

IN THE COURT OF APPEALS
CASES REPORTED WITH PUBLISHED OPINIONS
(FILED 31 DECEMBER 2002)
(MANDATE 21 JANUARY 2003)

| Docket # | Title | County | Judge |
|-----------|--|------------|---------------|
| 01-1284-1 | State v Sellars (Criminal) Decision: No error in trial, remanded for re-sentencing | Alamance | Campbell, Jr. |
| 02-222-1 | Freeman v Freeman (Civil) Decision: Affirmed | Alamance | Martin |
| 02-162-1 | Hewett v Brunswick County (Civil) Decision: Affirmed | Brunswick | McCullough |
| 02-318-1 | Malloy v Asheville BOA (Civil) Decision: Affirmed | Buncombe | Hudson |
| 02-275-1 | Overton v Camden County (Civil) Decision: Vacated and remanded | Camden | McGee |
| 02-276-1 | Overton v Camden County (Civil) Decision: Affirmed | Camden | McGee |
| 02-108-1 | Suarez v Wotring (Civil) Decision: Affirmed | Catawba | Thomas, Jr. |
| 02-433-1 | Long v Joyner (Civil) Decision: Affirmed | Catawba | Eagles, Jr. |
| 02-101-1 | Davis v Balser (Civil) Decision: No error | Chatham | Campbell, Jr. |
| 02-41-1 | Bessemer City Express v Kings Mountain (Civil) Decision: Dismissed | Cleveland | Thomas, Jr. |
| 02-66-1 | Smith v Noble (Civil) Decision: Dismissed | Cleveland | Per Curiam |
| 01-942-1 | State v Taylor (Criminal) Decision: No error | Cumberland | Biggs |
| 02-314-1 | Showcase Realty v Fayetteville BOA (Civil) Decision: Reversed | Cumberland | McGee |
| 97-191-1 | Plummer v Community General (Civil) Decision: Affirmed | Davidson | Eagles, Jr. |
| 01-808-1 | Williams v Levinson (Civil) Decision: Affirmed | Durham | McGee |
| 02-59-1 | Paquette v Durham County (Civil) Decision: Reversed and remanded in part; Affirmed in part | Durham | Thomas, Jr. |

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| 02-326-1 | Martin Architectural v Meridian Constr. (Civil) Decision: Reversed and remanded in part; affirmed in part | Durham | McGee |
| 02-29-1 | Powell v Bulluck (Civil) Decision: Reversed in part and dismissed in part | Edgecombe | Walker |
| 01-1409-1 | Myers v Mutton (Civil) Decision: Dismissed | Forsyth | Biggs |
| 01-1582-1 | State v Shook (Criminal) Decision: No error | Forsyth | Campbell, Jr. |
| 02-4-1 | Childs v Johnson (Civil) Decision: Affirmed in part; remanded in part | Forsyth | McGee |
| 02-93-1 | Hawley v Cash (Civil) Decision: Affirmed | Granville | Campbell, Jr. |
| 01-1540-1 | United Carolina Bank v Brogan (Civil) Decision: Affirmed | Guilford | Campbell, Jr. |
| 02-5-1 | Brevorka v Wolfe Construction, Inc. (Civil) Decision: Reversed and remanded | Guilford | Thomas, Jr. |
| 02-133-1 | State v Holliman (Criminal) Decision: No error | Guilford | Timmons-Goodson |
| 02-145-1 | State v Diaz and Lopez (Criminal) Decision: No error | Guilford | Thomas, Jr. |
| 02-291-1 | Faulconer v Wysong and Miles Company (Civil) Decision: Affirmed | Guilford | McCullough |
| 01-1223-1 | In the Matter of: Will of Campbell (Civil) Decision: As to order entered 24 April 2001--affirmed. As to judgment entered 25 April 2001--no error. | Harnett | McCullough |
| 01-1252-1 | Lamar Outdoor Adver. v Hendersonville (Civil) Decision: Affirmed | Henderson | Hudson |
| 02-332-1 | Shipman v Shipman (Civil) Decision: Affirmed | Henderson | Tyson |
| 01-1539-1 | State v Wilson and Calvert (Criminal) Decision: No error | Iredell | Hunter |
| 01-1285-1 | Pittman v NC DHHS (Civil) Decision: Affirmed | Johnston | Biggs |
| 02-137-1 | Harleysville Mutual Insurance v Narron (Civil) Decision: Affirmed | Johnston | Bryant |
| 00-1513-2 | Shackleford-Moten v Lenoir Co. DSS (Civil) Decision: Affirmed | Lenoir | Thomas, Jr. |

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| 01-1360-1 | State v Smith (Criminal) Decision: Vacated in part and remanded for resentencing | Lenoir | McGee |
| 01-1560-1 | Fisher v Housing Authority of Kinston (Civil) Decision: Reversed | Lenoir | Hudson |
| 02-25-1 | State v Wade (Criminal) Decision: No error | Lenoir | Eagles, Jr. Martin(c) with Greene's separate concurring opinion |
| 01-1461-1 | Guerrier v Guerrier (Civil) Decision: Vacated in part; affirmed in part and dismissed in part | Mecklenburg | Greene |
| 01-1492-1 | McDuffie v Mitchell (Civil) Decision: Affirmed | Mecklenburg | Thomas, Jr. |
| 02-28-1 | Howard v Vaughn (Civil) Decision: Reversed and Remanded | Mecklenburg | Thomas, Jr. |
| 02-67-1 | State v Shipp (Criminal) Decision: No error | Mecklenburg | Eagles, Jr. |
| 02-103-1 | McIlwaine v Williams (Civil) Decision: Reversed and remanded | Mecklenburg | Timmons-Goodson |
| 02-191-1 | Blankenship v Town and Country Ford, In (Civil) Decision: Affirmed in part; reversed in part and remanded | Mecklenburg | Walker |
| 02-378-1 | Gaynor v Melvin (Civil) Decision: Affirmed in part, reversed in part, and remanded | Mecklenburg | Greene |
| 02-244-1 | Lakey v U.S. Airways (Civil) Decision: Affirmed | N.C. Industrial Commission | Walker |
| 01-1567-1 | Gilbert v NC Farm Bureau (Civil) Decision: Reversed | New Hanover | McCullough |
| 02-300-1 | Alaimo Chiropractic v Allstate Ins. Co. (Civil) Decision: Affirmed | New Hanover | Hudson |
| 01-1129-1 | Allen v NC DHHS (Civil) Decision: Affirmed | Orange | Biggs |
| 01-1490-1 | State v Yancey (Criminal) Decision: New trial | Pitt | Timmons-Goodson |
| 02-265-1 | State v Bivens (Criminal) Decision: Affirmed | Richmond | Campbell, Jr. |
| 02-177-1 | State v Oliver and Moore (Criminal) Decision: Affirmed | Robeson | Biggs |
| 02-269-1 | Beneficial Mortgage Co. v Hamidpour (Civil) Decision: Dismissed | Rockingham | Hudson |

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| 02-183-1 | Scotland County o/b/o Powell v Powell (Civil) Decision: Affirmed | Scotland | Thomas, Jr. |
| 01-1600-1 | State v Carpenter (Criminal) Decision: No error in part, reversed in part, vacated in part and remanded for resentencing | Stanly | Eagles, Jr. |
| 02-49-1 | State v Jordan (Criminal) Decision: Affirmed | Stanly | Hudson |
| 01-1435-1 | State v Shores (Criminal) Decision: New trial | Surry | Thomas, Jr. |
| 01-847-1 | Wake County v NC DENR (Civil) Decision: Affirmed | Wake | Campbell, Jr. |
| 01-1204-1 | Neuse River Found. v Smithfield Foods (Civil) Decision: Affirmed | Wake | Thomas, Jr. |
| 01-1205-1 | Jones v Smithfield Foods, Inc. (Civil) Decision: Affirmed | Wake | Thomas, Jr. |
| 01-1247-1 | Lexis-Nexis v Travishan Corporation (Civil) Decision: Dismissed in part, reversed in part | Wake | Campbell, Jr. |
| 01-1385-1 | Toomer v Garrett (Civil) Decision: Affirmed in part, reversed in part, and remanded | Wake | Martin |
| 01-1418-1 | Phillips v A Triangle Women's Health (Civil) Decision: Reversed in part and affirmed in part | Wake | Hunter |
| 01-1478-1 | N.C. Monroe Constr. Co. v State, et al (Civil) Decision: Reversed and remanded | Wake | McGee |
| 01-1483-1 | Cole v Faulkner (Criminal) Decision: Reversed | Wake | Thomas, Jr. |
| 01-1491-1 | State v Hinton (Criminal) Decision: No error | Wake | Biggs |
| 01-1533-1 | American Woodland Ind. v Tolson (Civil) Decision: Affirmed | Wake | Thomas, Jr. |
| 02-9-1 | Brown v NC DMV (Civil) Decision: Affirmed | Wake | Walker |
| 02-39-1 | Sack v NCSU (Civil) Decision: Reversed | Wake | Biggs |
| 02-76-1 | Mohr v Mohr (Civil) Decision: Affirmed | Wake | Hudson |
| 02-99-1 | NC Home Bldrs v Environmental Mgmt Comm (Civil) Decision: Affirmed | Wake | Bryant |
| 02-105-1 | Mitsubishi Electric v Duke Power Co. (Civil) Decision: Dismissed | Wake | Hudson |

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| 02-175-1 | State v McNeil (Criminal) Decision: No error | Wake | Hudson |
| 02-212-1 | Teasley v Beck (Civil) Decision: Reversed | Wake | Bryant |
| 02-305-1 | State Properties v Ray (Civil) Decision: Affirmed in part, reversed and remanded in part | Wake | Walker |
| 01-1534-1 | Munden v Courser (Civil) Decision: Appeal dismissed | Warren | Campbell, Jr. |

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| 01-493-2 | Perkins v Perkins (Civil) Decision: Affirmed | Alamance 00CVD1448 | McGee |
| 01-1595-1 | State v Shelton (Criminal) Decision: No error | Alamance 00CRS57717 00CRS50171 00CRS50174 | Campbell, Jr. |
| 02-169-1 | Wiley v NC DHHS (Civil) Decision: Affirmed in part; reversed in part | Alamance 00CVS1829 | Bryant |
| 01-1414-1 | State v Barnes (Criminal) Decision: No error | Alexander 00CRS1890 | McCullough |
| 02-239-1 | State v Conklin (Criminal) Decision: No error | Alleghany 99CRS759 | Walker |
| 02-54-1 | Burton Lumber Corp. v Tanercan (Civil) Decision: No error | Beaufort 99CVD326 | Campbell, Jr. |
| 02-33-1 | State v Swain (Criminal) Decision: No error | Buncombe 99CRS56852 | Timmons-Goodson |
| 02-422-1 | State v Noriega (Criminal) Decision: No error | Buncombe 00CRS8264 00CRS8271 00CRS8262 00CRS8265 00CRS8263 00CRS8268 | Greene |
| 02-709-1 | State v Ingle (Criminal) Decision: No error-Driving while license revoked. New trial-Driving while impaired/habitual driving while impaired | Buncombe 01CRS55384 | Greene |
| 01-1181-1 | Royal Oak Apartments v Solt (Civil) Decision: Affirmed | Cabarrus 01CVD107 | Timmons-Goodson |
| 02-95-1 | In the Matter of: Brown (Civil) Decision: Affirmed | Cabarrus 97J107 | Timmons-Goodson |
| 02-361-1 | Gurganus v Cartwright (Civil) Decision: Affirmed | Camden 00CVS35 | Greene |
| 02-164-1 | White v Schwartzman (Civil) Decision: Affirmed | Carteret 99CVS696 | Bryant |
| 01-1059-1 | McNeely v Bollinger (Civil) Decision: No error | Catawba 00CVS44 | Biggs |
| 02-68-1 | State v Dadisman (Criminal) Decision: No error | Catawba 00CRS15037 | Campbell, Jr. |
| 02-444-1 | Johnson v Johnson (Civil) | Catawba 98CVD126 | Greene |

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| | Decision: Dismissed | | |
| 01-1419-1 | State v Adams (Criminal) | Cumberland 00CRS56201 | Bryant |
| | Decision: Reversed | | |
| 01-1599-1 | State v Messer (Criminal) | Cumberland 99CRS73157 | Eagles, Jr. |
| | Decision: No error | | |
| 01-1215-1 | Hayes v Torrence (Civil) | Davidson 00CVD1885 | Biggs |
| | Decision: Reversed and remanded | | |
| 02-366-1 | State v Willis (Criminal) | Davidson 01CRS50009 | Hudson |
| | Decision: No error | | |
| 02-783-1 | State v Moore (Criminal) | Davidson 01CRS15770 01CRS15765 01CRS15768 01CRS15763 01CRS15771 01CRS15766 01CRS15769 01CRS15764 01CRS15767 | Greene |
| | Decision: Reversed and remanded | | |
| 01-1415-1 | Town of Warsaw v Rodriguez (Civil) | Duplin 00CVD979 | Timmons-Goodson |
| | Decision: Affirmed | | |
| 01-1353-1 | State v Scott (Criminal) | Durham 00CRS16692 00CRS56097 | Hudson |
| | Decision: No error | | |
| 02-365-1 | In the Matter of: Dockery (Civil) | Durham 99J160 99J157 99J159 | Campbell, Jr. |
| | Decision: Affirmed | | |
| 02-367-1 | State v Scott (Criminal) | Durham 00CRS51891 | Campbell, Jr. |
| | Decision: No error | | |
| 02-715-1 | State v Stoval (Criminal) | Durham 01CRS42225 | Greene |
| | Decision: Vacated in part | | |
| 02-803-1 | State v Brown (Criminal) | Durham 00CRS68631 | Greene |
| | Decision: No error | | |
| 01-1310-1 | State v Thomas (Criminal) | Forsyth 00CRS52319 00CRS40403 00CRS52322 00CRS52318 00CRS52668 | Campbell, Jr. |
| | Decision: No error | | |
| 02-179-1 | State v Wilson (Criminal) | Forsyth 99CRS49536 99CRS49539 | Bryant |
| | Decision: No error | | |
| 02-214-1 | State v Stewart (Criminal) | Forsyth 00CRS56714 00CRS40347 01CRS15634 00CRS56712 | Martin |
| | Decision: No error | | |
| 02-259-1 | State v Webster (Criminal) | Forsyth 00CRS58276 | Greene |

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| | Decision: No error | | |
| 02-581-1 | State v McArthur (Criminal) | Forsyth 98CRS53202 98CRS53196 99CRS57956 98CRS53220 99CRS57956 98CRS53220 98CRS53202 98CRS53196 | Greene |
| | Decision: Remanded for resentencing and correction of judgment | | |
| 02-636-1 | State v Reynolds (Criminal) | Forsyth 00CRS52951 | Greene |
| | Decision: No error | | |
| 02-694-1 | State v Davis (Criminal) | Forsyth 98CRS53254 98CRS53251 99CRS9615 98CRS53253 | Greene |
| | Decision: No error | | |
| 02-561-1 | State v Terry (Criminal) | Granville 01CRS2343 01CRS50847 | Greene |
| | Decision: No error | | |
| 01-1331-1 | Green v Pickering & Company (Civil) | Guilford 00CVD10371 | Campbell, Jr. |
| | Decision: Affirmed | | |
| 02-45-1 | Davis v Lloyd (Civil) | Guilford 00CVS9625 | Hudson |
| | Decision: Dismissed | | |
| 02-69-1 | State v Jenkins (Criminal) | Guilford 93CRS20004 92CRS17788 | Bryant |
| | Decision: No error | | |
| 02-835-1 | Richards v Vanstory (Civil) | Guilford 01CVS7733 | Greene |
| | Decision: Dismissed | | |
| 02-286-1 | Wright v Wright (Civil) | Henderson 92CVD881 | Walker |
| | Decision: Reversed and remanded | | |
| 01-1256-1 | In Re: Wood (Civil) | Johnston 93J33 | Campbell, Jr. |
| | Decision: Affirmed | | |
| 01-1004-1 | State v Raley (Criminal) | Mecklenburg 00CRS13071 00CRS13069 00CRS13072 00CRS13070 | Biggs |
| | Decision: Affirmed | | |
| 02-320-1 | Young v Young (Civil) | Mecklenburg 99CVD17284 | McCullough |
| | Decision: Affirmed | | |
| 02-626-1 | State v Garrette (Criminal) | Mecklenburg 00CRS30098 | Greene |
| | Decision: Affirmed | | |
| 99-1001-1 | Seagle v Kent-Coffey Manufacturing Co. (Civil) | N.C. Industrial Commission IC028828 | Wynn, Jr. |
| | Decision: Affirmed | | |
| 02-331-1 | Grady v Hillandale Medical Center (Civil) | N.C. Industrial Commission IC049720 | Campbell, Jr. |
| | Decision: Affirmed | | |

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| 02-369-1 | Howell v Wal-Mart Stores, Inc. (Civil) Decision: Affirmed | N.C. Industrial Commission IC567655 | Eagles, Jr. |
| 02-418-1 | Drumgold v Perdue Farms, Inc. (Civil) Decision: Appeal dismissed | N.C. Industrial Commission IC907057 | Eagles, Jr. |
| 02-230-1 | State v Irving (Criminal) Decision: No error | New Hanover 99CRS53350 | Wynn, Jr. |
| 02-313-1 | State v Harding (Criminal) Decision: No error | Pitt 98CRS19151 98CRS19157 98CRS19149 98CRS19154 98CRS19158 98CRS19150 98CRS19155 | Walker |
| 02-644-1 | In Re: Player (Civil) Decision: Affirmed | Randolph 01J78 | Greene |
| 02-535-1 | State v Monroe (Criminal) Decision: No error | Richmond 01CRS1680 | Greene |
| 01-1094-1 | State v McLean (Criminal) Decision: No prejudicial error | Robeson 98CRS13683 | Biggs |
| 02-697-1 | State v Hairston (Criminal) Decision: No error | Rockingham 97CRS13322 | Greene |
| 01-1547-1 | Payne v Department of Transportation (Civil) Decision: Reversed and remanded | Surry 98CVS62 | McGee |
| 01-1336-1 | Moore v Shaikh (Civil) Decision: New trial | Wake 99CVD10613 | Campbell, Jr. |
| 01-1496-1 | Hayes v Rogers (Civil) Decision: Affirmed | Wake 00CVS13289 | Eagles, Jr. |
| 02-243-1 | State v Belcher (Criminal) Decision: No error | Wake 00CRS68967 | Campbell, Jr. |
| 02-725-1 | State v Stallings (Criminal) Decision: Affirmed | Wake 01CRS53592 01CRS53590 01CRS53593 01CRS53591 01CRS53594 | Greene |