

**IN THE COURT OF APPEALS**

**CASES REPORTED WITH PUBLISHED OPINIONS**

**(FILED 21 DECEMBER 2004)**  
**(MANDATE 10 JANUARY 2005)**

Docket #	Title	County	Judge
03-1298-1	Eddings v Southern Orthopaedic (Civil) <b>Decision:</b> We affirm in part and reverse in part	Buncombe	Bryant
03-1641-1	Dalgewicz v Dalgewicz (Civil) <b>Decision:</b> Affirmed in part; reversed and remanded	Buncombe	Timmons-Goodson
03-1191-1	Bridges v Oates (Civil) <b>Decision:</b> Reversed and remanded for further proceedings in accordance with this opinion	Cleveland	Hunter
03-1272-1	State v Simmons (Criminal) <b>Decision:</b> No error	Cumberland	Elmore
03-1531-1	State v Randle (Criminal) <b>Decision:</b> No error	Cumberland	Hunter
04-185-1	Miller v Lillich (Civil) <b>Decision:</b> Affirmed	Cumberland	Elmore
03-1372-1	Robertson v Robertson (Civil) <b>Decision:</b> Reversed in part and remanded	Davie	Calabria
04-7-1	Wilkerson v Norfolk Southern Railway (Civil) <b>Decision:</b> Vacated and remanded	Durham	Elmore
04-15-1	Skinner v Quintiles Transnational Corp. (Civil) <b>Decision:</b> Reversed and remanded	Durham	Thornburg
04-580-1	Production Systems v Amerisure, et al (Civil) <b>Decision:</b> Affirmed	Guilford	Levinson
03-1689-1	State v Joyner (Criminal) <b>Decision:</b> No prejudicial error. Affirmed.	Iredell	Wynn, Jr.
03-1593-1	Smith v Young Moving & Storage, Inc. (Civil) <b>Decision:</b> Affirmed	Johnston	Hunter
02-567-2	Lange v Lange (Civil) <b>Decision:</b> Reversed and remanded	Mecklenburg	Steelman
03-1457-1	State v McVay (Criminal) <b>Decision:</b> No error	Mecklenburg	McCullough
04-166-1	Robertson v Charlotte Zoning Board (Civil) <b>Decision:</b> Affirmed	Mecklenburg	Tyson
03-1472-1	Holroyd v Montgomery Cty. (Civil) <b>Decision:</b> Affirmed	Montgomery	Hunter

Docket #	Title	County	Judge
03-1134-1	Barbour v Regis Corp. (Civil) <b>Decision:</b> Affirmed	N.C. Industrial Commission	Hunter
03-1447-1	Lewis v NC DOC (Civil) <b>Decision:</b> Affirmed	N.C. Industrial Commission	McGee
03-1475-1	Goforth v K-Mart Corporation (Civil) <b>Decision:</b> Affirmed	N.C. Industrial Commission	Wynn, Jr.
03-1677-1	Aboagwa v Raleigh Lions Clinic (Civil) <b>Decision:</b> Affirmed	N.C. Industrial Commission	Wynn, Jr.
03-1688-1	Craven v VF Corp. (Civil) <b>Decision:</b> Affirmed	N.C. Industrial Commission	Wynn, Jr.
03-1526-1	State v Spellman (Criminal) <b>Decision:</b> No error in part; remanded in part	Nash	Timmons-Goodson
03-1453-1	VisionAir, Inc. v James (Civil) <b>Decision:</b> Affirmed	New Hanover	Wynn, Jr.
04-175-1	Indian Rock Association v Ball (Civil) <b>Decision:</b> Affirmed	Northampton	Wynn, Jr.
03-1711-1	Parker v Willis (Civil) <b>Decision:</b> Reversed	Pender	Thornburg
03-1562-1	Hayes v Town of Fairmont (Civil) <b>Decision:</b> Affirmed	Robeson	Thornburg
03-1421-1	State v Moore (Criminal) <b>Decision:</b> No error	Rockingham	McGee
03-1353-1	State v Carter (Criminal) <b>Decision:</b> 03CR54017, Count 1, Breaking and or Entering-Affirmed. 03CR54017, Count 2, Felony Larceny-Affirmed. 03CR54017, Count 3, Possession of Stolen Goods/Property-Judgment arrested.	Rowan	Geer
03-1364-1	State v Jeffery (Criminal) <b>Decision:</b> Affirmed; remanded for resentencing	Scotland	McGee
03-1423-1	Adams v Bank United of Texas FSB (Civil) <b>Decision:</b> Reversed and remanded for further proceedings	Wake	Hunter
03-1554-1	Mosley v WAM, Inc. (Civil) <b>Decision:</b> Affirmed	Wake	Wynn, Jr.
04-441-1	Kelly v Kelly (Civil) <b>Decision:</b> Affirmed	Wake	Tyson
03-1444-1	Beech Mountain Vacations v New York Fin (Civil) <b>Decision:</b> Reversed	Watauga	Wynn, Jr.
04-1-1	Advanced Wall Systems v Highlande Bldrs (Civil) <b>Decision:</b> Affirmed	Watauga	Wynn, Jr.

**IN THE  
COURT OF APPEALS**

**CASES REPORTED WITHOUT PUBLISHED OPINIONS**

**(FILED 21 DECEMBER 2004)  
(MANDATE 10 JANUARY 2005)**

Docket #	Title	County	Judge
03-1524-1	State v Anderson (Criminal) <b>Decision:</b> No error	Alamance 02CRS55447	Calabria
03-1564-1	In the Matter of: T.D.C. (Juvenile - 3.1) <b>Decision:</b> Affirmed	Brunswick 02J210	McGee
03-1605-1	In the Matter of: M.K. (Juvenile - 3.1) <b>Decision:</b> Affirmed	Brunswick 02J136	Calabria
03-1225-1	Laird v Carroll (Civil) <b>Decision:</b> Affirmed	Buncombe 00CVD6405	Geer
03-1701-1	In the Matter of: C.D.M. & J.A.F.D. (Juvenile - 3.1) <b>Decision:</b> Affirmed	Buncombe 03J27 03J28	Wynn, Jr.
04-13-1	In the Matter of: E.L. (Juvenile - 3.1) <b>Decision:</b> Affirmed	Buncombe 02J291	McGee
04-235-1	State v Becoats (Criminal) <b>Decision:</b> No error	Buncombe 03CRS6967 03CRS53458 03CRS6965 03CRS53456 03IFS6079 03CRS6966 03CRS53457	Steelman
04-428-1	Black v Hamrick (Civil) <b>Decision:</b> Vacated	Buncombe 03CVS2210	Timmons-Goodson
04-569-1	In Re: D.C. & M.L. (Juvenile - 3.1) <b>Decision:</b> Affirmed	Buncombe 02J77	Steelman
04-49-1	Southern Investment Prop. v Watson (Civil) <b>Decision:</b> Affirm	Burke 02CVS1538	Bryant
03-1383-1	C.F. Little Dev. v NC Natural Gas (Civil) <b>Decision:</b> Affirmed	Cabarrus 01CVS2068	Geer
04-405-1	In Re: T.H. & T.H. (Juvenile - 3.1) <b>Decision:</b> Affirmed in part; reversed and remanded in part	Cabarrus 02J217 02J218	Thornburg
04-85-1	State v Cornett (Criminal) <b>Decision:</b> No error	Catawba 01CRS51928	McGee
04-212-1	State v Hacker (Criminal) <b>Decision:</b> No prejudicial error; remanded for correction of clerical error in judgment	Craven 03CRS53131	Steelman
03-1492-1	In Re: H.D. & J.B. (Juvenile - 3.1) <b>Decision:</b> Reversed and vacated in part; affirmed in part	Cumberland 02J255 02J256	Hunter
03-1694-1	State v Johnson (Criminal)	Cumberland 02CRS53465	Wynn, Jr.

Docket #	Title	County	Judge
	<b>Decision:</b> Affirmed		
04-606-1	State v Chance (Criminal)	Cumberland 02CRS54074	Steelman
	<b>Decision:</b> No error		
03-1719-1	Cunningham v Sams (Civil)	Davidson 01CVD3362	Wynn, Jr.
	<b>Decision:</b> Affirmed		
04-99-1	Lanier v Lanier (Civil)	Duplin 01SP42	Thornburg
	<b>Decision:</b> Affirmed		
03-1585-1	State v Clayton (Criminal)	Durham 02CRS40671	Steelman
	<b>Decision:</b> No error		
03-1320-1	State v Patrick (Criminal)	Forsyth 01CRS62182 01CRS40375 02CRS20683 02CRS20683 01CRS62182 01CRS40375	Geer
	<b>Decision:</b> New trial in part, no error in part, and remand for resentencing		
03-1674-1	State v Manning (Criminal)	Forsyth 02CRS58759 02CRS26859 02CRS58703	Thornburg
	<b>Decision:</b> No error		
04-437-1	State v Myers (Criminal)	Forsyth 02CRS62914	Steelman
	<b>Decision:</b> No error		
03-1394-1	Norfolk Southern RR v Wilson Paint (Civil)	Gaston 99CVS1538	Elmore
	<b>Decision:</b> Affirmed		
04-440-1	City of Gastonia v Hayes (Civil)	Gaston 01CVS2343	Steelman
	<b>Decision:</b> Reversed		
03-1367-1	Seaboard Container v Four Seasons Envtl (Civil)	Guilford 02CVS10097	Hudson
	<b>Decision:</b> Affirmed in part, dismissed in part		
03-1452-1	State v Williams (Criminal)	Guilford 01CRS103488 01CRS103485 01CRS103483 01CRS103489 01CRS103487 01CRS103484 01CRS103488 01CRS103486 01CRS103483 01CRS103490 01CRS103487 01CRS103485 01CRS103482 01CRS103492 01CRS103489 01CRS103486 01CRS103484 01CRS103490	McCullough
	<b>Decision:</b> No error		

Docket #	Title	County	Judge
04-242-1	State v Chapman (Criminal)	Guilford 02CRS91698 02CRS23713 02CRS91696 02CRS91699 02CRS93444 02CRS91697 02CRS23712	Steelman
	<b>Decision:</b> No error		
04-490-1	State v Coleman (Criminal)	Guilford 02CRS102742 02CRS102747	Steelman
	<b>Decision:</b> No error		
04-456-1	In Re: L.G. (Juvenile - 3.1)	Harnett 01J61	Wynn, Jr.
	<b>Decision:</b> Affirmed		
04-460-1	State v Arnold (Criminal)	Harnett 02CRS57048	Steelman
	<b>Decision:</b> No error		
04-153-1	State v Baker (Criminal)	Iredell 98CRS8538 98CRS13466 98CRS13466 98CRS8539 98CRS8540 98CRS8539 98CRS8538 98CRS8540	Steelman
	<b>Decision:</b> No error		
03-1510-1	In the Matter of: P.S. (Juvenile - 3.1)	Johnston 01J182	McCullough
	<b>Decision:</b> Affirmed		
03-1528-1	Cook v Coffey (Civil)	Madison 02CVS170	McCullough
	<b>Decision:</b> Affirmed		
03-1587-1	State v Hawkins (Criminal)	Mecklenburg 02CRS215147	Elmore
	<b>Decision:</b> No error		
03-1683-1	Gallis v M&R Investors (Civil)	Mecklenburg 01SP3391 02SP1197	Thornburg
	<b>Decision:</b> Reversed		
04-20-1	Mehrizi v Romero-Baeza (Civil)	Mecklenburg 03CVD9934	Elmore
	<b>Decision:</b> Remanded for new trial		
04-222-1	In Re: D.W. (Criminal)	Mecklenburg 00J1022	Wynn, Jr.
	<b>Decision:</b> Appeal dismissed		
04-486-1	In re: R.H. (Juvenile - 3.1)	Mecklenburg 01J1173	Steelman
	<b>Decision:</b> Affirmed		
04-512-1	State v Hilton (Criminal)	Mecklenburg 02CRS81539	Steelman
	<b>Decision:</b> Affirmed		
04-9-1	State v Keitt (Criminal)	Montgomery 00CRS50499	McGee
	<b>Decision:</b> No error in defendant's trial; vacated and remanded as to attorney's fees		
04-60-1	Burt v NC DOC (Civil)	N.C. Industrial Commission TA17293	Wynn, Jr.
	<b>Decision:</b> Affirmed		

Docket #	Title	County	Judge
04-91-1	Spicer v New Hanover Regional Med. Ctr. (Civil) <b>Decision:</b> Affirmed	N.C. Industrial Commission IC558162 IC721983	Wynn, Jr.
04-96-1	Anderson Estate v Dana Corp. (Civil) <b>Decision:</b> Affirmed	N.C. Industrial Commission IC016368	Hunter
04-513-1	Sherwin v Cape Fear Valley Health (Civil) <b>Decision:</b> Dismissed	N.C. Industrial Commission IC123003	Steelman
02-1746-2	State v Sneed (Criminal) <b>Decision:</b> Affirmed	New Hanover 02CRS3556 02CRS4649	Wynn, Jr.
03-1373-1	Smith v Murrell (Civil) <b>Decision:</b> Affirmed	New Hanover 01CVS3559	Geer
03-1705-1	Elliott v Food Lion, L.L.C. (Civil) <b>Decision:</b> Affirmed	New Hanover 01CVS3706	Wynn, Jr.
03-1405-1	King v Popkins & Associates (Civil) <b>Decision:</b> Affirmed	Onslow 01CVS3960	Bryant
03-1214-1	Shafman v Donald Larson, Inc. (Civil) <b>Decision:</b> Affirmed in part; no error in part; remanded in part	Orange 00CVS1735	Geer
03-1473-1	Sidbury v Jacobs (Civil) <b>Decision:</b> Reversed and remanded	Pender 01CVD17	McGee
03-1533-1	In the Matter of: J.M.H. (Juvenile - 3.1) <b>Decision:</b> Affirmed	Person 02J31	McGee
03-1643-1	Jimmy Lewis Contracting v Pearman (Civil) <b>Decision:</b> Affirmed in part, reversed in part	Person 99CVD342	Hudson
04-38-1	In Re: R.P., P.P, and M.P. (Juvenile - 3.1) <b>Decision:</b> Vacated and remanded	Pitt 00J208 00J206 00J207	Thornburg
04-457-1	O'Beid v Eastwood (Civil) <b>Decision:</b> Affirmed	Pitt 01CVS2655	Levinson
04-400-1	State v Tinsley (Criminal) <b>Decision:</b> No error	Rockingham 03CRS50885	Steelman
03-1243-1	Spernock v TS Henson Builders, Inc. (Civil) <b>Decision:</b> Reversed and remanded	Union 01CVS1318	McCullough
03-1330-1	State v Garza (Criminal) <b>Decision:</b> Affirmed	Wake 02CRS31079 02CRS38982	Wynn, Jr.
03-1713-1	State v Cunningham (Criminal) <b>Decision:</b> No error in part; vacated in part	Wake 02CRS47332 02CRS47333	Thornburg

Docket #	Title	County	Judge
04-19-1	State v Santa-Maria (Criminal) <b>Decision:</b> No error	Wake 02CRS49345	McCullough
04-262-1	Westerhold v Designers's Way (Civil) <b>Decision:</b> Affirmed	Wake 02CVS12706	Thornburg
04-349-1	State v Conway (Criminal) <b>Decision:</b> No error	Wake 03CRS57101	Steelman
04-493-1	State v Bedford (Criminal) <b>Decision:</b> No error in part; reversed in part, and remanded	Wayne 03CRS51040	Levinson
04-507-1	State v Hobbs (Criminal) <b>Decision:</b> No error	Wayne 02CRS060641	Steelman
04-257-1	Godwin v Barnes (Civil) <b>Decision:</b> No error	Wilson 02CVS1224	Thornburg
03-1628-1	In the Matter of: J.B.C. & C.L.C. (Juvenile - 3.1) <b>Decision:</b> Affirmed	Yadkin 01J111 01J112	Thornburg