

**IN THE COURT OF APPEALS**  
**CASES REPORTED WITH PUBLISHED OPINIONS**  
**(FILED 1 JULY 2003)**  
**(MANDATE 21 JULY 2003)**

Docket #	Title	County	Judge
02-303-1	State v Thornton (Criminal) <b>Decision:</b> No error; motion for appropriate relief remanded	Alamance	Hudson
02-956-1	Hill v Medford (Civil) <b>Decision:</b> Affirmed	Buncombe	Hudson
02-345-1	State v McCord (Criminal) <b>Decision:</b> Affirmed	Cleveland	Geer
02-570-1	State v Frink (Criminal) <b>Decision:</b> No error	Cumberland	Calabria
02-774-1	State v Nevills (Criminal) <b>Decision:</b> No error	Cumberland	Calabria
02-575-1	State v Littlejohn (Criminal) <b>Decision:</b> No error	Forsyth	Eagles, Jr.
02-1042-1	Wilkins v Guilford County (Civil) <b>Decision:</b> Affirmed	Guilford	Bryant
02-1323-1	In the Matter of the Will of Smith (Civil) <b>Decision:</b> Affirmed in part, reversed in part and remanded	Guilford	Tyson
02-1142-1	Draughon v Harnett County Bd. of Educ. (Civil) <b>Decision:</b> Affirmed	Harnett	McCullough
02-817-1	Brown v Foremost Affiliated Ins. Svcs. (Civil) <b>Decision:</b> Affirmed	Henderson	Hudson
02-1103-1	Guerrero v Brodie Contractors, Inc. (Civil) <b>Decision:</b> Affirmed in part; remanded in part	N.C. Industrial Commission	Martin
02-764-1	State v Harper (Criminal) <b>Decision:</b> Affirmed	New Hanover	Elmore
02-1157-1	State v Burnette (Criminal) <b>Decision:</b> No error	Orange	Tyson
02-660-1	In Re: North Wilkesboro Speedway (Civil) <b>Decision:</b> Affirmed	Property Tax Commission	Hudson
02-716-1	Carter v Rockingham County Bd. of Educ. (Civil) <b>Decision:</b> Affirmed	Rockingham	Eagles, Jr.
02-869-1	State v Hooper (Criminal) <b>Decision:</b> Affirmed in part; Remanded in part	Transylvania	Steelman

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02-56-1	State v Rush (Criminal) <b>Decision:</b> Affirmed	Union	Geer
01-1387-1	State v Mays (Criminal) <b>Decision:</b> No error	Wake	Geer
02-767-1	Alexander v DaimlerChrysler Corp. (Civil) <b>Decision:</b> Dismissed	Wake	Eagles, Jr.
02-849-1	State v Rasmussen (Criminal) <b>Decision:</b> No error	Wake	McCullough
02-941-1	Currin & Currin Constr. v Lingerfelt (Civil) <b>Decision:</b> Affirmed	Wake	Hunter
02-1405-1	State v Farmer (Criminal) <b>Decision:</b> No error	Wilson	Wynn, Jr.
02-1418-1	State v Barnes (Criminal) <b>Decision:</b> Reversed and the case remanded for a new trial	Wilson	Levinson

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Docket #	Title	County	Judge
02-513-1	State v Russell (Criminal) <b>Decision:</b> No error	Alamance 99CRS52781 99CRS52737	Hudson
02-1076-1	Calloway v Onderdonk (Civil) <b>Decision:</b> Affirmed	Buncombe 00CVD3943	McCullough
02-1295-1	State v Bowman (Criminal) <b>Decision:</b> Appeal dismissed	Buncombe 01CRS54189	Tyson
02-1458-1	State v Underwood (Criminal) <b>Decision:</b> No error	Buncombe 02CRS50996 02CRS50814	Wynn, Jr.
02-1468-1	In the Matter of: Liberato (Juvenile - 3.1) <b>Decision:</b> Affirmed	Buncombe 01J162 01J121 01J122	Wynn, Jr.
02-1123-1	Roten v Church (Civil) <b>Decision:</b> No error	Caldwell 00CVS542	Calabria
02-1352-1	McArtan v Barnum (Civil) <b>Decision:</b> No error	Carteret 99CVS1224	Wynn, Jr.
02-791-1	Quality Merchandising Group v Sides (Civil) <b>Decision:</b> Affirmed	Catawba 02CVS295	Elmore
02-673-1	State v Booker (Criminal) <b>Decision:</b> Affirmed	Cumberland 97CRS37393	Hudson
02-1231-1	Row v Row (Civil) <b>Decision:</b> Affirmed in part, vacated in part and remanded	Cumberland 00CVD2694	Tyson
02-1297-1	Walker v Durham (Civil) <b>Decision:</b> Affirmed	Durham 01CVS2229	Calabria
02-916-1	Staton v Centura Bank (Civil) <b>Decision:</b> Affirmed	Forsyth 96CVS1409	Hunter
02-1288-1	State v Williams (Criminal) <b>Decision:</b> Affirmed	Forsyth 99CRS49897 99CRS49898	Wynn, Jr.
02-1380-1	State v Pestrikoff (Criminal) <b>Decision:</b> No error	Forsyth 01CRS10031 01CRS10050	Wynn, Jr.
02-1384-1	State v Harshaw (Criminal) <b>Decision:</b> No error	Forsyth 01CRS33843 01CRS58228	Tyson
02-655-1	Allen v Haney (Civil) <b>Decision:</b> Affirmed	Gaston 01CVD41	Wynn, Jr.
02-1008-1	State v Hicks (Criminal)	Gaston 00CRS63565	Levinson

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	<b>Decision:</b> No error		
02-1135-1	State v Woods (Criminal)	Gaston 01CRS55428 01CRS55426 01CRS55429 01CRS55428 01CRS55426 01CRS55429	Timmons-Goodson
	<b>Decision:</b> No error		
02-1354-1	State v Lowe (Criminal)	Gaston 02CRS55780 00CRS51907 00CRS51911 00CRS51911 00CRS51908 00CRS51909 00CRS51912 00CRS51908 02CRS55780 00CRS51907 00CRS51912 00CRS51909	Wynn, Jr.
	<b>Decision:</b> No error		
02-1496-1	State v Perry (Criminal)	Gaston 01CRS61376 99CRS1634 98CRS37320 01CRS61374 98CRS37323 98CRS37318 01CRS61377 01CRS61372 98CRS37321 01CRS61375 98CRS37324 98CRS37319 01CRS61373 98CRS37322	Tyson
	<b>Decision:</b> Appeal dismissed		
02-1302-1	In Re: Crippen (Juvenile - 3.1)	Gates 00J7	Tyson
	<b>Decision:</b> Affirmed		
02-1170-1	State v Legrand (Criminal)	Guilford 02CRS23047 02CRS23048 02CRS23047 02CRS23046 02CRS23048	Tyson
	<b>Decision:</b> Affirmed		
02-1316-1	State v Haith (Criminal)	Guilford 02CRS23306 01CRS24517 01CRS24518	Martin
	<b>Decision:</b> No error, remanded for arrest of judgment upon the conviction of driving while impaired		
02-1362-1	State v McManus (Criminal)	Guilford 01CRS3315	Wynn, Jr.
	<b>Decision:</b> No error		
02-1373-1	State v Duckworth (Criminal)	Guilford 00CRS23626	Wynn, Jr.
	<b>Decision:</b> No error		
02-1461-1	State v Rossi (Criminal)	Guilford 01CRS4483 01CRS3090 01CRS3092	Tyson
	<b>Decision:</b> No error		
02-1525-1	In the Matter of: Gainey (Juvenile - 3.1)	Guilford 01J24	Tyson
	<b>Decision:</b> Affirmed		
02-1689-1	In the Matter of: Smith (Juvenile - 3.1)	Guilford 01J321 01J322	Tyson
	<b>Decision:</b> Affirmed		

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02-1304-1	State v Plummer (Criminal)	Harnett 00CRS50840 00CRS7814 00CRS4223 00CRS3396 00CRS53549 00CRS4223 01CRS50862 00CRS3396 00CRS53549 00CRS50840 00CRS7814	Tyson
	<b>Decision:</b> Appeal dismissed. The Petition for Writ of Certiorari is denied		
02-748-1	Haywood County v Plimpton (Civil)	Haywood 01CVD592	Steelman
	<b>Decision:</b> Affirmed with instructions		
02-1526-1	State v Raynor (Criminal)	Hertford 99CRS1293 99CRS1533 99CRS1291 99CRS1294 99CRS2482 99CRS1292 99CRS1295	Wynn, Jr.
	<b>Decision:</b> Remanded for resentencing		
02-485-1	Edwards v Nelson (Civil)	Hoke 98CVS456	Elmore
	<b>Decision:</b> Affirmed		
02-547-1	Zumkehr v Hidden Lakes Prop. Owners (Civil)	Lee 00CVD746	Timmons-Goodson
	<b>Decision:</b> Affirmed in part, reversed in part and remanded		
02-1310-1	Universal Underwriters Co. v Baker (Civil)	Lenoir 01CVS1333	Tyson
	<b>Decision:</b> Affirmed		
02-1517-1	State v Hicks (Criminal)	Lenoir 01CRS52761	Wynn, Jr.
	<b>Decision:</b> No error		
02-1498-1	State v Creasman (Criminal)	Madison 98CRS1059 98CRS1060 98CRS1061 98CRS1060 98CRS1059 98CRS1061	Wynn, Jr.
	<b>Decision:</b> No error		
02-815-1	People Unlimited Consulting v B&A Indus (Civil)	Mecklenburg 98CVS16126	Martin
	<b>Decision:</b> No error in part; affirmed in part		
02-876-1	State v Givens (Criminal)	Mecklenburg 00CRS29476 00CRS29474 00CRS29477 00CRS29475	Levinson
	<b>Decision:</b> No error		
02-963-1	State v Ballard (Criminal)	Mecklenburg 99CRS145027 99CRS28945 99CRS145028 99CRS145026	Timmons-Goodson
	<b>Decision:</b> No error in part, reversed in part, and remanded		
02-1091-1	Blum v Rhodes (Civil)	Mecklenburg 98CVD6400	Calabria
	<b>Decision:</b> Affirmed		
02-1183-1	State v Gastson (Criminal)	Mecklenburg 00CRS36243 00CRS36244	Eagles, Jr.
	<b>Decision:</b> No error		
02-1150-1	Gigous v Greensboro (Civil)	N.C. Industrial Commission IC302307	Elmore

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	<b>Decision:</b> Affirmed		
02-1358-1	Hutson v Phillips Floor Service (Civil)	N.C. Industrial Commission IC908646	Wynn, Jr.
	<b>Decision:</b> Affirmed		
02-1685-1	State v Patterson (Criminal)	Nash 01CRS51073	Wynn, Jr.
	<b>Decision:</b> No error		
02-757-1	Pharmaresearch Corporation v Mash (Civil)	New Hanover 01CVS2281	Elmore
	<b>Decision:</b> Appeal dismissed		
02-1236-1	Hughes v Hughes (Civil)	New Hanover 01CVD1525	Calabria
	<b>Decision:</b> Affirmed		
02-1603-1	Garner v Four Seas, Inc. (Civil)	Onslow 01CVS3932	Wynn, Jr.
	<b>Decision:</b> Appeal dismissed		
02-1187-1	State v McPherson (Criminal)	Pasquotank 96CRS5138	Tyson
	<b>Decision:</b> Remanded for correction of sentence		
02-1215-1	Carter v Cook (Civil)	Person 01CVS21	Timmons-Goodson
	<b>Decision:</b> Affirmed		
02-723-1	Kier v Kier (Civil)	Pitt 00CVD2224	Levinson
	<b>Decision:</b> Reversed and remanded		
02-1308-1	Deese v B.C. Moore & Sons, Inc. (Civil)	Robeson 98CVS3084	Tyson
	<b>Decision:</b> Dismissed without prejudice		
02-989-1	State v Miller (Criminal)	Rockingham 02CRS111 02CRS112 02CRS112 02CRS111	Wynn, Jr.
	<b>Decision:</b> Affirmed		
02-1086-1	Perkins v Watson (Civil)	Rockingham 99SP62	Per Curiam
	<b>Decision:</b> Appeal dismissed		
02-812-1	State v Smith (Criminal)	Rowan 00CRS53058 00CRS53056 00CRS53059 00CRS53057 00CRS53064	Bryant
	<b>Decision:</b> No error		
02-1324-1	State v Elliott (Criminal)	Stokes 01CRS51060 01CRS3557 01CRS51061 01CRS3558	Wynn, Jr.
	<b>Decision:</b> Affirmed		
02-1089-1	State v Smith (Criminal)	Wake 01CRS22131	Calabria
	<b>Decision:</b> No error		
02-1401-1	State v McNeil (Criminal)	Wake 99CRS67165	Wynn, Jr.
	<b>Decision:</b> No error		

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02-1558-1	State v Winston (Criminal)	Wake 99CRS31558 99CRS31554 99CRS31559 99CRS31553 99CRS31561 99CRS31558 99CRS31555 99CRS31552 99CRS31560 99CRS31557 99CRS31554 99CRS18801 99CRS31561 99CRS31559 99CRS31555 99CRS31553 99CRS31560 99CRS31552 99CRS31557 99CRS18801	Wynn, Jr.
	<b>Decision:</b> Remanded		
02-1564-1	State v Bullock (Criminal)	Wake 98CRS71996	Wynn, Jr.
	<b>Decision:</b> No error		
02-682-1	State v Barnes (Criminal)	Wayne 01CRS2005	Hudson
	<b>Decision:</b> No error		