

**IN THE COURT OF APPEALS**  
**CASES REPORTED WITH PUBLISHED OPINIONS**  
**(FILED 3 DECEMBER 2002)**  
**(MANDATE 23 DECEMBER 2002)**

Docket #	Title	County	Judge
01-700-1	Peverall v County of Alamance (Civil) <b>Decision:</b> Affirmed	Alamance	Timmons-Goodson
02-207-1	First Financial v Commercial Coverage (Civil) <b>Decision:</b> Vacated and remanded	Alamance	Greene
01-1506-1	Lee v Rice (Civil) <b>Decision:</b> Vacated and remanded	Buncombe	Timmons-Goodson
01-1257-1	Southeastern Shelter Corp. v BTU, Inc. (Civil) <b>Decision:</b> Affirmed in part, reversed in part and remanded	Durham	Campbell, Jr.
01-1407-1	Beck v City of Durham (Civil) <b>Decision:</b> Affirmed	Durham	Hunter
02-91-1	Taylor v Interim Healthcare (Civil) <b>Decision:</b> Reversed and remanded	Durham	Martin
02-13-1	Summey v Barker (Civil) <b>Decision:</b> Affirmed	Forsyth	Wynn, Jr.
02-26-1	State v Moses (Criminal) <b>Decision:</b> Count III; Judgment arrested; Remanded for entry of judgment on assault inflicting serious injury and sentencing thereon. Count I; Judgment arrested; remanded for entry of judgment on misdemeanor operation of motor vehicle to elude arrest and sentencing thereon. Count II; No error at trial; remanded for re-sentencing.	Forsyth	Thomas, Jr.
01-1155-1	State v Boyd (Criminal) <b>Decision:</b> No error	Gaston	Hudson
02-229-1	State v Vassey (Criminal) <b>Decision:</b> No error	Gaston	Timmons-Goodson
01-476-1	State v Bullock (Criminal) <b>Decision:</b> No error in case number 00 CRS 23567 (habitual felon status) and number 00 CRS 23566 (possession of a firearm by a felon). Judgment arrested on attempted first degree murder; remanded for sentencing and entry of judgment on attempted voluntary manslaughter.	Guilford	Hudson
01-1512-1	State v Mark (Criminal) <b>Decision:</b> No error	Guilford	Wynn, Jr.
01-1531-1	Department of Transportation v Byerly (Civil) <b>Decision:</b> Remanded in part; dismissed in part	Guilford	Wynn, Jr.
02-129-1	State v Rainey (Criminal) <b>Decision:</b> No error	Halifax	Wynn, Jr.

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02-176-1	State v Taylor (Criminal) <b>Decision:</b> No error	Henderson	McGee
01-1374-1	State v Williams (Criminal) <b>Decision:</b> No error	Hertford	Timmons-Goodson
01-1505-1	Ray v Young (Civil) <b>Decision:</b> Affirmed	Johnston	Timmons-Goodson
02-135-1	State v Williams (Criminal) <b>Decision:</b> New trial	Johnston	Hunter
02-354-1	State v Lee (Criminal) <b>Decision:</b> No error	Johnston	McGee
01-1188-1	Artis & Associates v Auditore (Civil) <b>Decision:</b> Appeal dismissed	Mecklenburg	Timmons-Goodson
01-1358-1	Porter v American Credit Counselors (Civil) <b>Decision:</b> Reversed and remanded	Mecklenburg	Thomas, Jr.
01-1482-1	State v Poole (Criminal) <b>Decision:</b> No error	Mecklenburg	Timmons-Goodson
02-89-1	In the Matter of: Rhyne (Criminal) <b>Decision:</b> Reversed	Mecklenburg	Greene
02-185-1	Alford v Lowery (Civil) <b>Decision:</b> Affirmed	Mecklenburg	Hunter
01-1447-1	Handy v PPG Industries (Civil) <b>Decision:</b> Affirmed	N.C. Industrial Commission	Thomas, Jr.
01-1451-1	Hobbs v Clean Control Corporation (Civil) <b>Decision:</b> Affirmed	N.C. Industrial Commission	Biggs
01-1460-1	Atkins v Kelly Springfield Tire Company (Civil) <b>Decision:</b> Reversed and remanded	N.C. Industrial Commission	Wynn, Jr.
02-296-1	Arnold v Wal-Mart Stores, Inc. (Civil) <b>Decision:</b> Affirmed in part, vacated and remanded in part	N.C. Industrial Commission	Tyson
01-1051-1	State ex rel. Pub. Staff v NUI Corp. (Civil) <b>Decision:</b> Affirmed	N.C. Utilities Commission	Timmons-Goodson
02-7-1	Daniels v Wal-Mart Stores, Inc. (Civil) <b>Decision:</b> Dismissed	New Hanover	Greene
02-302-1	State v Chapman (Criminal) <b>Decision:</b> No prejudicial error	Onslow	Tyson
01-1379-1	State v Johnston (Criminal) <b>Decision:</b> Affirmed	Pitt	Wynn, Jr.

Docket #	Title	County	Judge
02-113-1	In the Matter of: Lineberry (Criminal) <b>Decision:</b> The 12 January 2001 order of the trial court adjudicating juvenile delinquent is hereby affirmed. The 29 June 2001 order of the trial court continuing custody of juvenile pending appeal is hereby vacated.	Rowan	Timmons-Goodson
01-1350-1	State v Childers (Criminal) <b>Decision:</b> No error	Rutherford	Bryant
02-253-1	Lucas v Swain County Board of Education (Civil) <b>Decision:</b> Affirmed in part, reversed in part, and remanded	Swain	Martin
01-1121-1	Skinner v DOC (Civil) <b>Decision:</b> Affirmed	Wake	Timmons-Goodson
01-1346-1	Furmick v Miner (Civil) <b>Decision:</b> Vacated in part; Affirmed in part; Remanded in part	Wake	Thomas, Jr.
01-1519-1	Smith v Barbour (Civil) <b>Decision:</b> Reversed and remanded in part	Wake	Greene
01-1568-1	SEANC v State, et al (Civil) <b>Decision:</b> Affirmed	Wake	McCullough
02-285-1	Smith v Barbour (Civil) <b>Decision:</b> Reversed and remanded in part	Wake	Greene
02-107-1	State v Peterson (Criminal) <b>Decision:</b> Trial: No error. Sentencing: Vacated and remanded for a new sentencing hearing.	Wayne	Greene
02-217-1	Hemric v Groce (Civil) <b>Decision:</b> Affirmed in part and reversed and remanded in part	Yadkin	Greene

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01-1281-1	State v St. John (Criminal) <b>Decision:</b> No error	Caldwell 00CRS6135 00CRS5189	Hudson
01-1434-1	State v Ownbey (Criminal) <b>Decision:</b> No error	Cherokee 01CRS64 01CRS65	Eagles, Jr.
02-73-1	State v Durant (Criminal) <b>Decision:</b> No error	Columbus 01CRS50410	Bryant
01-1430-1	Basden v Basden (Civil) <b>Decision:</b> Affirmed	Duplin 00CVD432	Eagles, Jr.
01-1193-1	State v Harris (Criminal) <b>Decision:</b> No error	Forsyth 00CRS22020 00CRS25307	Walker
02-62-1	State v Cooper (Criminal) <b>Decision:</b> No error in trial; remanded for resentencing	Forsyth 00CRS57958 00CRS40391 01CRS4207 00CRS57553	Bryant
02-235-1	State v Wilkins (Criminal) <b>Decision:</b> No error	Forsyth 01CRS25589 01CRS51908	Campbell, Jr.
02-287-1	State v Wike (Criminal) <b>Decision:</b> No error	Gaston 00CRS56887	Campbell, Jr.
01-1021-1	Old Republic Surety v Reliable Housing (Civil) <b>Decision:</b> Affirmed	Guilford 00CVS8477	Timmons-Goodson
02-227-1	Dickens v Stephenson (Civil) <b>Decision:</b> Affirmed	Halifax 01CVS747	Hunter
02-224-1	State v Rathbone (Criminal) <b>Decision:</b> No error	Jackson 00CRS863 00CRS858 00CRS866 00CRS861 00CRS853 00CRS864 00CRS859 00CRS867 00CRS862 00CRS854 00CRS865 00CRS860	Campbell, Jr.
01-1522-1	Thomas v Evans (Civil) <b>Decision:</b> Affirmed	Lee 00CVS447	Campbell, Jr.
02-307-1	State v Jones (Criminal) <b>Decision:</b> No error	Lenoir 00CRS50799 00CRS50800	Campbell, Jr.
01-1569-1	State v Farrar (Criminal) <b>Decision:</b> No error	Mecklenburg 00CRS153450 00CRS34493 00CRS34494	Timmons-Goodson
02-70-1	State v Cunningham (Criminal)	Mecklenburg 97CRS20372	Greene

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	<b>Decision:</b> Dismissed		
02-343-1	In the Matter of: Oliver (Criminal)	Mecklenburg 99J117	Tyson
	<b>Decision:</b> Affirmed		
01-1441-1	In Re: Simone (Civil)	Moore 98J138	Hunter
	<b>Decision:</b> Affirmed		
01-1563-1	Russell v Food Lion, Inc. (Civil)	N.C. Industrial Commission IC475786	Campbell, Jr.
	<b>Decision:</b> Affirmed		
02-199-1	Boger v Curlee Masonry, Inc. (Civil)	N.C. Industrial Commission IC969629	Wynn, Jr.
	<b>Decision:</b> Affirmed		
02-329-1	Taylor v K-Mart Corporation (Civil)	N.C. Industrial Commission IC824724	Per Curiam
	<b>Decision:</b> Affirmed		
02-184-1	State v Laws (Criminal)	New Hanover 00CRS18452	Martin
	<b>Decision:</b> No error		
02-277-1	State v Martin (Criminal)	New Hanover 98CRS35222	Hunter
	<b>Decision:</b> No error		
02-245-1	Dempsey v Johnny's Mobile Home Svc. (Civil)	Polk 00CVS160	Wynn, Jr.
	<b>Decision:</b> No error		
02-213-1	State v Honeycutt (Criminal)	Randolph 98CRS352	Greene
	<b>Decision:</b> No error		
02-182-1	State v Bilal (Criminal)	Rutherford 01CRS3216 01CRS5267 01CRS3214 01CRS3217 01CRS3215 01CRS3218	Greene
	<b>Decision:</b> No error		
02-288-1	State v Smith (Criminal)	Rutherford 95CRS3097	Campbell, Jr.
	<b>Decision:</b> No error		
01-1575-1	Hood v Edwards (Civil)	Union 99CVS1373 99CVS1374 99CVS1373 99CVS1372 99CVS1374	Bryant
	<b>Decision:</b> No error		
01-988-1	Icardi v Celeris Corporation (Civil)	Wake 00CVS936	McGee
	<b>Decision:</b> Affirmed in part; reversed and remanded in part		
02-144-1	State v Bryant (Criminal)	Wake 93CRS45390 93CRS45392	McCullough
	<b>Decision:</b> Vacated and remanded for resentencing		
02-273-1	State v Becton (Criminal)	Wake 99CRS1280 98CRS64472 99CRS63109 99CRS13 99CRS63110	Eagles, Jr.
	<b>Decision:</b> Vacated and remanded in part; no error in part		

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02-120-1	Parsons v Milner (Civil) <b>Decision:</b> Affirmed	Wilkes 94CVS186	Wynn, Jr.
02-294-1	State v Best (Criminal) <b>Decision:</b> Vacated in part, remanded for re-sentencing in part	Wilson 00CRS58015 00CRS58016	Campbell, Jr.
02-194-1	State v Royall (Criminal) <b>Decision:</b> Remanded for a new sentencing hearing	Yadkin 00CRS50472	Wynn, Jr.