

**IN THE COURT OF APPEALS**  
**CASES REPORTED WITH PUBLISHED OPINIONS**  
**(FILED 4 MAY 2004)**  
**(MANDATE 24 MAY 2004)**

Docket #	Title	County	Judge
03-636-1	State v Pelham (Criminal) <b>Decision:</b> No error	Brunswick	McCullough
03-71-2	In the Matter of: J.D. (Juvenile - 3.1) <b>Decision:</b> Reversed and remanded	Buncombe	Hunter
03-962-1	Gannett Pacific Corp. v NC SBI (Civil) <b>Decision:</b> Affirmed in part, reversed in part and remanded	Buncombe	Wynn, Jr.
03-390-1	In the Matter of: J.C.S. & R.D.S. (Juvenile - 3.1) <b>Decision:</b> Affirmed	Catawba	Elmore
03-439-1	State v Borders (Criminal) <b>Decision:</b> Remand for resentencing	Cleveland	Hunter
03-512-1	Beneficial Mtg. v Barrington & Jones (Civil) <b>Decision:</b> Affirmed	Cumberland	McCullough
03-685-1	Zubaidi v Earl L. Pickett Enterprises (Civil) <b>Decision:</b> No error	Durham	Tyson
03-392-1	State v Bell (Criminal) <b>Decision:</b> No error	Forsyth	Geer
03-802-1	Trevillian v Trevillian (Civil) <b>Decision:</b> Affirmed	Forsyth	Wynn, Jr.
03-396-1	State v Cook (Criminal) <b>Decision:</b> No error	Guilford	Timmons-Goodson
03-516-1	Wiley v United Parcel Service, Inc. (Civil) <b>Decision:</b> Affirmed	Guilford	Martin
03-905-1	Sloan v Sloan (Civil) <b>Decision:</b> Affirmed	Harnett	Hunter
03-718-1	In the Matter of: E.N.S. (Juvenile - 3.1) <b>Decision:</b> Affirmed	Johnston	Hunter
03-811-1	Holland v Heavner (Civil) <b>Decision:</b> Dismissed	Johnston	Tyson
03-755-1	State v Romero (Criminal) <b>Decision:</b> No error	McDowell	Timmons-Goodson
03-841-1	Daniels v Hetrick (Civil) <b>Decision:</b> No error	Mecklenburg	Steelman

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03-736-1	State v Edwards (Criminal) <b>Decision:</b> No error; remand for resentencing and entry of judgment	Orange	Hunter
03-725-1	State v Carrillo (Criminal) <b>Decision:</b> No prejudicial error	Pitt	Tyson
03-686-1	State v Johnson & Whisonant (Criminal) <b>Decision:</b> Defendant Whisonant's appeal: No error. Defendant Johnson's appeal: No error.	Rowan	Martin
02-1587-2	Sandy Mush Prop. v Rutherford County (Civil) <b>Decision:</b> Reversed	Rutherford	Hunter
03-716-1	State v Knott (Criminal) <b>Decision:</b> Remanded	Surry	Hunter
03-526-1	Clark Stone Co. v NC DENR (Civil) <b>Decision:</b> Reversed	Wake	Wynn, Jr.
03-821-1	State v Sinapi (Criminal) <b>Decision:</b> Affirmed	Wake	Elmore

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Docket #	Title	County	Judge
03-1002-1	JR Tobacco v Burlington Outlet Mall (Civil) <b>Decision:</b> Affirmed	Alamance 01CVS169	Hunter
03-678-1	Anson County o/b/o McClain v Howell (Civil) <b>Decision:</b> Dismissed	Anson 99CVD449	Levinson
03-796-1	State v Whitaker (Criminal) <b>Decision:</b> No error	Beaufort 01CRS52600 02CRS112	Hunter
03-428-1	State v Smith & Smith (Criminal) <b>Decision:</b> No error	Brunswick 01CRS56214 01CRS56212 01CRS56215 01CRS56213	McCullough
03-722-1	Dillingham Constr. Co. v Garrett (Civil) <b>Decision:</b> No error	Buncombe 00CVS6055	Tyson
03-1281-1	In the Matter of: T.B. & T.B. (Juvenile - 3.1) <b>Decision:</b> Affirmed	Cabarrus 01J34 01J35	McGee
03-770-1	Abernethy v Hollar (Civil) <b>Decision:</b> Affirmed	Caldwell 01CVS376	Hunter
03-35-1	State v Nye (Criminal) <b>Decision:</b> No error	Columbus 01CRS51938 01CRS51935 01CRS51937	Hudson
03-937-1	State v Hawk (Criminal) <b>Decision:</b> Affirmed	Craven 02CRS51051 02CRS51052	McCullough
03-302-1	In the Matter of: J.O. & J.O. (Juvenile - 3.1) <b>Decision:</b> Affirmed	Cumberland 01J82 01J83	McCullough
03-505-1	Johnson v Brewington (Civil) <b>Decision:</b> Affirmed in part, reversed in part, and remanded	Cumberland 00CVD2426	McCullough
03-1237-1	State v Glenn (Criminal) <b>Decision:</b> No error	Cumberland 02CRS63658	McGee
03-963-1	In Re: J.R.T. (Juvenile - 3.1) <b>Decision:</b> Affirmed	Davie 01J78	McCullough
03-832-1	State v Johnson (Criminal) <b>Decision:</b> No error	Durham 92CRS21970	Hunter
03-844-1	State v Farris (Criminal) <b>Decision:</b> No error	Durham 02CRS14593 02CRS50182	Hunter

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03-945-1	State v Toomer (Criminal)	Durham 02CRS18952 02CRS14028 02CRS520499 02CRS50758 02CRS520499 02CRS50758 02CRS520500 02CRS18952 02CRS14028 02CRS520500	Hunter
	<b>Decision:</b> Remanded for resentencing		
03-301-1	State v Walker (Criminal)	Forsyth 99CRS46399 01CRS32253	Hudson
	<b>Decision:</b> No error		
03-621-1	State v Brown (Criminal)	Forsyth 02CRS50543	Levinson
	<b>Decision:</b> No error		
03-633-1	State v Talbert (Criminal)	Forsyth 02CRS60408	McCullough
	<b>Decision:</b> No error		
03-684-1	State v Tucker (Criminal)	Forsyth 01CRS61202	Hunter
	<b>Decision:</b> No error		
03-777-1	State v Evans (Criminal)	Forsyth 01CRS52836 01CRS15461 01CRS55948 01CRS28291 01CRS55988	Hunter
	<b>Decision:</b> Dismissed		
03-854-1	State v Springs (Criminal)	Forsyth 02CRS21524	McCullough
	<b>Decision:</b> No error		
03-893-1	State v Jones (Criminal)	Forsyth 00CRS58997	McCullough
	<b>Decision:</b> No error		
03-1100-1	State v Oliver (Criminal)	Forsyth 98CRS46860 98CRS8301 98CRS8299 98CRS8301 98CRS8299 98CRS46860	Hunter
	<b>Decision:</b> Affirmed		
03-752-1	State v Tabor (Criminal)	Franklin 02CRS56 02CRS51 02CRS46 02CRS54 02CRS49 01CRS51729 02CRS57 02CRS52 02CRS47 02CRS55 02CRS50 01CRS51730 02CRS53 02CRS48	Steelman
	<b>Decision:</b> No error		
03-708-1	State v Bell (Criminal)	Gaston 02CRS59093 02CRS59088 02CRS59091 02CRS59086 02CRS59094 02CRS59089 02CRS59092 02CRS59087 02CRS59090	Hunter
	<b>Decision:</b> No error		
03-711-1	State v Lee (Criminal)	Gaston 01CRS66881	Hunter
	<b>Decision:</b> No error		

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03-739-1	State v Griffith (Criminal)	Gaston 01CRS7705 01CRS7690 01CRS7674 01CRS7669 01CRS70699 01CRS7686 01CRS7137 01CRS7706 01CRS70697 01CRS7675 01CRS70700 01CRS7689 01CRS7672 01CRS7707 01CRS70698 01CRS7685	McGee
	<b>Decision:</b> No error		
03-801-1	State v Jenkins (Criminal)	Graham 02CRS50034	Hunter
	<b>Decision:</b> No error		
03-971-1	State v Webb (Criminal)	Greene 02CRS50293 02CRS50326	McCullough
	<b>Decision:</b> No error		
03-473-1	State v Williams (Criminal)	Guilford 01CRS106745	Calabria
	<b>Decision:</b> No error		
03-543-1	State v Jackson (Criminal)	Guilford 01CRS91730	McCullough
	<b>Decision:</b> No error in part; dismissed without prejudice in part		
03-637-1	State v Rossi (Criminal)	Guilford 01CRS4487	Levinson
	<b>Decision:</b> Affirmed in part; reversed and remanded in part		
03-927-1	State v Stevenson (Criminal)	Guilford 00CRS102709	Hunter
	<b>Decision:</b> Affirmed		
03-1036-1	State v Johnson (Criminal)	Guilford 02CRS95786	McGee
	<b>Decision:</b> No error		
03-1050-1	State v Wilson (Criminal)	Guilford 00CRS109892	Hunter
	<b>Decision:</b> No error		
03-1105-1	State v Brown (Criminal)	Guilford 01CRS106755 02CRS73035 01CRS106756 01CRS106756 01CRS106755	McCullough
	<b>Decision:</b> Affirmed		
03-1119-1	State v Tanner (Criminal)	Guilford 01CRS6996 01CRS84863 01CRS84866 01CRS84863 01CRS6997 01CRS84870 01CRS84867 01CRS84865 01CRS6998 01CRS84869 01CRS84866 01CRS84864 01CRS6997 01CRS84870 01CRS84868 01CRS84865 01CRS6996 01CRS84869 01CRS84867 01CRS84864 01CRS6998 01CRS84868	McCullough
	<b>Decision:</b> No error		
03-535-1	Ellis v Reliastar Life Insurance Co. (Civil)	Haywood 01CVD1152	Calabria
	<b>Decision:</b> Affirmed		

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03-967-1	State v Stepp (Criminal) <b>Decision:</b> No error	Henderson 02CRS4010	McCullough
03-778-1	In the Matter of: D.D.T.G. (Juvenile - 3.1) <b>Decision:</b> Affirmed	Johnston 01J50	Hunter
03-929-1	State v Fields (Criminal) <b>Decision:</b> No error	Lenoir 01CRS55454	McGee
03-546-1	Franklin v Outen (Civil) <b>Decision:</b> Affirmed	Mecklenburg 01CVS4420	McGee
03-572-1	In the Matter of: D.S. & D.M.S. (Juvenile - 3.1) <b>Decision:</b> Affirmed	Mecklenburg 02J295 02J296	Geer
03-822-1	State v Graham (Criminal) <b>Decision:</b> No error	Mecklenburg 01CRS25060 01CRS25058 01CRS25061 01CRS25059	McCullough
03-925-1	In the Matter of: V.A.M (Criminal) <b>Decision:</b> Affirmed; remanded for correction of clerical error	Mecklenburg 02J744	Hunter
03-926-1	Wright v Kraus (Civil) <b>Decision:</b> Affirmed	Mecklenburg 01CVS14428	Hunter
03-1142-1	State v Cook (Criminal) <b>Decision:</b> No error	Mecklenburg 01CRS158340	McGee
03-415-1	Anderson v DOT (Civil) <b>Decision:</b> Affirmed	N.C. Industrial Commission IC983955 IC014208 IC977407	Steelman
03-618-1	Jones-Bailey v Carlisle Plastics, Inc. (Civil) <b>Decision:</b> Affirmed	N.C. Industrial Commission IC972092	Thornburg
03-672-1	Norman v R.J. Reynolds Tobacco Co. (Civil) <b>Decision:</b> Affirmed in part, reversed and remanded in part	N.C. Industrial Commission IC849719 IC811206 IC814965	Levinson
03-1192-1	State v McLean (Criminal) <b>Decision:</b> No error	Robeson 00CRS7976	McGee
03-371-1	State v McKinney (Criminal) <b>Decision:</b> No error in part; dismissed in part	Rockingham 00CRS8420	Geer
03-451-1	State v Woodruff (Criminal) <b>Decision:</b> Affirmed	Rowan 98CRS11899 00CRS15032	Calabria
03-521-1	In Re: J.R.A. (Juvenile - 3.1) <b>Decision:</b> Affirmed	Rutherford 01J43	Hunter

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03-522-1	State v Abrams (Criminal)	Rutherford 01CRS51670 01CRS7303 01CRS51669	Elmore
	<b>Decision:</b> No error		
03-903-1	State v Helton (Criminal)	Rutherford 98CRS1919	McGee
	<b>Decision:</b> Vacated and remanded		
03-701-1	State v Bell (Criminal)	Wake 02CRS60456 02CRS48977 02CRS48978	Hunter
	<b>Decision:</b> No error in the trial. Remanded to the trial court for the following correction to the written judgment and commitment entered 9 January 2003: The lead file number should reflect the file number of one of the two predicate offenses instead of the habitual felon indictment file number 02CRS060456.		
03-1099-1	State v Jackson (Criminal)	Wake 02CRS33012 02CRS3309 02CRS33013 02CRS33010 02CRS33014	McGee
	<b>Decision:</b> No error		
03-576-1	State v Betancourt (Criminal)	Wayne 98CRS9078 98CRS9076 98CRS9077	Hunter
	<b>Decision:</b> No error		
03-694-1	State v Langley (Criminal)	Wayne 02CRS3032 01CRS59436 01CRS59437	Hunter
	<b>Decision:</b> Judgments arrested and remanded for resentencing		
03-472-1	Golds v Golds (Civil)	Wilkes 97CVD1946	McCullough
	<b>Decision:</b> Affirmed		