

IN THE COURT OF APPEALS
CASES REPORTED WITH PUBLISHED OPINIONS
(FILED 7 DECEMBER 2004)
(MANDATE 28 DECEMBER 2004)

Docket #	Title	County	Judge
03-1709-1	State v Oakley (Criminal) Decision: No error	Alamance	Hunter
03-805-2	Brown v Avery County (Civil) Decision: Petition for Rehearing Improvidently Allowed.	Avery	Per Curiam
03-1426-1	State v Walker, Browning & Hernandez (Criminal) Decision: New trial as to defendant Walker. No prejudicial error as to defendants Browning and Hernandez.	Beaufort	Steelman
03-1065-1	State v Ellis (Criminal) Decision: Affirmed	Bladen	Elmore
03-1108-1	State v Bethea (Criminal) Decision: No error	Bladen	Calabria
04-107-1	Stilwell v General Railway Services (Civil) Decision: New trial	Brunswick	McCullough
03-292-1	Miller v Barber-Scotia College (Civil) Decision: Vacated and remanded	Cabarrus	Steelman
04-401-1	Lambeth v Media General (Civil) Decision: Affirmed	Forsyth	Martin
03-1248-1	State v Jarrett (Criminal) Decision: No error	Gaston	Bryant
03-1276-1	State v Wall (Criminal) Decision: Vacated and remanded	Guilford	Elmore
03-1604-1	Moses H Cone Mem Health Svcs v Triplett (Civil) Decision: Reversed and remanded	Guilford	Thornburg
04-230-1	Thomas v Weddle (Civil) Decision: Affirmed	Guilford	Levinson
03-1351-1	State v Sutton (Criminal) Decision: Affirmed	Haywood	Geer
03-1439-1	In the Matter of: S.L.L. (Juvenile - 3.1) Decision: Reversed and remanded	Haywood	Timmons-Goodson
03-62-1	In Re: T.L.B. (Juvenile - 3.1) Decision: Affirmed	Iredell	Geer
04-6-1	Lee v Lee (Civil) Decision: Affirmed in part, reversed in part, and remanded in part	Lenoir	Hunter

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03-1303-1	Martin v Martin (Civil) Decision: Reversed and remanded	Mecklenburg	Hudson
03-1328-1	Jarrett v McCreary Modern, Inc. (Civil) Decision: Affirmed	N.C. Industrial Commission	Elmore
03-1598-1	Allen v SouthAg Mfg. (Civil) Decision: Affirmed	N.C. Industrial Commission	Martin
04-37-1	Segovia v J.L. Powell & Company (Civil) Decision: Affirmed	N.C. Industrial Commission	Thornburg
04-244-1	Bondurant v Estes Express Lines (Civil) Decision: Affirmed	N.C. Industrial Commission	Bryant
03-558-1	Pitts v Nash Day Hospital, Inc. (Civil) Decision: Reversed	Nash	Calabria
03-1653-1	In the Matter of: N.B. (Criminal) Decision: Affirmed	Nash	Bryant
03-471-1	Tubiolo v Abundant Life Church, Inc. (Civil) Decision: Affirmed in part, reversed in part, and remanded for further proceedings	Orange	Steelman
03-1687-1	Revels v Robeson Cty Board of Elections (Civil) Decision: Affirmed	Robeson	Thornburg
03-1577-1	State v Riley (Criminal) Decision: Affirmed; sanctions ordered	Rowan	Hudson
03-964-1	Allstate Insurance Co. v Lahoud (Civil) Decision: Affirmed	Wake	McCullough
03-1203-1	A&F Trademark, Inc. v Tolson (Civil) Decision: Affirmed	Wake	Calabria
03-1346-1	Anson County Citizens v NC DENR (Civil) Decision: Affirmed	Wake	Hudson
04-208-1	Whitehead v Sparrow Ent. (Civil) Decision: Affirmed	Wake	Tyson
04-246-1	Hyman v Efficiency, Inc. (Civil) Decision: Affirmed	Wake	Tyson
04-33-1	State v Shelton (Criminal) Decision: No error in part, remanded in part, vacated in part	Yancey	Levinson

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03-1550-1	State v Englebert (Criminal) Decision: No error	Alleghany 02CRS183 02CRS184	Hudson
03-1307-1	State v Head (Criminal) Decision: No error	Buncombe 02CRS63614 02CRS63612 02CRS63615 02CRS63614 02CRS63612 02CRS63615	Elmore
03-1388-1	In the Matter of: T.H. & T.H. (Juvenile - 3.1) Decision: Affirmed	Cabarrus 02J217 02J218	Thornburg
03-1419-1	State v Perry (Criminal) Decision: Reversed	Caldwell 02CRS52123	Wynn, Jr.
03-1707-1	In Re: N.A.B. (Juvenile - 3.1) Decision: Affirmed	Cumberland 98J886	Hunter
03-1665-1	State v Wilkerson (Criminal) Decision: No error	Durham 02CRS45890	Geer
04-112-1	State v Brooks (Criminal) Decision: No error	Durham 02CRS44420 02CRS7331 02CRS44419	Thornburg
03-1636-1	State v Pitts (Criminal) Decision: No error in part; vacated in part	Edgecombe 00CRS52529	Thornburg
04-309-1	Piedmont Ind. Equip. v Gaston County (Civil) Decision: Dismissed	Gaston 02CVS3429	Tyson
03-1300-1	State v Stimpson (Criminal) Decision: No error	Guilford 98CRS46023 99CRS23501 98CRS46023 98CRS46022 98CRS46022 99CRS23501	Elmore
03-1565-1	BB&T Factors v Global Airways Freight (Civil) Decision: Affirmed	Guilford 01CVS848	Geer
04-178-1	State v Mabe (Criminal) Decision: No error	Guilford 01CRS89186	Levinson
04-186-1	In the Matter of: M.L.B. (Juvenile - 3.1) Decision: Affirmed	Guilford 02J620	Levinson
03-1614-1	State v Byrd (Criminal) Decision: No error	Harnett 02CRS52697	Thornburg
03-1290-1	State v Barrow (Criminal)	Johnston 95CRS795 95CRS792 95CRS796 95CRS794 95CRS2854	Geer

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	Decision: 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 03CRS2305 03CRS2300 03CRS2303 03CRS2306 03CRS2301 03CRS2304	Bryant
	Decision: Reversed and remanded		
03-1467-1	State v Worley (Criminal)	Macon 02CRS50051	Hudson
	Decision: No error		
04-21-1	Williams v Williams (Civil)	McDowell 99CVD620	Levinson
	Decision: Affirmed with respect to Mrs. Williams' appeal; dismissed with respect to Mr. Williams' appeal		
03-1481-1	State v Steele (Criminal)	Mecklenburg 03CRS4669 03CRS4667 03CRS4668	Bryant
	Decision: No error		
04-123-1	State v Fisher (Criminal)	Mecklenburg 02CRS229570	Thornburg
	Decision: No error		
04-205-1	Choate Const. v Enterprize Park Corp. (Civil)	Mecklenburg 02CVS3831	Bryant
	Decision: Affirmed		
04-282-1	State v Johnson (Criminal)	Mecklenburg 02CRS244568 02CRS244571 02CRS244566 02CRS244569 02CRS244567 02CRS244570	Steelman
	Decision: No error		
03-1196-1	McLean v Coca-Cola Bottling Co. (Civil)	N.C. Industrial Commission IC054769	Elmore
	Decision: Reversed and remanded		
03-1568-1	MacFarland v American National Can Co. (Civil)	N.C. Industrial Commission IC820742	Thornburg
	Decision: Affirmed		
03-1708-1	Jordan v Oakwood Homes (Civil)	N.C. Industrial Commission IC202577	Thornburg
	Decision: Vacated and remanded		
03-1323-1	Beau Rivage Homeownrs v New Hanover Cty (Civil)	New Hanover 02CVS2482 02CVS2483	Elmore
	Decision: Affirmed		
03-1601-1	Moss v Minter (Civil)	New Hanover 03CVD2360	Hunter
	Decision: Affirmed		
04-68-1	Childers v Childers (Civil)	New Hanover 02CVD2819	Thornburg
	Decision: Affirmed in part, remanded in part		
03-1706-1	State v Santiago (Criminal)	Onslow 01CRS54610	Tyson
	Decision: No error		

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02-1744-1	Smith v UNC-Hospitals (Civil) Decision: Reversed	Orange 01CVS204	Timmons-Goodson
03-1413-1	Bagelman's Best v Nationwide Mut Ins Co (Civil) Decision: Affirmed	Pitt 01CVS2307	Thornburg
03-1691-1	State v Williams (Criminal) Decision: No error	Pitt 01CRS18273 01CRS18274	McGee
03-1611-1	State v McDuffie (Criminal) Decision: No error	Randolph 01CRS52723	Thornburg
04-66-1	State v Gibson (Criminal) Decision: No error	Randolph 01CRS53187	Levinson
03-1287-1	State v Floyd (Criminal) Decision: No error	Robeson 01CRS15603	Thornburg
03-1402-1	In Re: J.G.M. (Juvenile - 3.1) Decision: Vacated and remanded	Rowan 99J112	Elmore
04-87-1	Bare v Kluttz (Civil) Decision: Affirmed	Rowan 00CVS3160	Martin
03-1174-1	Head v Head (Civil) Decision: Affirmed	Rutherford 01CVD1282	Elmore
03-1314-1	Joyce v Joyce (Civil) Decision: Affirmed	Stokes 02CVD177	Elmore
02-1396-1	Smith v Barbour (Civil) Decision: Affirmed	Wake 01SP432	McGee
03-1583-1	State v Xananh (Criminal) Decision: No prejudicial error	Wake 94CRS26574 94CRS26577 94CRS26575 94CRS26576 94CRS26575 94CRS26577 94CRS26574 94CRS26576	Tyson
04-18-1	In the Matter of: F.M.L.W. & F.J.S. (Juvenile - 3.1) Decision: Affirmed	Wake 02J625	Timmons-Goodson
04-105-1	Bennett v News and Observer Publ'g Co. (Civil) Decision: Dismissed	Wake 03CVS10195	Steelman
04-182-1	Brust v Ice Ventures, Inc. (Civil) Decision: Affirmed	Wake 02CVS5479	Levinson
04-206-1	DePalma v Roman Catholic Diocese (Civil) Decision: Affirmed	Wake 03CVS7487	Levinson