

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

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

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

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

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

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Docket #	Title	County	Judge
01-493-2	Perkins v Perkins (Civil) <b>Decision:</b> Affirmed	Alamance 00CVD1448	McGee
01-1595-1	State v Shelton (Criminal) <b>Decision:</b> No error	Alamance 00CRS57717,00CRS50171,0- 00CRS50174	Campbell, Jr.
02-169-1	Wiley v NC DHHS (Civil) <b>Decision:</b> Affirmed in part; reversed in part	Alamance 00CVS1829	Bryant
01-1414-1	State v Barnes (Criminal) <b>Decision:</b> No error	Alexander 00CRS1890	McCullough
02-239-1	State v Conklin (Criminal) <b>Decision:</b> No error	Alleghany 99CRS759	Walker
02-54-1	Burton Lumber Corp. v Tanercan (Civil) <b>Decision:</b> No error	Beaufort 99CVD326	Campbell, Jr.
02-33-1	State v Swain (Criminal) <b>Decision:</b> No error	Buncombe 99CRS56852	Timmons-Goodson
02-422-1	State v Noriega (Criminal) <b>Decision:</b> No error	Buncombe 00CRS8264,00CRS8271,00- CRS8262,00CRS8265,00CR- S8263,00CRS8268	Greene
02-709-1	State v Ingle (Criminal) <b>Decision:</b> No error-Diving while license revoked. New trial-Diving while impaired/habitual driving while impaired	Buncombe 01CRS55384	Greene
01-1181-1	Royal Oak Apartments v Solt (Civil) <b>Decision:</b> Affirmed	Cabarrus 01CVD107	Timmons-Goodson
02-95-1	In the Matter of: Brown (Civil) <b>Decision:</b> Affirmed	Cabarrus 97J107	Timmons-Goodson
02-361-1	Gurganus v Cartwright (Civil) <b>Decision:</b> Affirmed	Camden 00CVS35	Greene
02-164-1	White v Schwartzman (Civil) <b>Decision:</b> Affirmed	Carteret 99CVS696	Bryant
01-1059-1	McNeely v Bollinger (Civil) <b>Decision:</b> No error	Catawba 00CVS44	Biggs
02-68-1	State v Dadisman (Criminal) <b>Decision:</b> No error	Catawba 00CRS15037	Campbell, Jr.
02-444-1	Johnson v Johnson (Civil)	Catawba 98CVD126	Greene

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	<b>Decision:</b> Dismissed		
01-1419-1	State v Adams (Criminal)	Cumberland 00CRS56201	Bryant
	<b>Decision:</b> Reversed		
01-1599-1	State v Messer (Criminal)	Cumberland 99CRS73157	Eagles, Jr.
	<b>Decision:</b> No error		
01-1215-1	Hayes v Torrence (Civil)	Davidson 00CVD1885	Biggs
	<b>Decision:</b> Reversed and remanded		
02-366-1	State v Willis (Criminal)	Davidson 01CRS50009	Hudson
	<b>Decision:</b> No error		
02-783-1	State v Moore (Criminal)	Davidson 01CRS15770,01CRS15765,0- 1CRS15768,01CRS15763,01- CRS15771,01CRS15766,01- CRS15769,01CRS15764,01- CRS15767	Greene
	<b>Decision:</b> Reversed and remanded		
01-1415-1	Town of Warsaw v Rodriguez (Civil)	Duplin 00CVD979	Timmons-Goodson
	<b>Decision:</b> Affirmed		
01-1353-1	State v Scott (Criminal)	Durham 00CRS16692,00CRS56097	Hudson
	<b>Decision:</b> No error		
02-365-1	In the Matter of: Dockery (Civil)	Durham 99J160,99J157,99J159	Campbell, Jr.
	<b>Decision:</b> Affirmed		
02-367-1	State v Scott (Criminal)	Durham 00CRS51891	Campbell, Jr.
	<b>Decision:</b> No error		
02-715-1	State v Stoval (Criminal)	Durham 01CRS42225	Greene
	<b>Decision:</b> Vacated in part		
02-803-1	State v Brown (Criminal)	Durham 00CRS68631	Greene
	<b>Decision:</b> No error		
01-1310-1	State v Thomas (Criminal)	Forsyth 00CRS52319,00CRS40403,0- 0CRS52322,00CRS52318,00- CRS52668	Campbell, Jr.
	<b>Decision:</b> No error		
02-179-1	State v Wilson (Criminal)	Forsyth 99CRS49536,99CRS49539	Bryant
	<b>Decision:</b> No error		
02-214-1	State v Stewart (Criminal)	Forsyth 00CRS56714,00CRS40347,0- 1CRS15634,00CRS56712	Martin
	<b>Decision:</b> No error		
02-259-1	State v Webster (Criminal)	Forsyth 00CRS58276	Greene

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	<b>Decision:</b> No error		
02-581-1	State v McArthur (Criminal)	Forsyth 98CRS53202,98CRS53196,9-9CRS57956,98CRS53220 99CRS57956,98CRS53220,9-8CRS53202,98CRS53196	Greene
	<b>Decision:</b> Remanded for resentencing and correction of judgment		
02-636-1	State v Reynolds (Criminal)	Forsyth 00CRS52951	Greene
	<b>Decision:</b> No error		
02-694-1	State v Davis (Criminal)	Forsyth 98CRS53254,98CRS53251,9-9CRS9615,98CRS53253	Greene
	<b>Decision:</b> No error		
02-561-1	State v Terry (Criminal)	Granville 01CRS2343,01CRS50847	Greene
	<b>Decision:</b> No error		
01-1331-1	Green v Pickering & Company (Civil)	Guilford 00CVD10371	Campbell, Jr.
	<b>Decision:</b> Affirmed		
02-45-1	Davis v Lloyd (Civil)	Guilford 00CVS9625	Hudson
	<b>Decision:</b> Dismissed		
02-69-1	State v Jenkins (Criminal)	Guilford 93CRS20004,92CRS17788	Bryant
	<b>Decision:</b> No error		
02-835-1	Richards v Vanstory (Civil)	Guilford 01CVS7733	Greene
	<b>Decision:</b> Dismissed		
02-286-1	Wright v Wright (Civil)	Henderson 92CVD881	Walker
	<b>Decision:</b> Reversed and remanded		
01-1256-1	In Re: Wood (Civil)	Johnston 93J33	Campbell, Jr.
	<b>Decision:</b> Affirmed		
01-1004-1	State v Raley (Criminal)	Mecklenburg 00CRS13071,00CRS13069,0-0CRS13072,00CRS13070	Biggs
	<b>Decision:</b> Affirmed		
02-320-1	Young v Young (Civil)	Mecklenburg 99CVD17284	McCullough
	<b>Decision:</b> Affirmed		
02-626-1	State v Garrette (Criminal)	Mecklenburg 00CRS30098	Greene
	<b>Decision:</b> Affirmed		
99-1001-1	Seagle v Kent-Coffey Manufacturing Co. (Civil)	N.C. Industrial Commission IC028828	Wynn, Jr.
	<b>Decision:</b> Affirmed		
02-331-1	Grady v Hillandale Medical Center (Civil)	N.C. Industrial Commission IC049720	Campbell, Jr.
	<b>Decision:</b> Affirmed		



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02-369-1	Howell v Wal-Mart Stores, Inc. (Civil) <b>Decision:</b> Affirmed	N.C. Industrial Commission IC567655	Eagles, Jr.
02-418-1	Drumgold v Perdue Farms, Inc. (Civil) <b>Decision:</b> Appeal dismissed	N.C. Industrial Commission IC907057	Eagles, Jr.
02-230-1	State v Irving (Criminal) <b>Decision:</b> No error	New Hanover 99CRS53350	Wynn, Jr.
02-313-1	State v Harding (Criminal) <b>Decision:</b> No error	Pitt 98CRS19151,98CRS19157,9- 8CRS19149,98CRS19154,98- CRS19158,98CRS19150,98- CRS19155	Walker
02-644-1	In Re: Player (Civil) <b>Decision:</b> Affirmed	Randolph 01J78	Greene
02-535-1	State v Monroe (Criminal) <b>Decision:</b> No error	Richmond 01CRS1680	Greene
01-1094-1	State v McLean (Criminal) <b>Decision:</b> No prejudicial error	Robeson 98CRS13683	Biggs
02-697-1	State v Hairston (Criminal) <b>Decision:</b> No error	Rockingham 97CRS13322	Greene
01-1547-1	Payne v Department of Transportation (Civil) <b>Decision:</b> Reversed and remanded	Surry 98CVS62	McGee
01-1336-1	Moore v Shaikh (Civil) <b>Decision:</b> New trial	Wake 99CVD10613	Campbell, Jr.
01-1496-1	Hayes v Rogers (Civil) <b>Decision:</b> Affirmed	Wake 00CVS13289	Eagles, Jr.
02-243-1	State v Belcher (Criminal) <b>Decision:</b> No error	Wake 00CRS68967	Campbell, Jr.
02-725-1	State v Stallings (Criminal) <b>Decision:</b> Affirmed	Wake 01CRS53592,01CRS53590,0- 1CRS53593,01CRS53591,01- CRS53594	Greene