

**IN THE COURT OF APPEALS**  
**CASES REPORTED WITH PUBLISHED OPINIONS**  
**(FILED 6 MAY 2003)**  
**(MANDATE 27 MAY 2003)**

Docket #	Title	County	Judge
02-411-1	State v Jones (Criminal) <b>Decision:</b> New trial in part; vacated in part	Buncombe	Elmore
02-521-1	Gifford v Linnell (Civil) <b>Decision:</b> Reversed	Carteret	Hunter
02-231-1	Pacheco v Rogers and Breece, Inc. (Civil) <b>Decision:</b> Affirmed	Cumberland	Levinson
02-397-1	Pennsylvania Nat'l v Assoc. Scaffolders (Civil) <b>Decision:</b> Affirmed	Durham	Elmore
02-819-1	Walden v Vaughn (Civil) <b>Decision:</b> Affirmed	Forsyth	Steelman
02-659-1	Analog Devices v Michalski (Civil) <b>Decision:</b> Affirmed	Guilford	Calabria
02-958-1	State v McCracken (Criminal) <b>Decision:</b> No error	Haywood	Bryant
02-798-1	State v Smith (Criminal) <b>Decision:</b> No prejudicial error	Henderson	Wynn, Jr.
02-936-1	Eakett v Eakett (Civil) <b>Decision:</b> Affirmed in part, reversed in part	Henderson	Eagles, Jr.
02-264-1	Kogut v Rosenfeld (Civil) <b>Decision:</b> Reversed	Iredell	Wynn, Jr.
02-971-1	In Re: Estes (Juvenile - 3.1) <b>Decision:</b> Reversed and remanded	Iredell	Timmons-Goodson
02-750-1	State v Nance (Criminal) <b>Decision:</b> No error	Mecklenburg	Martin
02-942-1	Hunter-McDonald v Edison Foard (Civil) <b>Decision:</b> Reversed	Mecklenburg	Calabria
02-1289-1	State v Partridge (Criminal) <b>Decision:</b> Vacated and remanded for imposition of judgment and sentencing on Class 3 misdemeanor possession of marijuana.	Mecklenburg	Bryant
02-470-1	Taylor v Bridgestone/Firestone (Civil) <b>Decision:</b> Vacated and remanded	N.C. Industrial Commission	Bryant
02-924-1	Cencomp v Webcon (Civil) <b>Decision:</b> Affirmed	Person	Calabria

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02-595-1	State v Latham (Criminal) <b>Decision:</b> No error	Pitt	Hunter
02-599-1	Leary v NC Forest Products, Inc. (Civil) <b>Decision:</b> Affirmed	Pitt	Geer
02-797-1	State v McCollum (Criminal) <b>Decision:</b> No error	Robeson	Tyson
02-474-1	Lombardi v Lombardi (Civil) <b>Decision:</b> Affirmed	Rowan	Hudson
02-484-1	State v Batchelor (Criminal) <b>Decision:</b> No prejudicial error	Wake	Hunter
02-508-1	Scott v Scott (Civil) <b>Decision:</b> Affirmed in part, reversed in part, and remanded	Wake	Levinson
02-759-1	Watkins v NC Board of Dental Examiners (Civil) <b>Decision:</b> Affirmed	Wake	Bryant
02-770-1	State v Washington (Criminal) <b>Decision:</b> No error	Wake	Tyson
02-872-1	Castle Worldwide v Southtrust Bank (Civil) <b>Decision:</b> Reversed	Wake	McCullough
02-995-1	State v Fowler (Criminal) <b>Decision:</b> No error	Wake	Martin
02-1100-1	CB&I Constructors v Wake Forest (Civil) <b>Decision:</b> Vacated in part, dismissed in part, and remanded in part	Wake	Calabria

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Docket #	Title	County	Judge
02-463-1	In the Matter of: Will of Carlsen (Civil) <b>Decision:</b> Reversed and remanded	Alamance 99E988 00CVS665	Eagles, Jr.
02-569-1	State v Pezzuto (Criminal) <b>Decision:</b> New trial	Brunswick 00CRS56300	Calabria
02-879-1	Dzierzynski v Dzierzynski (Civil) <b>Decision:</b> Affirmed	Buncombe 99CVD1842	McGee
02-1126-1	State v Hackler (Criminal) <b>Decision:</b> Felonious Larceny: Vacated. Felonious Breaking or Entering: No error; remanded for resentencing.	Buncombe 01CRS58200 01CRS6383	Martin
02-482-1	In the Matter of: Hopkins (Juvenile - 3.1) <b>Decision:</b> Vacated and remanded	Burke 98J51	Hunter
02-854-1	State v McMillian (Criminal) <b>Decision:</b> No error	Cabarrus 00CRS10445 00CRS10443 00CRS10444	McGee
02-624-1	State v Jones (Criminal) <b>Decision:</b> No error	Caldwell 99CRS6316 99CRS6636	Calabria
02-992-1	In the Matter of: Richardson (Criminal) <b>Decision:</b> Affirmed in part; and vacated in part	Caswell 01J40	McCullough
02-489-1	State v Blackburn (Criminal) <b>Decision:</b> No error	Catawba 01CRS2060 01CRS2061	Levinson
02-525-1	Henderson v Henderson (Civil) <b>Decision:</b> Affirmed in part; reversed in part; and remanded in part for additional findings of fact	Catawba 98CVD2297	McGee
02-1090-1	Hubbard Telephone v Michigan Mut. Ins. (Civil) <b>Decision:</b> Affirmed	Cherokee 99CVS96	McCullough
02-811-1	State v Deal (Criminal) <b>Decision:</b> No error	Cumberland 00CRS62146	Steelman
02-1098-1	State v Gardner (Criminal) <b>Decision:</b> Dismissed	Davidson 01CRS6132	Martin
02-1189-1	In the Matter of: Davis (Juvenile - 3.1) <b>Decision:</b> Affirmed	Davidson 01J68	McCullough
02-749-1	Jenkins v Uchebo (Civil) <b>Decision:</b> Affirmed	Durham 01CVD3983	Hunter
02-852-1	State v Philpott (Criminal) <b>Decision:</b> No error	Edgecombe 01CRS6605	Bryant

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02-1286-1	State v Wooten (Criminal) <b>Decision:</b>	Edgecombe 00CRS7410	Martin
02-530-1	Kaplan Companies v Stiles Machinery (Civil) <b>Decision:</b> Affirmed	Forsyth 01CVS3447	Calabria
02-927-1	State v O'Neil (Criminal) <b>Decision:</b> Remand for correction of clerical error	Forsyth 02CRS50745 02CRS50743 02CRS50744	Elmore
02-970-1	State v Sprinkle (Criminal) <b>Decision:</b> No error	Forsyth 00CRS58218 00CRS58218 00CRS58217	Bryant
02-1084-1	State v Johnson (Criminal) <b>Decision:</b> No error	Forsyth 01CRS29181 01CRS55926	Martin
02-1211-1	State v Davidson (Criminal) <b>Decision:</b> No error	Forsyth 01CRS39122 01CRS60865	Martin
02-844-1	State v Watts (Criminal) <b>Decision:</b> No error	Gaston 01CRS7797	Martin
02-914-1	State v Burts (Criminal) <b>Decision:</b> No error	Gaston 01CRS19554 01CRS61796	Bryant
02-558-1	State v Haith (Criminal) <b>Decision:</b> No error	Guilford 01CRS81347 01CRS81341 01CRS81345	Elmore
02-923-1	Shaw v PricewaterhouseCoopers (Civil) <b>Decision:</b> Affirmed	Guilford 02CVS4632	Bryant
02-1118-1	State v Moser (Criminal) <b>Decision:</b> No error	Guilford 01CRS92977 01CRS23826	McCullough
02-1175-1	Guilford County ex rel. Cobb v Anthony (Civil) <b>Decision:</b> Reversed	Guilford 89CVD989	Martin
02-1334-1	State v Williams (Criminal) <b>Decision:</b> No error	Halifax 97CRS3533	Martin
02-236-1	State v Barnes (Criminal) <b>Decision:</b> No error	Harnett 99CRS15492 00CRS10990	Timmons-Goodson
02-810-1	State v Groenewold (Criminal) <b>Decision:</b> No prejudicial error	Haywood 01CRS1293	Steelman
02-1190-1	State v Ginn (Criminal) <b>Decision:</b> No error	Haywood 02CRS244 02CRS245	Elmore

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02-886-1	State v Fox (Criminal) <b>Decision:</b> No error	Henderson 00CRS55107	Bryant
02-1204-1	State v Gilliam (Criminal) <b>Decision:</b> No error	Hertford 00CRS50027	McCullough
02-885-1	State v Benefield (Criminal) <b>Decision:</b> Affirmed	Jones 01CRS1111 00CRS50515 01CRS1110	Bryant
02-974-1	Bystry v Nemet (Civil) <b>Decision:</b> Affirmed	Lee 00CVD1072	Bryant
02-1108-1	In the Matter of: Hilton (Criminal) <b>Decision:</b> Appeal dismissed	Lee 01J80	McCullough
02-386-1	State v Parker and Boone (Criminal) <b>Decision:</b> No error	Martin 00CRS999	Martin
02-553-1	State v Caldwell (Criminal) <b>Decision:</b> No error in Guilt/Innocence Phase. Remanded for resentencing	Mecklenburg 98CRS51470	Bryant
02-874-1	State v Evans (Criminal) <b>Decision:</b> No error	Mecklenburg 00CRS49225 00CRS162332	Bryant
02-1173-1	State v Gonzales (Criminal) <b>Decision:</b> No error	Mecklenburg 01CRS9677 01CRS9675 01CRS9678 01CRS9676	Elmore
02-1247-1	State v McKinney (Criminal) <b>Decision:</b> No error	Mecklenburg 01CRS791 01CRS789 01CRS790	Elmore
02-223-1	Moore v Lexington (Civil) <b>Decision:</b> Reversed and remanded	N.C. Industrial Commission IC816522	McCullough
02-629-1	Phillips v Herr Construction Company (Civil) <b>Decision:</b> Affirmed	N.C. Industrial Commission IC921744	Elmore
02-805-1	Clark v Sanger Clinic, P.A. (Civil) <b>Decision:</b> Affirmed	N.C. Industrial Commission IC333197	Tyson
02-832-1	Fox v Wal-Mart Stores, Inc. (Civil) <b>Decision:</b> Affirmed	N.C. Industrial Commission IC049692	Wynn, Jr.
02-836-1	Trantham v Volvo Construction Equipment (Civil) <b>Decision:</b> Appeal dismissed	N.C. Industrial Commission IC918613	Tyson
02-1019-1	State v Davis (Criminal) <b>Decision:</b> Affirmed in part, vacated in part	New Hanover 01CRS57454 01CRS52468	Elmore

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02-1006-1	State v Newkirk (Criminal) <b>Decision:</b> Affirmed	Onslow 01CRS55500	Bryant
02-502-1	Olkowski v Cartwright (Civil) <b>Decision:</b> Affirmed	Pasquotank 00CVS476	Steelman
02-251-1	State v Callicutt (Criminal) <b>Decision:</b> Affirmed	Randolph 99CRS4122	Bryant
02-949-1	State v Goodwin (Criminal) <b>Decision:</b> No error	Richmond 01CRS53031	Elmore
02-1212-1	In Re: Oxendine (Juvenile - 3.1) <b>Decision:</b> Affirmed	Robeson 00J29	McCullough
02-1501-1	State v Scales (Criminal) <b>Decision:</b> Remanded for entry of a correction of clerical error; in all other respects, no error	Rockingham 02CRS50149 02CRS759 02CRS2158 01CRS51537 02CRS50193 02CRS1648 02CRS50148 01CRS51538 02CRS50197 02CRS2157	McCullough
02-1017-1	State v Lewis (Criminal) <b>Decision:</b> No error	Rowan 00CRS5308 00CRS9716 00CRS9717	Levinson
02-719-1	State v McDonald (Criminal) <b>Decision:</b> No prejudicial error	Union 01CRS4088 01CRS4086 01CRS4087	Steelman
02-363-1	Driver v Bagley (Civil) <b>Decision:</b> Reversed	Wake 99CVS6431	McGee
02-403-1	Smith & Sons Paving Company v NC DOT (Civil) <b>Decision:</b> Affirmed	Wake 01CVS3264	Eagles, Jr.
02-751-1	State v Harris (Criminal) <b>Decision:</b> No error	Wake 01CRS13152	Elmore
02-1052-1	State v Muhammad (Criminal) <b>Decision:</b> No error	Wake 01CRS113031	McCullough
02-862-1	State v Trujillo (Criminal) <b>Decision:</b> No error	Wayne 01CRS50854	Bryant
02-888-1	State v Rouse (Criminal) <b>Decision:</b> No error	Wayne 00CRS52024	Elmore
02-1010-1	State v Raiford (Criminal) <b>Decision:</b> No error	Wayne 01CRS53605	Martin

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02-1291-1	State v Armistead (Criminal)	Yadkin 99CRS3163 99CRS2524 99CRS3164 99CRS3162	Bryant
	<b>Decision:</b> Affirmed		