

**IN THE COURT OF APPEALS**  
**CASES REPORTED WITH PUBLISHED OPINIONS**  
**(FILED 1 JUNE 2004)**  
**(MANDATE 21 JUNE 2004)**

Docket #	Title	County	Judge
02-1410-1	Enoch v Inman (Civil) <b>Decision:</b> Reversed	Alamance	Geer
03-805-1	Brown v Avery County (Civil) <b>Decision:</b> Affirmed	Avery	Wynn, Jr.
03-84-1	State v Harrison (Criminal) <b>Decision:</b> Affirmed	Beaufort	Calabria
02-1464-1	David N. v Jason N. (Civil) <b>Decision:</b> Reversed and remanded	Buncombe	Elmore
03-632-1	In the Matter of: A.W. & E.W. (Juvenile - 3.1) <b>Decision:</b> Reversed and remanded	Buncombe	Timmons-Goodson
03-895-1	State v Redmon (Criminal) <b>Decision:</b> New trial	Buncombe	Levinson
03-1011-1	State v Benardello (Criminal) <b>Decision:</b> Reversed in part and affirmed in part	Cabarrus	Hudson
03-878-1	State v Freeman (Criminal) <b>Decision:</b> No error	Cumberland	Tyson
03-663-1	State v Friend (Criminal) <b>Decision:</b> New trial in case number 01CRS51215. No error in case numbers 01CRS51220, 02CRS2469, 02CRS2470, and 02CRS2471.	Dare	Hunter
03-690-1	Lemon v Combs (Civil) <b>Decision:</b> Affirmed in part, Vacated in part	Forsyth	Wynn, Jr.
03-950-1	Di Frega v Pugliese (Civil) <b>Decision:</b> No error	Forsyth	Tyson
03-986-1	Trivette v State Farm Mut Auto Ins Co (Civil) <b>Decision:</b> Affirmed	Forsyth	Tyson
03-1344-1	State v Edgerson (Criminal) <b>Decision:</b> Dismissed	Forsyth	McGee
03-379-1	Eisinger v Robinson (Civil) <b>Decision:</b> Affirmed	Gaston	McGee
03-839-1	Dalton v Dalton (Civil) <b>Decision:</b> Affirmed	Guilford	Calabria
03-474-1	State v Ford (Criminal) <b>Decision:</b> Reverse	Henderson	McCullough

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03-450-1	State v Daniels (Criminal) <b>Decision:</b> No error	Lee	Timmons-Goodson
03-55-1	Highlands v Hendricks (Civil) <b>Decision:</b> Affirmed	Macon	Steelman
03-649-1	Zaliagiris v Zaliagiris (Civil) <b>Decision:</b> Affirmed in part, reversed in part and remanded	Mecklenburg	Hunter
03-706-1	North Carolina State Bar v Rogers (Civil) <b>Decision:</b> Affirmed	N.C. State Bar	Hunter
03-606-1	State v Gonzales (Criminal) <b>Decision:</b> Reversed	New Hanover	McCullough
03-1020-1	Halstead v Halstead (Civil) <b>Decision:</b> Reversed and remanded	Pasquotank	Wynn, Jr.
03-941-1	In Re: O.W. (Juvenile - 3.1) <b>Decision:</b> Affirmed in part, remanded in part	Robeson	Steelman
03-406-1	State v Allen (Criminal) <b>Decision:</b> Affirmed	Rockingham	Thornburg
03-674-1	York Oil Co. v NC DEHNR (Civil) <b>Decision:</b> Reversed and remanded	Surry	Hunter
03-503-1	State v Williams (Criminal) <b>Decision:</b> New trial	Wake	Wynn, Jr.
03-573-1	Chick v Chick (Civil) <b>Decision:</b> Affirmed in part, vacated in part	Wake	Calabria
03-630-1	McCormick v Hanson Aggregates Southeast (Civil) <b>Decision:</b> Reversed and remanded	Wake	Bryant
03-638-1	Long v Hammond (Civil) <b>Decision:</b> Affirmed	Wake	McCullough
03-860-1	Hardee v NC Bd Chiropractic Examiners (Civil) <b>Decision:</b> Affirmed	Wake	Levinson
03-1040-1	Woodring v Woodring (Civil) <b>Decision:</b> Reversed and remanded	Watauga	Timmons-Goodson
03-458-1	Daniel v Moore (Civil) <b>Decision:</b> The judgment entered 10 October 2002 is Vacated. The order entered 8 January 2003 is Reversed.	Wayne	Elmore
03-952-1	State v Byrd (Criminal) <b>Decision:</b> Remanded for resentencing	Wilkes	Steelman
03-966-1	Guox v Satterly (Civil) <b>Decision:</b> Affirmed	Wilson	Steelman

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03-563-1	State v Coatney (Criminal)	Bladen 01CRS51557	Elmore
	<b>Decision:</b> No error		
03-693-1	Smith v Pallman (Civil)	Cabarrus 02CVS795	Martin
	<b>Decision:</b> Affirmed in part, reversed in part, and remanded		
03-902-1	State v Miller (Criminal)	Cabarrus 02CRS6936,02CRS11389,02- CRS11390	Bryant
	<b>Decision:</b> No error		
03-1129-1	In the Matter of: A.F. (Juvenile - 3.1)	Catawba 02J172	McGee
	<b>Decision:</b> Affirmed		
03-575-1	State v Freeman (Criminal)	Columbus 97CRS970	Elmore
	<b>Decision:</b> Affirmed		
03-1146-1	State v Frazier (Criminal)	Craven 02CRS53978	McGee
	<b>Decision:</b> No error		
03-1168-1	State v Brown (Criminal)	Cumberland 03CRS52862	Bryant
	<b>Decision:</b> No error		
03-1166-1	State v Hill (Criminal)	Duplin 02CRS5308,02CRS8539,02C- RS5309,02CRS52772,02CRS- 53010	McGee
	<b>Decision:</b> No error		
03-619-1	State v Wells (Criminal)	Durham 99CRS56226	Elmore
	<b>Decision:</b> Affirmed		
03-888-1	State v Mercer (Criminal)	Durham 01CRS56695	Elmore
	<b>Decision:</b> No error		
02-1601-1	State v Nivens (Criminal)	Forsyth 01CRS63110	Geer
	<b>Decision:</b> Vacated in part; no error in part		
03-97-1	State v Frye (Criminal)	Forsyth 01CRS60883,01CRS26882,0- 1CRS60886,01CRS36355	McGee
	<b>Decision:</b> No error		
03-551-1	State v Wood (Criminal)	Forsyth 00CRS55022	Bryant
	<b>Decision:</b> No error		
03-977-1	State v Singletary (Criminal)	Forsyth 02CRS52167	Steelman
	<b>Decision:</b> No error		
03-1245-1	State v Ellis (Criminal)	Forsyth 02CRS14588,02CRS55079	Bryant
	<b>Decision:</b> No error		
03-617-1	State v Lynch (Criminal)	Gaston 02CRS15890,02CRS63637	Elmore

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	<b>Decision:</b> No error		
03-48-1	State v Cobb (Criminal)	Guilford 01CRS85168	Elmore
	<b>Decision:</b> No error		
03-1113-1	State v Williams (Criminal)	Guilford 02CRS23852,02CRS92989	McGee
	<b>Decision:</b> Dismissed		
03-1343-1	State v Malone (Criminal)	Guilford 01CRS77877,01CRS24102,0- 0CRS107538 01CRS24102,00CRS107538,- 01CRS77877	McGee
	<b>Decision:</b> No error		
03-1366-1	Shella v Angela C. Foster, PC (Civil)	Guilford 02CVS11260	Bryant
	<b>Decision:</b> Dismissed		
03-847-1	Bryson v Bryson (Civil)	Harnett 01CVD1622	Calabria
	<b>Decision:</b> Affirmed		
03-391-1	State v Gordon (Criminal)	Haywood 01CRS52622	McGee
	<b>Decision:</b> No error		
03-1331-1	State v Long (Criminal)	Iredell 98CRS18677	Bryant
	<b>Decision:</b> No error		
03-992-1	Morrone v Maitin (Civil)	Jackson 02CVS584	Levinson
	<b>Decision:</b> Dismissed		
03-1211-1	Smith v Harvey (Civil)	Lenoir 02CVS234	Bryant
	<b>Decision:</b> Affirmed		
03-564-1	In Re: C.A.J. & K.M.J. (Juvenile - 3.1)	McDowell 02J5402J26,02J5502J27	McGee
	<b>Decision:</b> Affirmed		
03-568-1	State v Byrd (Criminal)	Mecklenburg 02CRS75247,02CRS236014	Elmore
	<b>Decision:</b> No error		
03-569-1	In the Matter of: L.C. & A.N. (Juvenile - 3.1)	Mecklenburg 01J1257,01J1258	Timmons-Goodson
	<b>Decision:</b> Affirmed		
03-669-1	State v Simmons (Criminal)	Mecklenburg 01CRS118094	Elmore
	<b>Decision:</b> Affirmed		
03-695-1	State v Jamison (Criminal)	Mecklenburg 01CRS35525,02CRS49879	Elmore
	<b>Decision:</b> Affirmed		
03-1029-1	State v Fitzgerald (Criminal)	Mecklenburg 01CRS52334,01CRS52330,0- 1CRS52335,01CRS52333	Hudson
	<b>Decision:</b> No error in part, dismissed without prejudice in part (as to ineffective assistance), remanded for the correction of clerical errors		
03-837-1	Furr v Anvil Knitwear, Inc. (Civil)	N.C. Industrial Commission IC923954	Thornburg

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	<b>Decision:</b> Affirmed		
03-1080-1	Arnold v Wal-Mart Stores, Inc. (Civil)	N.C. Industrial Commission IC840798	Levinson
	<b>Decision:</b> Affirmed		
03-800-1	Wolfson v Cox (Civil)	New Hanover 01CVS4973	Elmore
	<b>Decision:</b> Affirmed		
03-1347-1	State v Wilburn (Criminal)	New Hanover 02CRS23349	McGee
	<b>Decision:</b> No error		
03-1089-1	State v Gary (Criminal)	Northampton 01CRS1026,01CRS1024,01C- RS1025	Bryant
	<b>Decision:</b> Vacated in part and no error in part		
03-670-1	State v Battle (Criminal)	Pitt 02CRS53947	Elmore
	<b>Decision:</b> No error		
03-1391-1	State v Webb (Criminal)	Pitt 02CRS5679,02CRS54431	Bryant
	<b>Decision:</b> No error		
03-991-1	State v Hernandez (Criminal)	Randolph 02CRS51090	Bryant
	<b>Decision:</b> No error		
03-856-1	State v Robinson (Criminal)	Robeson 01CRS53909	Hunter
	<b>Decision:</b> No error		
03-1120-1	State v Acosta (Criminal)	Robeson 02CRS4427,01CRS56741,01- CRS56745	Bryant
	<b>Decision:</b> No error		
03-721-1	Billings v Billings (Civil)	Rockingham 97CVD227	Wynn, Jr.
	<b>Decision:</b> Reversed		
03-729-1	State v Spencer (Criminal)	Rutherford 01CRS51686,02CRS1360	Elmore
	<b>Decision:</b> Affirmed		
03-523-1	Walker v Myers (Civil)	Sampson 00CVS1523	Elmore
	<b>Decision:</b> Reversed and remanded		
03-948-1	State v Peterson (Criminal)	Sampson 02CRS50002	Wynn, Jr.
	<b>Decision:</b> No error		
03-835-1	State v O'Neal (Criminal)	Scotland 99CRS7936,99CRS7937,99C- RS7936,99CRS7935,99CRS7937	Elmore
	<b>Decision:</b> No error		
03-1236-1	State v Hairston (Criminal)	Stokes 03CRS50253,03CRS1426,03- CRS50275,03CRS50252,03C- RS50286	McGee
	<b>Decision:</b> Remanded		

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03-533-1	State v Sanders (Criminal)  <b>Decision:</b> Dismissed	Wake 02CRS74185,02CRS52699,0-2CRS68987	Elmore
03-698-1	State v Reed (Criminal)  <b>Decision:</b> No error	Wake 00CRS16904	Elmore
03-717-1	State v Johnson (Criminal)  <b>Decision:</b> No error	Wake 02CRS65989	Elmore
03-919-1	State v Avery (Criminal)  <b>Decision:</b> No error	Wake 00CRS36533,00CRS36533,0-0CRS36532	Bryant
03-1076-1	Strickland v Kent (Civil)  <b>Decision:</b> New trial	Wake 00CVD11053	Hudson
02-1758-1	Schmeltzle v Schmeltzle (Civil)  <b>Decision:</b> Affirmed	Wilson 98CVD1437	Wynn, Jr.
03-911-1	State v Barnes (Criminal)  <b>Decision:</b> No error	Wilson 01CRS55794	McGee