| 02-100-1  | Coffman v W. Earl Roberson, M.D., P.A. (Civil)<br><b>Decision:</b> No error as to trial. Affirmed as to defendant's motion for JNOV and plaintiff's motion for costs | Columbus    | Tyson           |
| 01-1524-1 | In Re: Faircloth (Civil)<br><b>Decision:</b> Affirmed  | Cumberland  | Thomas, Jr.     |
| 01-1562-1 | State v McConico (Criminal)<br><b>Decision:</b> No error   | Cumberland  | Hunter          |
| 02-130-1  | Hartwell v Mahan (Civil)<br><b>Decision:</b> Reversed and remanded   | Davidson    | Tyson           |
| 01-1565-1 | State v Stukes (Criminal)<br><b>Decision:</b> Affirmed   | Duplin      | Tyson           |
| 01-1372-1 | Erie Ins. v St. Stephen's Episcopal (Civil)<br><b>Decision:</b> Reversed and remanded  | Durham      | McGee           |
| 01-1402-1 | State v Sexton (Criminal)<br><b>Decision:</b> No error   | Gaston      | Thomas, Jr.     |
| 01-418-1  | Jordan v Civil Svc Bd for Charlotte (Civil)<br><b>Decision:</b> Affirmed   | Mecklenburg | Timmons-Goodson |
| 01-1171-1 | Gaynoe v First Union Direct Bank (Civil)<br><b>Decision:</b> Affirmed  | Mecklenburg | Walker          |

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| 01-943-1  | State v Keitt (Criminal)<br><b>Decision:</b> New trial                                   | Montgomery                 | Hudson        |
| 01-1476-1 | Priest v Sobek (Civil)<br><b>Decision:</b> Dismissed                                     | Moore                      | Wynn, Jr.     |
| 01-1342-1 | Hatcher v Daniel International Corp. (Civil)<br><b>Decision:</b> Affirmed                | N.C. Industrial Commission | Martin        |
| 02-181-1  | Gordon v Durham (Civil)<br><b>Decision:</b> Affirmed                                     | N.C. Industrial Commission | Tyson         |
| 02-165-1  | Hedgepeth v NC Division of Blind Svcs. (Civil)<br><b>Decision:</b> Affirmed              | Nash                       | Tyson         |
| 01-1549-1 | Whitacre Partnership v Biosignia, Inc. (Civil)<br><b>Decision:</b> Reversed and remanded | Orange                     | Tyson         |
| 01-1593-1 | Price v Beck (Civil)<br><b>Decision:</b> Affirmed  | Pasquotank                 | Greene        |
| 01-1449-1 | State v Strickland (Criminal)<br><b>Decision:</b> No error                               | Robeson                    | Eagles, Jr.   |
| 01-1532-1 | State v Carter (Criminal)<br><b>Decision:</b> No error                                   | Rockingham                 | Greene        |
| 01-1597-1 | State v Motley (Criminal)<br><b>Decision:</b> No error                                   | Rowan                      | McCullough    |
| 01-1227-1 | State v O'Hanlan (Criminal)<br><b>Decision:</b> No error                                 | Swain                      | McCullough    |
| 01-1459-1 | State v Howie (Criminal)<br><b>Decision:</b> No error                                    | Union                      | Tyson         |
| 01-612-1  | Kea v NC Department of Human Resources (Civil)<br><b>Decision:</b> Reversed and remanded | Wake                       | Campbell, Jr. |
| 01-1274-1 | Re: Appeal of Historic Oakwood & Jones (Civil)<br><b>Decision:</b> Reversed              | Wake                       | Thomas, Jr.   |
| 01-1424-1 | Barker v NC State Board of Elections (Civil)<br><b>Decision:</b> Affirmed                | Wake                       | Greene        |
| 01-1457-1 | Dockery v Hocutt (Civil)<br><b>Decision:</b> Affirmed                                    | Wake                       | Wynn, Jr.     |
| 01-1526-1 | Affordable Care v NC Bd of Dental Exam (Civil)<br><b>Decision:</b> Affirmed              | Wake                       | Martin        |
| 01-1566-1 | Whitmire v Cooper (Civil)<br><b>Decision:</b> Affirmed                                   | Wake                       | Greene        |

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| 01-1315-1 | Williams v McDowell (Civil)<br><b>Decision:</b> Dismissed   | Bladen<br>00CVS165   | Bryant      |
| 02-123-1  | State v Hill (Criminal)<br><b>Decision:</b> No error  | Buncombe<br>01CRS3483 01CRS52602                                       | McGee       |
| 02-467-1  | State v McAfee (Criminal)<br><b>Decision:</b> Dismissed   | Buncombe<br>00CRS63106 00CRS63103<br>00CRS63105                        | Eagles, Jr. |
| 02-419-1  | State v Robinson (Criminal)<br><b>Decision:</b> No error  | Caldwell<br>95CRS7854 95CRS7854<br>95CRS7853                           | Eagles, Jr. |
| 01-1523-1 | State v Esquivel (Criminal)<br><b>Decision:</b> No error in part, Remanded in part for a new sentencing hearing | Caswell<br>00CRS1855 00CRS1392<br>00CRS1393                            | Wynn, Jr.   |
| 01-1609-1 | Mize v Mize (Civil)<br><b>Decision:</b> Affirmed  | Catawba<br>98CVD1056   | Eagles, Jr. |
| 01-1605-1 | Johnson v Wilder (Civil)<br><b>Decision:</b> Affirmed   | Cherokee<br>00CVS67  | Walker      |
| 02-359-1  | State v McCluney (Criminal)<br><b>Decision:</b> New trial   | Cleveland<br>01CRS51764  | Eagles, Jr. |
| 02-576-1  | State v Doswell (Criminal)<br><b>Decision:</b> No error   | Cumberland<br>00CRS57976   | Hudson      |
| 01-1493-1 | Council v Slack (Civil)<br><b>Decision:</b> Affirmed in part, reversed in part and remanded                     | Durham<br>01CVS3619  | Walker      |
| 02-141-1  | State v Fisher (Criminal)<br><b>Decision:</b> No error  | Forsyth<br>00CRS12498 99CRS54130                                       | Hudson      |
| 02-402-1  | State v Jones (Criminal)<br><b>Decision:</b> Judgment vacated; remanded for new trial                           | Forsyth<br>00CRS58997  | Hudson      |
| 02-417-1  | State v Smith (Criminal)<br><b>Decision:</b> Reversed and judgment vacated                                      | Forsyth<br>99CRS37782 99CRS41663                                       | Hudson      |
| 02-160-1  | Franco-Favela v Wester (Civil)<br><b>Decision:</b> Affirmed   | Franklin<br>99CVD605   | Tyson       |
| 01-1405-1 | State v Johnson (Criminal)<br><b>Decision:</b> No error   | Gaston<br>00CRS58387 00CRS16904<br>00CRS58389 00CRS58386<br>00CRS58392 | Eagles, Jr. |

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| 02-442-1  | State v Locklear (Criminal)<br><b>Decision:</b> No error   | Harnett<br>98CRS14102                                | Eagles, Jr. |
| 02-289-1  | State v Sanchez (Criminal)<br><b>Decision:</b> No error  | Henderson<br>00CRS55095 00CRS4416<br>00CRS4417       | Eagles, Jr. |
| 02-432-1  | Iredell County o/b/o Campbell v Clement (Civil)<br><b>Decision:</b> Reversed and remanded  | Iredell<br>98CVD1171                                 | Hudson      |
| 02-563-1  | Southern States Cooperative v Cole (Civil)<br><b>Decision:</b> Dismissed   | Jackson<br>00CVD467                                  | Hudson      |
| 02-60-1   | State v Dammons (Criminal)<br><b>Decision:</b> No error  | Lee<br>00CRS52705 00CRS3752<br>00CRS52817 00CRS52704 | Tyson       |
| 01-1211-1 | Pickard v Pickard (Civil)<br><b>Decision:</b> Affirmed   | Mecklenburg<br>99CVD17562                            | McCullough  |
| 02-64-1   | Claiborne v Koons (Civil)<br><b>Decision:</b> Appeals dismissed  | Mecklenburg<br>00CVS20023                            | McCullough  |
| 01-1458-1 | Brown v High Point Regional Hospital (Civil)<br><b>Decision:</b> Affirmed  | N.C. Industrial Commission<br>IC472648               | Walker      |
| 02-580-1  | Williams v Sara Lee Corporation (Civil)<br><b>Decision:</b> Affirmed   | N.C. Industrial Commission<br>IC675222               | Eagles, Jr. |
| 01-1066-1 | In Re: Whitley (Civil)<br><b>Decision:</b> Affirmed  | Nash<br>00J109 00J110                                | Hudson      |
| 01-1552-1 | State v Jones (Criminal)<br><b>Decision:</b> No error  | New Hanover<br>01CRS50029                            | Wynn, Jr.   |
| 02-339-1  | State v West (Criminal)<br><b>Decision:</b> No error   | Onslow<br>00CRS54908 00CRS53819<br>00CRS53823        | Eagles, Jr. |
| 02-206-1  | State ex rel. Dinger v Dinger (Civil)<br><b>Decision:</b> Affirmed   | Pasquotank<br>92CVD289                               | Hudson      |
| 02-578-1  | State v Johnson (Criminal)<br><b>Decision:</b> No error as to judgment for possession with intent to sell and deliver cocaine. Vacated as to judgment for maintaining a dwelling for keeping and selling controlled substances and remanded for resentencing | Pasquotank<br>01CRS51440                             | Hudson      |
| 02-211-1  | Cross v Hines (Civil)<br><b>Decision:</b> New trial  | Pitt<br>00CVS1402                                    | Martin      |
| 02-695-1  | State v Barnes (Criminal)<br><b>Decision:</b> Vacated  | Pitt<br>00CRS12704                                   | Eagles, Jr. |

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| 01-1537-1 | State v Hendrix (Criminal)<br><b>Decision:</b> No error                                  | Randolph<br>99CRS3742           | McGee       |
| 01-1564-1 | Webb v Webb (Civil)<br><b>Decision:</b> Reversed and remanded                            | Rockingham<br>99CVD697          | Bryant      |
| 02-360-1  | In the Matter of: Lacey (Civil)<br><b>Decision:</b> Affirmed                             | Rowan<br>87J85 88J62            | Hudson      |
| 02-274-1  | Williamson v Williamson (Civil)<br><b>Decision:</b> Affirmed                             | Vance<br>96CVD324               | Hudson      |
| 01-1446-1 | Provenzano v Provenzano (Civil)<br><b>Decision:</b> Affirmed                             | Wake<br>00CVD6336               | Hunter      |
| 01-1489-1 | In the Matter of: Austin (Criminal)<br><b>Decision:</b> Affirmed                         | Wake<br>99J500                  | McGee       |
| 01-1596-1 | Viera v Viera (Civil)<br><b>Decision:</b> Affirmed in part; vacated and remanded in part | Wake<br>00CVD11702              | Hunter      |
| 02-119-1  | State v Robinson (Criminal)<br><b>Decision:</b> No error                                 | Wake<br>00CRS16268 00CRS16269   | Wynn, Jr.   |
| 02-261-1  | State v Perry (Criminal)<br><b>Decision:</b> No error                                    | Wilson<br>99CRS55069 99CRS55074 | Eagles, Jr. |