

**IN THE COURT OF APPEALS**  
**CASES REPORTED WITH PUBLISHED OPINIONS**  
**(FILED 18 MAY 2004)**  
**(MANDATE 7 JUNE 2004)**

| Docket #  | Title   | County                     | Judge           |
|-----------|---|----------------------------|-----------------|
| 03-385-1  | Enoch v Alamance County DSS (Civil)<br><b>Decision:</b> Affirmed  | Alamance                   | McCullough      |
| 03-289-1  | Carland v Branch (Civil)<br><b>Decision:</b> Vacated and remanded   | Buncombe                   | McGee           |
| 03-807-1  | In the Matter of: J.B. (Juvenile - 3.1)<br><b>Decision:</b> Vacated and remanded  | Buncombe                   | Tyson           |
| 03-808-1  | In the Matter of: J.B. (Juvenile - 3.1)<br><b>Decision:</b> Vacated and remanded  | Buncombe                   | Tyson           |
| 03-566-1  | State v Strobel (Criminal)<br><b>Decision:</b> Affirmed   | Craven                     | Steelman        |
| 03-222-1  | In Re: T.D.P. (Juvenile - 3.1)<br><b>Decision:</b> Affirmed   | Cumberland                 | Timmons-Goodson |
| 03-475-1  | Maxwell v Michael P. Doyle, Inc. (Civil)<br><b>Decision:</b> Reversed in part, affirmed in part, and remanded                 | Cumberland                 | Geer            |
| 03-612-1  | State v Bush (Criminal)<br><b>Decision:</b> New trial   | Davie                      | McCullough      |
| 03-939-1  | McDaniel v McBrayer (Civil)<br><b>Decision:</b> Affirmed  | Davie                      | Wynn, Jr.       |
| 99-1523-1 | Smith-Price v Charter Behavioral Health (Civil)<br><b>Decision:</b> Affirmed in part, reversed in part and remanded           | Guilford                   | Martin          |
| 03-610-1  | Tripps Restaurants v Showtime Enter. (Civil)<br><b>Decision:</b> Affirmed   | Guilford                   | Levinson        |
| 02-1632-2 | Lee v Scarborough (Civil)<br><b>Decision:</b> Affirmed in part, reversed and remanded for a new trial on the issue of damages | Mecklenburg                | Martin          |
| 03-570-1  | Templeton v Apex Homes, Inc. (Civil)<br><b>Decision:</b> Dismissed  | Mecklenburg                | Geer            |
| 03-593-1  | State v Cox (Criminal)<br><b>Decision:</b> Reversed and remanded  | Mecklenburg                | Calabria        |
| 03-930-1  | Hodges v Equity Group (Civil)<br><b>Decision:</b> Affirmed in part, reversed in part and remanded for further proceedings     | N.C. Industrial Commission | Wynn, Jr.       |
| 03-849-1  | State v Morgan (Criminal)<br><b>Decision:</b> No error, remanded for resentencing   | New Hanover                | Wynn, Jr.       |

| Docket #  | Title   | County  | Judge    |
|-----------|---|---------|----------|
| 02-1336-1 | Justice For Animals v Robeson County (Civil)<br><b>Decision:</b> Affirmed | Robeson | Geer     |
| 03-620-1  | State v Reynolds (Criminal)<br><b>Decision:</b> Affirmed                  | Surry   | Calabria |
| 03-806-1  | State v Forrest (Criminal)<br><b>Decision:</b> No error                   | Wake    | Tyson    |
| 03-823-1  | Griffis v Lazarovich (Civil)<br><b>Decision:</b> Affirmed                 | Wake    | Tyson    |
| 03-730-1  | Farrior v State Farm Mut Auto Ins Co (Civil)<br><b>Decision:</b> Affirmed | Wayne   | Bryant   |

**IN THE  
COURT OF APPEALS**

**CASES REPORTED WITHOUT PUBLISHED OPINIONS**

**(FILED 18 MAY 2004)  
(MANDATE 7 JUNE 2004)**

| Docket #  | Title  | County  | Judge           |
|-----------|--|---|-----------------|
| 03-375-1  | State v Bowen (Criminal)<br><b>Decision:</b> No error  | Brunswick<br>01CRS51310   | Timmons-Goodson |
| 03-509-1  | State v Slayton (Criminal)<br><b>Decision:</b> No error  | Buncombe<br>02CRS1031 01CRS64035<br>02CRS57266 02CRS1028<br>01CRS61632 02CRS55823<br>01CRS64036 02CRS57913<br>02CRS1029 01CRS64034<br>02CRS57265 01CRS64038 | Calabria        |
| 03-578-1  | In the Matter of: D.R., A.R. and S.H. (Juvenile - 3.1)<br><b>Decision:</b> Reversed in part and affirmed in part | Buncombe<br>02J222  | Levinson        |
| 03-817-1  | State v Johnson (Criminal)<br><b>Decision:</b> Affirmed  | Buncombe<br>01CRS64545  | Calabria        |
| 03-91-1   | State v Weaver (Criminal)<br><b>Decision:</b> Dismissed  | Catawba<br>01CRS50384   | Hudson          |
| 03-596-1  | State v Alston (Criminal)<br><b>Decision:</b> No error   | Chatham<br>02CRS5263  | Calabria        |
| 03-786-1  | Hofstad v Fairfield Communities, Inc. (Civil)<br><b>Decision:</b> Reversed and remanded                          | Craven<br>02CVS2117   | Calabria        |
| 03-712-1  | State v Robinson (Criminal)<br><b>Decision:</b> Reversed and remanded  | Cumberland<br>02CRS30853  | Timmons-Goodson |
| 03-824-1  | State v Helton (Criminal)<br><b>Decision:</b> No error   | Cumberland<br>00CRS70736  | Bryant          |
| 03-639-1  | Winters v Allen (Civil)<br><b>Decision:</b> Reversed   | Durham<br>00CVS1154   | Levinson        |
| 03-656-1  | State v Deberry (Criminal)<br><b>Decision:</b> Affirmed  | Durham<br>00CRS52135  | Calabria        |
| 03-1184-1 | Morehead Hills Apartments v Lyons (Civil)<br><b>Decision:</b> Dismissed  | Durham<br>01CVD5744   | Martin          |
| 03-447-1  | State v Nicholson (Criminal)<br><b>Decision:</b> No error  | Edgecombe<br>01CRS52167   | Timmons-Goodson |
| 03-836-1  | State v Hoover (Criminal)<br><b>Decision:</b> No error   | Forsyth<br>01CRS60588   | Hunter          |

| Docket #  | Title                                    | County  | Judge           |
|-----------|--|---|-----------------|
| 03-1376-1 | State v Sneed (Criminal)                 | Franklin<br>02CRS51015 02CRS51018<br>02CRS50987-0999<br>02CRS51016<br>02CRS51000-13<br>02CRS51017                               | Martin          |
|           | <b>Decision:</b> Affirmed                |   |                 |
| 03-567-1  | State v Littlejohn (Criminal)            | Gaston<br>02CRS54649 02CRS54645<br>02CRS54648   | Calabria        |
|           | <b>Decision:</b> No error                |   |                 |
| 03-924-1  | State v Graham (Criminal)                | Gaston<br>01CRS53540 01CRS53538<br>01CRS53541 01CRS53539  | Martin          |
|           | <b>Decision:</b> No error                |   |                 |
| 03-106-1  | State v Blakeley (Criminal)              | Guilford<br>01CRS9489 01CRS9484<br>01CRS9487 01CRS94801<br>01CRS94810 01CRS9485<br>01CRS9488 01CRS94802<br>01CRS94811 01CRS9486 | Hudson          |
|           | <b>Decision:</b> No error                |   |                 |
| 03-275-1  | State v Carrothers (Criminal)            | Guilford<br>02CRS23498 02CRS23496<br>02CRS23497   | McGee           |
|           | <b>Decision:</b> No error                |   |                 |
| 03-430-1  | State v Bradley (Criminal)               | Guilford<br>00CRS84852  | Timmons-Goodson |
|           | <b>Decision:</b> Affirmed                |   |                 |
| 03-565-1  | State v Hubbard (Criminal)               | Guilford<br>98CRS69701  | Calabria        |
|           | <b>Decision:</b> No error                |   |                 |
| 03-384-1  | Williams v E.J. Pope & Son, Inc. (Civil) | Halifax<br>01CVS1428  | Martin          |
|           | <b>Decision:</b> Affirmed                |   |                 |
| 03-553-1  | State v Williams (Criminal)              | Harnett<br>00CRS54509 00CRS54222<br>00CRS54508  | Calabria        |
|           | <b>Decision:</b> No error                |   |                 |
| 03-898-1  | Webb v Knight (Civil)                    | Haywood<br>97CVD97  | Martin          |
|           | <b>Decision:</b> Affirmed                |   |                 |
| 03-519-1  | State v Jordan (Criminal)                | Iredell<br>99CRS8797 99CRS8793<br>99CRS8798 99CRS8795<br>99CRS8801  | Calabria        |
|           | <b>Decision:</b> Affirmed                |   |                 |
| 03-680-1  | State v Ramseur (Criminal)               | Iredell<br>02CRS54093   | Timmons-Goodson |
|           | <b>Decision:</b> No error                |   |                 |
| 03-650-1  | Hill v Bosch (Civil)                     | Johnston<br>02CVS259  | McCullough      |
|           | <b>Decision:</b> Reversed and remanded   |   |                 |
| 03-454-1  | State v Starkey (Criminal)               | Lenoir<br>01CRS54199 02CRS160   | Calabria        |

| Docket #  | Title   | County                                    | Judge           |
|-----------|---|---|-----------------|
|           | <b>Decision:</b> New trial                    |   |                 |
| 03-645-1  | State v Perry (Criminal)                      | Lenoir<br>01CRS5759 01CRS53390            | Calabria        |
|           | <b>Decision:</b> Affirmed                     |   |                 |
| 03-1229-1 | State v Heath (Criminal)                      | Lenoir<br>94CRS2496                       | Martin          |
|           | <b>Decision:</b> Affirmed                     |   |                 |
| 03-436-1  | Ledford v Ledford (Civil)                     | Lincoln<br>02CVD257                       | Timmons-Goodson |
|           | <b>Decision:</b> Affirmed                     |   |                 |
| 03-909-1  | In Re: Propst Estate (Civil)                  | Lincoln<br>00E390                         | Hunter          |
|           | <b>Decision:</b> Affirmed                     |   |                 |
| 03-321-1  | In the Matter of: C.C. (Criminal)             | Mecklenburg<br>99J903                     | Timmons-Goodson |
|           | <b>Decision:</b> Affirmed                     |   |                 |
| 03-559-1  | State v Steele (Criminal)                     | Mecklenburg<br>02CRS204408                | Calabria        |
|           | <b>Decision:</b> No error                     |   |                 |
| 03-401-1  | Peltier v Greyhound Lines, Inc. (Civil)       | N.C. Industrial Commission<br>IC875751    | Calabria        |
|           | <b>Decision:</b> Affirmed                     |   |                 |
| 03-876-1  | Davis v USF Holland (Civil)                   | N.C. Industrial Commission<br>IC074480    | Bryant          |
|           | <b>Decision:</b> Affirmed                     |   |                 |
| 03-887-1  | Kelly v Advanced Homecare, Inc. (Civil)       | N.C. Industrial Commission<br>IC974696    | Bryant          |
|           | <b>Decision:</b> Affirmed                     |   |                 |
| 03-1023-1 | Sellers v Libbey Owens Ford Co. (Civil)       | N.C. Industrial Commission<br>IC833513    | Calabria        |
|           | <b>Decision:</b> Affirmed                     |   |                 |
| 03-625-1  | State v Blackwell (Criminal)                  | Orange<br>01CRS54735                      | Thornburg       |
|           | <b>Decision:</b> No error                     |   |                 |
| 03-889-1  | Lilly v Virginia Electric & Power Co. (Civil) | Pasquotank<br>02CVS501                    | Thornburg       |
|           | <b>Decision:</b> Affirmed                     |   |                 |
| 03-1051-1 | State v Guion (Criminal)                      | Pender<br>99CRS50321                      | Martin          |
|           | <b>Decision:</b> Reversed and remanded        |   |                 |
| 03-642-1  | State v Slime (Criminal)                      | Pitt<br>02CRS6884                         | Calabria        |
|           | <b>Decision:</b> Vacated and remanded         |   |                 |
| 03-1133-1 | State v Harrison (Criminal)                   | Pitt<br>01CRS59547                        | Martin          |
|           | <b>Decision:</b> Appeal dismissed             |   |                 |
| 03-1162-1 | State v Freeman (Criminal)                    | Pitt<br>94CRS1050 93CRS28301<br>94CRS1047 | Martin          |
|           | <b>Decision:</b> No error                     |   |                 |

| Docket #  | Title   | County  | Judge           |
|-----------|---|---|-----------------|
| 03-183-1  | State v Martin (Criminal)<br><b>Decision:</b> No error  | Randolph<br>00CRS5429 00CRS54210                        | McGee           |
| 03-1092-1 | State v Wall (Criminal)<br><b>Decision:</b> No error  | Richmond<br>02CRS272 02CRS1548                          | Martin          |
| 03-482-1  | State v Walker (Criminal)<br><b>Decision:</b> No error  | Robeson<br>01CRS54888                                   | Calabria        |
| 03-1230-1 | State v Cintron (Criminal)<br><b>Decision:</b> No error   | Robeson<br>00CRS54130 99CRS199<br>01CRS52680 00CRS53238 | Martin          |
| 03-402-1  | State v Hamrick (Criminal)<br><b>Decision:</b> No error   | Rutherford<br>02CRS2398                                 | Timmons-Goodson |
| 03-933-1  | Jackson v Clinton (Civil)<br><b>Decision:</b> Affirmed  | Sampson<br>02CVS101                                     | Wynn, Jr.       |
| 03-765-1  | Kiser v Kiser (Civil)<br><b>Decision:</b> Affirmed  | Surry<br>01CVD1444                                      | Hunter          |
| 02-1148-1 | Poole v Cogdell (Civil)<br><b>Decision:</b> Affirmed  | Wake<br>99CVD7578                                       | McGee           |
| 02-1561-1 | Clark v Penland (Civil)<br><b>Decision:</b> No error  | Wake<br>98CVS11926                                      | Levinson        |
| 03-339-1  | State v Doyle (Criminal)<br><b>Decision:</b> Reversed and remanded  | Wake<br>01CRS57902                                      | Timmons-Goodson |
| 03-389-1  | State v Hardaway (Criminal)<br><b>Decision:</b> No error  | Wake<br>02CRS54152 02CRS54153                           | Calabria        |
| 03-498-1  | State v Greene (Criminal)<br><b>Decision:</b> Affirmed and remanded to the trial court to correct the judgment and commitment | Wake<br>02CRS18327 02CRS18328                           | Timmons-Goodson |
| 03-539-1  | State v Person (Criminal)<br><b>Decision:</b> No prejudicial error in part, reversed and remanded in part                     | Wake<br>01CRS23198 01CRS23200                           | Steelman        |
| 03-531-1  | Kearney v Carter (Civil)<br><b>Decision:</b> Affirmed   | Warren<br>99CVD367                                      | Levinson        |
| 03-734-1  | State v Applewhite (Criminal)<br><b>Decision:</b> No error  | Wayne<br>01CRS58475                                     | Calabria        |
| 03-276-1  | Schuchardt v Auto-Owners Insurance Co. (Civil)<br><b>Decision:</b> Appeal dismissed   | Wilkes<br>01CVS2490                                     | Calabria        |
| 03-613-1  | Ladhani v Ladhani (Civil)   | Wilkes<br>02CVD580                                      | Bryant          |

| Docket # | Title                     | County               | Judge    |
|----------|---------------------------|----------------------|----------|
|          | <b>Decision:</b> Affirmed |                      |          |
| 03-382-1 | State v Parker (Criminal) | Wilson<br>99CRS53070 | Calabria |
|          | <b>Decision:</b> No error |                      |          |