

**IN THE COURT OF APPEALS**  
**CASES REPORTED WITH PUBLISHED OPINIONS**  
**(FILED 5 OCTOBER 2004)**  
**(MANDATE 25 OCTOBER 2004)**

Docket #	Title	County	Judge
03-1077-1	Stae v Oekvtl y(kvKCr <b>Decision:</b> NerePset fnt PeRfntet hoP haPgleP mPoceetinps	Colu9Aua	imln)H
03-7m8-1	OHnHt v uBo)w y(mkak)nCr <b>Decision:</b> vo ePPoP in gPifdl rfcfge fnt PeRfnt hoP Pesengencinp	5o2aytv	ACaBmt
03-r43-1	PWkHt v (B),BCKgnHtg &Cn))k)wd z)Es y(kvKCr <b>Decision:</b> yhhiPRet in mfPgA PerePset in mfPg	5o2aytv	htm
03-1081-1	OHnHt v bnmmk, y(mkak)nCr <b>Decision:</b> vew gPifd	62Bnfill	GE(oCCBowW
03-137r-1	RmnowWB) v bnm)tHH (Bo)HI icA y(kvKCr <b>Decision:</b> yhhiPRet	sB2nett	OHttCan)
03-137m-1	RmnowWB) v bnm)tHH (Bo)HI icA y(kvKCr <b>Decision:</b> yhhiPRet	sB2nett	OHttCan)
07-138w-1	AEMnmng v OakHW y(kvKCr <b>Decision:</b> yhhiPRet	b2edell	imln)H
03-1001-1	z) HWt GnHHtm B-L Osis yJovt)kCt T pslr <b>Decision:</b> NerePset fnt PeRfntet	F2Bnge	ACaBmt
03-173w-1	z) HWt GnHHtm B-L Osis yJovt)kCt T pslr <b>Decision:</b> NerePset fnt PeRfntet	F2Bnge	ACaBmt
03-10h3-1	PGOd z)Es v Ptnvtm y(kvKCr <b>Decision:</b> NerePset in mfPg fnt fhhiPRet in mfPg	GBke	htm



**IN THE  
COURT OF APPEALS**

**CASES REPORTED WITHOUT PUBLISHED OPINIONS**

**(FILED 7 DECEMBER 2004)**  
**(MANDATE 28 DECEMBER 2004)**

Docket #	Title	County	Judge
03-1550-1	State v Englebert (Criminal) <b>Decision:</b> No error	Alleghany 02CRS183,02CRS184	Hudson
03-1307-1	State v Head (Criminal) <b>Decision:</b> No error	Buncombe 02CRS63614,02CRS63612 02CRS63615,02CRS63614,- 02CRS63612,02CRS63615	Elmore
03-1388-1	In the Matter of: T.H. & T.H. (Juvenile - 3.1) <b>Decision:</b> Affirmed	Cabarrus 02J217,02J218	Thornburg
03-1419-1	State v Perry (Criminal) <b>Decision:</b> Reversed	Caldwell 02CRS52123	Wynn, Jr.
03-1707-1	In Re: N.A.B. (Juvenile - 3.1) <b>Decision:</b> Affirmed	Cumberland 98J886	Hunter
03-1665-1	State v Wilkerson (Criminal) <b>Decision:</b> No error	Durham 02CRS45890	Geer
04-112-1	State v Brooks (Criminal) <b>Decision:</b> No error	Durham 02CRS44420,02CRS7331,0- 2CRS44419	Thornburg
03-1636-1	State v Pitts (Criminal) <b>Decision:</b> No error in part; vacated in part	Edgecombe 00CRS52529	Thornburg
04-309-1	Piedmont Ind. Equip. v Gaston County (Civil) <b>Decision:</b> Dismissed	Gaston 02CVS3429	Tyson
03-1300-1	State v Stimpson (Criminal) <b>Decision:</b> No error	Guilford 98CRS46023,99CRS23501,- 98CRS46023,98CRS46022 98CRS46022,99CRS23501	Elmore
03-1565-1	BB&T Factors v Global Airways Freight (Civil) <b>Decision:</b> Affirmed	Guilford 01CVS848	Geer
04-178-1	State v Mabe (Criminal) <b>Decision:</b> No error	Guilford 01CRS89186	Levinson
04-186-1	In the Matter of: M.L.B. (Juvenile - 3.1) <b>Decision:</b> Affirmed	Guilford 02J620	Levinson
03-1614-1	State v Byrd (Criminal) <b>Decision:</b> No error	Harnett 02CRS52697	Thornburg
03-1290-1	State v Barrow (Criminal)	Johnston 95CRS795,95CRS792,95C- RS796,95CRS794,95CRS2854	Geer

Docket #	Title	County	Judge
	<b>Decision:</b> Judgment and sentence arrested as to 95CRS794. No error as to 95CRS792, 95CRS795, 95CRS796 and 95CRS2854.		
04-4-1	State v Gautier (Criminal)	Lenoir 03CRS2307,03CRS2302,03- CRS2305,03CRS2300,03C- RS2303,03CRS2306,03CR- S2301,03CRS2304	Bryant
	<b>Decision:</b> Reversed and remanded		
03-1467-1	State v Worley (Criminal)	Macon 02CRS50051	Hudson
	<b>Decision:</b> No error		
04-21-1	Williams v Williams (Civil)	McDowell 99CVD620	Levinson
	<b>Decision:</b> Affirmed with respect to Mrs. Williams' appeal; dismissed with respect to Mr. Williams' appeal		
03-1481-1	State v Steele (Criminal)	Mecklenburg 03CRS4669,03CRS4667,03- CRS4668	Bryant
	<b>Decision:</b> No error		
04-123-1	State v Fisher (Criminal)	Mecklenburg 02CRS229570	Thornburg
	<b>Decision:</b> No error		
04-205-1	Choate Const. v Enterprize Park Corp. (Civil)	Mecklenburg 02CVS3831	Bryant
	<b>Decision:</b> Affirmed		
04-282-1	State v Johnson (Criminal)	Mecklenburg 02CRS244568,02CRS2445- 71,02CRS244566,02CRS24- 4569,02CRS244567,02CRS- 244570	Steelman
	<b>Decision:</b> No error		
03-1196-1	McLean v Coca-Cola Bottling Co. (Civil)	N.C. Industrial Commission IC054769	Elmore
	<b>Decision:</b> Reversed and remanded		
03-1568-1	MacFarland v American National Can Co. (Civil)	N.C. Industrial Commission IC820742	Thornburg
	<b>Decision:</b> Affirmed		
03-1708-1	Jordan v Oakwood Homes (Civil)	N.C. Industrial Commission IC202577	Thornburg
	<b>Decision:</b> Vacated and remanded		
03-1323-1	Beau Rivage Homeownrs v New Hanover Cty (Civil)	New Hanover 02CVS2482,02CVS2483	Elmore
	<b>Decision:</b> Affirmed		
03-1601-1	Moss v Minter (Civil)	New Hanover 03CVD2360	Hunter
	<b>Decision:</b> Affirmed		
04-68-1	Childers v Childers (Civil)	New Hanover 02CVD2819	Thornburg
	<b>Decision:</b> Affirmed in part, remanded in part		
03-1706-1	State v Santiago (Criminal)	Onslow 01CRS54610	Tyson
	<b>Decision:</b> No error		
02-1744-1	Smith v UNC-Hospitals (Civil)	Orange 01CVS204	Timmons-Goodson

Docket #	Title	County	Judge
	<b>Decision:</b> Reversed		
03-1413-1	Bagelman's Best v Nationwide Mut Ins Co (Civil)	Pitt 01CVS2307	Thornburg
	<b>Decision:</b> Affirmed		
03-1691-1	State v Williams (Criminal)	Pitt 01CRS18273,01CRS18274	McGee
	<b>Decision:</b> No error		
03-1611-1	State v McDuffie (Criminal)	Randolph 01CRS52723	Thornburg
	<b>Decision:</b> No error		
04-66-1	State v Gibson (Criminal)	Randolph 01CRS53187	Levinson
	<b>Decision:</b> No error		
03-1287-1	State v Floyd (Criminal)	Robeson 01CRS15603	Thornburg
	<b>Decision:</b> No error		
03-1402-1	In Re: J.G.M. (Juvenile - 3.1)	Rowan 99J112	Elmore
	<b>Decision:</b> Vacated and remanded		
04-87-1	Bare v Kluttz (Civil)	Rowan 00CVS3160	Martin
	<b>Decision:</b> Affirmed		
03-1174-1	Head v Head (Civil)	Rutherford 01CVD1282	Elmore
	<b>Decision:</b> Affirmed		
03-1314-1	Joyce v Joyce (Civil)	Stokes 02CVD177	Elmore
	<b>Decision:</b> Affirmed		
02-1396-1	Smith v Barbour (Civil)	Wake 01SP432	McGee
	<b>Decision:</b> Affirmed		
03-1583-1	State v Xanongh (Criminal)	Wake 94CRS26574 94CRS26577,94CRS26575,- 94CRS26576,94CRS26575,- 94CRS26577,94CRS26574,- 94CRS26576	Tyson
	<b>Decision:</b> No prejudicial error		
04-18-1	In the Matter of: F.M.L.W. & F.J.S. (Juvenile - 3.1)	Wake 02J625	Timmons-Goodson
	<b>Decision:</b> Affirmed		
04-105-1	Bennett v News and Observer Publ'g Co. (Civil)	Wake 03CVS10195	Steelman
	<b>Decision:</b> Dismissed		
04-182-1	Brust v Ice Ventures, Inc. (Civil)	Wake 02CVS5479	Levinson
	<b>Decision:</b> Affirmed		
04-206-1	DePalma v Roman Catholic Diocese (Civil)	Wake 03CVS7487	Levinson
	<b>Decision:</b> Affirmed		