

**IN THE COURT OF APPEALS**  
**CASES REPORTED WITH PUBLISHED OPINIONS**  
**(FILED 15 FEBRUARY 2005)**  
**(MANDATE 7 MARCH 2005)**

Docket #	Title	County	Judge
04-119-1	Walker v Penn National Security Ins. (Civil) <b>Decision:</b> Reversed and remanded	Beaufort	McGee
03-1581-1	State v Gladden (Criminal) <b>Decision:</b> No error	Burke	Elmore
04-251-1	State v Pope (Criminal) <b>Decision:</b> Affirmed and remanded	Catawba	Hunter
04-662-1	Jones v City of Durham, et al (Civil) <b>Decision:</b> Affirmed in part, reversed in part	Durham	McCullough
04-521-1	State v Alvarez (Criminal) <b>Decision:</b> No error	Forsyth	Tyson
04-526-1	State v Wood (Criminal) <b>Decision:</b> No prejudicial error	Forsyth	Wynn, Jr.
04-157-1	Gaston County ex rel. Miller v Miller (Civil) <b>Decision:</b> Affirmed	Gaston	Elmore
04-348-1	NC Farm Bureau Ins. v Nationwide Ins. (Civil) <b>Decision:</b> Affirmed	Guilford	Hudson
04-435-1	Morgan v AT&T Corporation (Civil) <b>Decision:</b> Affirmed in part and reversed in part	Harnett	Hunter
03-233-1	Smith v Jackson County BOE (Civil) <b>Decision:</b> Affirmed	Jackson	Geer
04-664-1	State v Snipes (Criminal) <b>Decision:</b> No error at trial; remand for correction of clerical errors	Lee	Timmons-Goodson
03-1130-1	Smith v Richardson Sports Ltd. Partners (Civil) <b>Decision:</b> Affirmed in part, remanded for further proceedings in part	N.C. Industrial Commission	Hunter
03-1720-1	Vereen v NC DOC (Civil) <b>Decision:</b> Vacated	N.C. Industrial Commission	Martin
04-147-1	Cooper v Cooper Enterprises, Inc. (Civil) <b>Decision:</b> Affirmed	N.C. Industrial Commission	Wynn, Jr.
04-177-1	Adams v Metals USA (Civil) <b>Decision:</b> Affirmed	N.C. Industrial Commission	Bryant
04-429-1	State v Miller (Criminal) <b>Decision:</b> Affirmed; remanded for resentencing and a determination of earned credits	Onslow	McGee

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04-363-1	Martin & Loftis v Saieed Const. (Civil) <b>Decision:</b> Reversed	Person	Hunter
04-789-1	Campbell v City of Laurinburg (Civil) <b>Decision:</b> Reversed	Scotland	Elmore
03-1358-1	Johnson v Lucas (Civil) <b>Decision:</b> Dismissed	Wake	Hudson
04-240-1	Mayo v NCSU (Civil) <b>Decision:</b> Affirmed in part; reversed in part	Wake	Bryant

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04-144-1	Camp v Camp (Civil) <b>Decision:</b> Dismissed	Alexander 00CVD463	Wynn, Jr.
04-146-1	Holden v Holden (Civil) <b>Decision:</b> Affirmed	Brunswick 02CVD1845	Elmore
03-1411-2	Dungan & Mitchell v Dillingham Constr. (Civil) <b>Decision:</b> No error	Buncombe 01CVD1930	Geer
04-986-1	In Re: A.K. (Juvenile - 3.1) <b>Decision:</b> Dismissed	Buncombe 02J33B	Levinson
04-138-1	State v Mattern (Criminal) <b>Decision:</b> No error	Cabarrus 02CRS9600 02CRS9603 02CRS9508 02CRS9601 02CRS9509 02CRS9602	Timmons-Goodson
03-1548-1	Heavner v Cha (Civil) <b>Decision:</b> Affirmed	Catawba 01CVD1265	Hudson
04-83-1	In the Matter of: P.C. (Juvenile - 3.1) <b>Decision:</b> Affirmed	Catawba 02J280	Martin
04-127-1	State v Powell (Criminal) <b>Decision:</b> No error	Duplin 02CRS51450 02CRS51451	Elmore
04-275-1	State v Brandenburg (Criminal) <b>Decision:</b> No error	Durham 01CRS58999 01CRS59001	Hudson
04-423-1	Appel v Food Lion, L.L.C. (Civil) <b>Decision:</b> Reversed	Durham 00CVS4358	Hunter
03-1549-1	State v Austin (Criminal) <b>Decision:</b> No error	Forsyth 02CRS52232 02CRS13905 02CRS52305 02CRS13906	Bryant
04-23-1	State v Miller (Criminal) <b>Decision:</b> No trial error, remand for sentencing	Forsyth 02CRS62124 02CRS36221 03CRS10606 02CRS36756	Elmore
04-755-1	State v Lowery (Criminal) <b>Decision:</b> No error	Forsyth 03CRS58850	Levinson
03-1695-1	State v Chapman (Criminal) <b>Decision:</b> No error	Gaston 03CRS53783 03CRS53781 03CRS53782	Timmons-Goodson
04-350-1	In the Matter of: C.M.M. & L.R.W. (Juvenile - 3.1) <b>Decision:</b> Affirmed	Guilford 01J595 01J596	Hudson

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03-1597-1	Bryant v Richards (Civil) <b>Decision:</b> Affirmed	Harnett 02CVS1146	Hudson
04-568-1	In Re: D.D. (Criminal) <b>Decision:</b> Affirmed	Harnett 02J184	Timmons-Goodson
04-656-1	State v Crump (Criminal) <b>Decision:</b> New trial	Haywood 03CRS52108	Levinson
04-160-1	Hill v West (Civil) <b>Decision:</b> Dismissed	Johnston 02CVS3062	Geer
04-149-1	DeBruhl v DeBruhl (Civil) <b>Decision:</b> Affirmed	Lenoir 99CVD126	McGee
04-810-1	Dove v Davis (Civil) <b>Decision:</b> Affirmed	Lenoir 03CVS1157	Martin
03-1633-1	State v Handy (Criminal) <b>Decision:</b> Affirmed	Mecklenburg 00CRS31518	Timmons-Goodson
04-292-1	Inland Fresh Seafood v So. Pine Renov. (Civil) <b>Decision:</b> No error	Mecklenburg 01CVS5812	Steelman
04-687-1	State v Foster (Criminal) <b>Decision:</b> Affirm	Mecklenburg 03CRS52396	Levinson
03-1668-1	State v Ingram (Criminal) <b>Decision:</b> No error	Moore 02CRS51362 02CRS1921 02CRS8204	Martin
04-118-1	Zbytniuk v ABF Freight Systems, Inc. (Civil) <b>Decision:</b> Affirmed	N.C. Industrial Commission IC844352	Calabria
04-426-1	Rowell v G. S. Materials, Inc. (Civil) <b>Decision:</b> Affirmed	N.C. Industrial Commission IC173439	Hudson
04-226-1	State v Harvin (Criminal) <b>Decision:</b> No error	New Hanover 02CRS19010	Calabria
04-143-1	State v Mack (Criminal) <b>Decision:</b> No error	Pender 03CRS50336	Timmons-Goodson
04-131-1	Humble v Sara Lee Corp. (Civil) <b>Decision:</b> Affirmed	Randolph 03CVS618	Elmore
04-503-1	State v Michaelis (Criminal) <b>Decision:</b> No error	Randolph 02CRS55113	Hudson
03-1474-1	State v Burns (Criminal)	Robeson 00CRS9336	Timmons-Goodson

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	<b>Decision:</b> No error		
03-1692-1	State v Kimbrell (Criminal)	Rutherford 02CRS51727 02CRS2839 02CRS51726	Hudson
	<b>Decision:</b> No error		
03-1459-1	Whitley v Horton (Civil)	Wake 01CVS7671	McCullough
	<b>Decision:</b> Affirmed in part, reversed in part		
03-1468-1	State v Byrd (Criminal)	Wake 02CRS14382 02CRS37819	Timmons-Goodson
	<b>Decision:</b> No error		
03-1647-1	State v Raynor (Criminal)	Wake 02CRS16866 02CRS16867	Timmons-Goodson
	<b>Decision:</b> No error		
03-1700-1	State v Smith (Criminal)	Wake 02CRS69621	Elmore
	<b>Decision:</b> No error		
04-320-1	In the Matter of: M.I.V. (Juvenile - 3.1)	Wake 03J91	Elmore
	<b>Decision:</b> Affirmed		
03-1513-1	State v Peterson (Criminal)	Wayne 00CRS2127 00CRS54030 00CRS2125 00CRS2128 00CRS2126 00CRS53920	Timmons-Goodson
	<b>Decision:</b> No error		
03-1629-1	State v King (Criminal)	Wayne 03CRS191 02CRS56930 03CRS192 02CRS56931 03CRS208	Timmons-Goodson
	<b>Decision:</b> No error		