

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

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| 03-1134-1 | Barbour v Regis Corp. (Civil) Decision: Affirmed | N.C. Industrial Commission | Hunter |
| 03-1447-1 | Lewis v NC DOC (Civil) Decision: Affirmed | N.C. Industrial Commission | McGee |
| 03-1475-1 | Goforth v K-Mart Corporation (Civil) Decision: Affirmed | N.C. Industrial Commission | Wynn, Jr. |
| 03-1677-1 | Aboagwa v Raleigh Lions Clinic (Civil) Decision: Affirmed | N.C. Industrial Commission | Wynn, Jr. |
| 03-1688-1 | Craven v VF Corp. (Civil) Decision: Affirmed | N.C. Industrial Commission | Wynn, Jr. |
| 03-1526-1 | State v Spellman (Criminal) Decision: No error in part; remanded in part | Nash | Timmons-Goodson |
| 03-1453-1 | VisionAir, Inc. v James (Civil) Decision: Affirmed | New Hanover | Wynn, Jr. |
| 04-175-1 | Indian Rock Association v Ball (Civil) Decision: Affirmed | Northampton | Wynn, Jr. |
| 03-1711-1 | Parker v Willis (Civil) Decision: Reversed | Pender | Thornburg |
| 03-1562-1 | Hayes v Town of Fairmont (Civil) Decision: Affirmed | Robeson | Thornburg |
| 03-1421-1 | State v Moore (Criminal) Decision: No error | Rockingham | McGee |
| 03-1353-1 | State v Carter (Criminal) Decision: 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) Decision: Affirmed; remanded for resentencing | Scotland | McGee |
| 03-1423-1 | Adams v Bank United of Texas FSB (Civil) Decision: Reversed and remanded for further proceedings | Wake | Hunter |
| 03-1554-1 | Mosley v WAM, Inc. (Civil) Decision: Affirmed | Wake | Wynn, Jr. |
| 04-441-1 | Kelly v Kelly (Civil) Decision: Affirmed | Wake | Tyson |
| 03-1444-1 | Beech Mountain Vacations v New York Fin (Civil) Decision: Reversed | Watauga | Wynn, Jr. |
| 04-1-1 | Advanced Wall Systems v Highlande Bldrs (Civil) Decision: Affirmed | Watauga | Wynn, Jr. |

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

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

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| 04-242-1 | State v Chapman (Criminal) | Guilford 02CRS91698 02CRS23713 02CRS91696 02CRS91699 02CRS93444 02CRS91697 02CRS23712 | Steelman |
| | Decision: No error | | |
| 04-490-1 | State v Coleman (Criminal) | Guilford 02CRS102742 02CRS102747 | Steelman |
| | Decision: No error | | |
| 04-456-1 | In Re: L.G. (Juvenile - 3.1) | Harnett 01J61 | Wynn, Jr. |
| | Decision: Affirmed | | |
| 04-460-1 | State v Arnold (Criminal) | Harnett 02CRS57048 | Steelman |
| | Decision: No error | | |
| 04-153-1 | State v Baker (Criminal) | Iredell 98CRS8538 98CRS13466 98CRS13466 98CRS8539 98CRS8540 98CRS8539 98CRS8538 98CRS8540 | Steelman |
| | Decision: No error | | |
| 03-1510-1 | In the Matter of: P.S. (Juvenile - 3.1) | Johnston 01J182 | McCullough |
| | Decision: Affirmed | | |
| 03-1528-1 | Cook v Coffey (Civil) | Madison 02CVS170 | McCullough |
| | Decision: Affirmed | | |
| 03-1587-1 | State v Hawkins (Criminal) | Mecklenburg 02CRS215147 | Elmore |
| | Decision: No error | | |
| 03-1683-1 | Gallis v M&R Investors (Civil) | Mecklenburg 01SP3391 02SP1197 | Thornburg |
| | Decision: Reversed | | |
| 04-20-1 | Mehrizi v Romero-Baeza (Civil) | Mecklenburg 03CVD9934 | Elmore |
| | Decision: Remanded for new trial | | |
| 04-222-1 | In Re: D.W. (Criminal) | Mecklenburg 00J1022 | Wynn, Jr. |
| | Decision: Appeal dismissed | | |
| 04-486-1 | In re: R.H. (Juvenile - 3.1) | Mecklenburg 01J1173 | Steelman |
| | Decision: Affirmed | | |
| 04-512-1 | State v Hilton (Criminal) | Mecklenburg 02CRS81539 | Steelman |
| | Decision: Affirmed | | |
| 04-9-1 | State v Keitt (Criminal) | Montgomery 00CRS50499 | McGee |
| | Decision: 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. |
| | Decision: Affirmed | | |

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

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