

**IN THE COURT OF APPEALS**  
**CASES REPORTED WITH PUBLISHED OPINIONS**  
**(FILED 5 APRIL 2005)**  
**(MANDATE 25 APRIL 2005)**

Docket #	Title	County	Judge
04-750-1	Foard v Avery County Bank, et al (Civil) <b>Decision:</b> Reversed	Avery	Hunter
04-312-1	State v Blizzard (Criminal) <b>Decision:</b> No prejudicial error	Brunswick	Tyson
04-690-1	Arnold, et al v City of Asheville (Civil) <b>Decision:</b> Dismissed	Buncombe	Steelman
04-295-1	State v Watkins (Criminal) <b>Decision:</b> Vacated in part, no error in part	Caswell	Elmore
04-561-1	Hultquist v Morrow (Civil) <b>Decision:</b> Affirmed	Chatham	Timmons-Goodson
04-191-1	State v Arnold (Criminal) <b>Decision:</b> Reversed and remanded	Cumberland	Calabria
04-951-1	Basnight v Peters & White (Civil) <b>Decision:</b> Affirmed in part; vacated and remanded in part	Dare	Elmore
04-697-1	Scoggins, et al v Jacobs (Civil) <b>Decision:</b> Affirmed	Durham	Wynn, Jr.
04-317-1	State v Cardenas (Criminal) <b>Decision:</b> No error	Forsyth	Tyson
04-893-1	State v Tedder (Criminal) <b>Decision:</b> No error	Forsyth	Hudson
04-627-1	State v Millsaps (Criminal) <b>Decision:</b> New trial	Graham	Martin
04-544-1	Evans v Evans (Civil) <b>Decision:</b> Affirmed	Granville	Martin
04-514-1	Castle McCulloch v Freedman (Civil) <b>Decision:</b> Affirmed	Guilford	Wynn, Jr.
04-515-1	State v Harrison (Criminal) <b>Decision:</b> No error	Guilford	Timmons-Goodson
04-706-1	State v Rios (Criminal) <b>Decision:</b> No error	Guilford	Bryant
04-804-1	State v Crouse (Criminal) <b>Decision:</b> No error	Guilford	McCullough
04-1010-1	Harleysville Mutual v Berkley Ins. Co. (Civil) <b>Decision:</b> Affirmed	Guilford	Timmons-Goodson

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04-332-1	Faulkenberry v Faulkenberry (Civil) <b>Decision:</b> Affirmed	Iredell	Elmore
03-1501-1	Holland v Holland (Civil) <b>Decision:</b> Reversed and remanded	Johnston	Calabria
04-653-1	State v Belton & Aegis Ins. Co. (Civil) <b>Decision:</b> Affirmed	Lenoir	Levinson
04-165-1	State v McIlwaine (Criminal) <b>Decision:</b> No error at trial. Remand for new sentencing hearing	Mecklenburg	Bryant
04-263-1	Beamer v Roakes (Civil) <b>Decision:</b> Remanded	Mecklenburg	Geer
04-622-1	State v Houston (Criminal) <b>Decision:</b> No error	Mecklenburg	Jackson
04-635-1	State v Nicholson (Criminal) <b>Decision:</b> No error in trial; remanded for resentencing	Mecklenburg	Hunter
04-806-1	Cunningham v Riley, et al (Civil) <b>Decision:</b> Affirmed	Mecklenburg	Steelman
03-1109-1	Crane v Berry's Clean-Up & Landscaping (Civil) <b>Decision:</b> Reversed and remanded	N.C. Industrial Commission	Geer
04-302-1	Swift v Richardson Sports, LTD. (Civil) <b>Decision:</b> Affirmed in part, remanded in part	N.C. Industrial Commission	McCullough
04-439-1	Davis v Great Coastal Express (Civil) <b>Decision:</b> Affirmed	N.C. Industrial Commission	McGee
04-577-1	Brown v Kroger & Continental Casualty (Civil) <b>Decision:</b> Affirmed in part; remanded in part	N.C. Industrial Commission	Timmons-Goodson
04-290-1	Nash-Rocky Mount v Rocky Mount Bd. Adj. (Civil) <b>Decision:</b> Affirmed in part and reversed in part	Nash	Geer
03-1123-1	State v Johnson (Criminal) <b>Decision:</b> No error	New Hanover	Steelman
04-463-1	In re: L.E.B. & K.T.B. (Juvenile - 3.1) <b>Decision:</b> Reversed and remanded	New Hanover	Tyson
04-855-1	State v Watson (Criminal) <b>Decision:</b> No error	New Hanover	Wynn, Jr.
04-1007-1	Brenenstuhl v Brenenstuhl (Civil) <b>Decision:</b> Affirmed	Onslow	Timmons-Goodson
04-467-1	Wolfe v Villines (Civil) <b>Decision:</b> Reversed	Person	Hunter

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03-1222-1	Boyd v Robeson County (Civil) <b>Decision:</b> Affirmed in part and dismissed in part	Robeson	Geer
04-445-1	Misenheimer v Burris (Civil) <b>Decision:</b> Reversed	Stanly	Timmons-Goodson
04-203-1	State v Ayscue (Criminal) <b>Decision:</b> No error at trial; remand for new sentencing hearing	Vance	Timmons-Goodson
03-1542-1	Boyce & Isley v Cooper (Civil) <b>Decision:</b> Dismissed	Wake	Hudson
04-111-1	Loredo v CSX Transportation, Inc. (Civil) <b>Decision:</b> Affirmed	Wake	Elmore
04-594-1	Cty. of Cabarrus, et al v Tolson (Civil) <b>Decision:</b> Affirmed	Wake	Elmore
04-765-1	Francis v Francis (Civil) <b>Decision:</b> Affirmed	Wake	McCullough
04-829-1	Ellis-Don Constr., et al v HNTB Corp. (Civil) <b>Decision:</b> Reversed and remanded	Wake	Tyson
04-284-1	State v Mitchell (Criminal) <b>Decision:</b> New trial	Wayne	Martin
04-346-1	In the Matter of: P.M. (Juvenile - 3.1) <b>Decision:</b> Affirmed in part, reversed in part, and remanded	Wayne	Geer
04-785-1	State v Benbow (Criminal) <b>Decision:</b> Reversed	Yadkin	Hunter

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Docket #	Title	County	Judge
04-287-1	State v Holloway (Criminal) <b>Decision:</b> No error	Beaufort 02CRS52607	Geer
04-1103-1	Smith v Schelero (Civil) <b>Decision:</b> Dismissed	Brunswick 03CVS1443	Elmore
04-1088-1	In Re: T.S. (Juvenile - 3.1) <b>Decision:</b> Affirmed	Burke 02J27	Calabria
04-506-1	Waters v Waters (Civil) <b>Decision:</b> Reversed	Caldwell 03CVD1167	Levinson
04-800-1	State v Bigelow (Criminal) <b>Decision:</b> No error	Caswell 03CRS75	Elmore
03-1603-1	In the Matter of: D.G., C.S., & K.G. (Juvenile - 3.1) <b>Decision:</b> Affirmed in part, reversed and remanded in part	Chatham 02J64,02J62,02J63	Hunter
04-296-1	State v Humphries (Criminal) <b>Decision:</b> No error	Cleveland 01CRS52015,01CRS52016	Bryant
04-626-1	State v Johnson (Criminal) <b>Decision:</b> No error	Cleveland 03CRS3561,02CRS58785,0-3CRS3560	McCullough
04-255-1	Columbus County v Davis (Civil) <b>Decision:</b> No error	Columbus 00CVD1770	Wynn, Jr.
04-106-1	State v Pittman (Criminal) <b>Decision:</b> No error	Craven 03CRS50337,03CRS50335,-03CRS50338,03CRS50336	Geer
04-660-1	State v Smith (Criminal) <b>Decision:</b> Reversed	Dare 99CRS3275,99CRS3274	McCullough
04-325-1	State v Barr (Criminal) <b>Decision:</b> Dismissed	Durham 02CRS48173	Geer
04-231-1	State v Nelson (Criminal) <b>Decision:</b> No error	Forsyth 02CRS50551,02CRS367	Geer
04-784-1	State v Graham (Criminal) <b>Decision:</b> Affirmed	Forsyth 00CRS28641	Martin
04-947-1	State v Cooper (Criminal) <b>Decision:</b> Remanded for resentencing	Forsyth 00CRS57958,00CRS40391,-01CRS4207,00CRS57553	Calabria
04-1020-1	State v Walker (Criminal)	Forsyth 03CRS51472	Elmore

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	<b>Decision:</b> No error		
04-1147-1	State v Bailey (Criminal)	Forsyth 01CRS56418,01CRS56423,- 01CRS23270,01CRS56420,- 01CRS56425,01CRS55971,- 01CRS56422	Elmore
	<b>Decision:</b> Affirmed; remanded for correction of judgment		
04-1175-1	State v Miller (Criminal)	Forsyth 03CRS7132,03CRS51760	Elmore
	<b>Decision:</b> No error in the trial. Remanded for corrections		
03-1574-1	State v Bogle (Criminal)	Gaston 98CRS13944,98CRS13947,- 98CRS13945,98CRS13948,- 96CRS39392,98CRS13946	Steelman
	<b>Decision:</b> Affirmed as to second degree murder; remanded for new sentencing hearing on the remaining charges		
04-22-1	State v Leblanc (Criminal)	Gaston 02CRS61699,02CRS61703,- 02CRS19678,02CRS61701,- 02CRS54342,02CRS61702	Hudson
	<b>Decision:</b> No error		
04-34-1	Coulter v Earl Tindol Ford, Inc. (Civil)	Gaston 03CVS2062	Steelman
	<b>Decision:</b> Dismissed		
04-1216-1	In Re: T.B.M. (Juvenile - Criminal)	Gaston 00J208	Calabria
	<b>Decision:</b> Affirmed in part, vacated in part		
04-562-1	State v Moore (Criminal)	Greene 03CRS50396	Geer
	<b>Decision:</b> No error		
04-76-1	State v Brown (Criminal)	Guilford 02CRS98958,02CRS97874,- 02CRS98959,02CRS97892	Geer
	<b>Decision:</b> No error		
04-478-1	State v Gray (Criminal)	Guilford 01CRS106779	Hudson
	<b>Decision:</b> No error		
04-748-1	State v Banuelos & Aegis Ins. (Civil)	Guilford 02CR101197,02CR101195,- 02CR101198,02CR101196	Levinson
	<b>Decision:</b> Affirmed		
04-749-1	State v Paulino & Aegis Ins. (Civil)	Guilford 02CR099696,02CR099691,- 02CR099694,02CR099689,- 02CR099697,02CR099692,- 02CR099695,02CR099690,- 02CR099693	Levinson
	<b>Decision:</b> Affirmed		
04-842-1	State v Watkins (Criminal)	Guilford 02CRS96104	Elmore
	<b>Decision:</b> No error		
04-950-1	State v Lee (Criminal)	Guilford 02CRS96841	Calabria
	<b>Decision:</b> No error		

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04-414-1	Cooke v Cooke (Civil) <b>Decision:</b> Affirmed	Haywood 02CVS287	Hudson
04-826-1	State v King (Criminal) <b>Decision:</b> No error	Henderson 02CRS57431	Calabria
04-948-1	State v Robinson (Criminal) <b>Decision:</b> No error	Henderson 03CRS56203,03CRS2147,0-3CRS56185,03CRS56186	Elmore
04-1164-1	State v Velardi (Criminal) <b>Decision:</b> No error	Henderson 03CRS1664,03CRS1662,03-CRS1665,03CRS1663	Elmore
04-889-1	State v Edvin (Criminal) <b>Decision:</b> Affirmed in part; vacated and remanded in part	Lee 92CRS9886,92CRS9887	Steelman
04-407-1	State v Bruton (Criminal) <b>Decision:</b> No error as to judgments; remanded for correction of clerical error	Lenoir 02CRS52879,02CRS52880	Geer
04-496-1	State v Gant (Criminal) <b>Decision:</b> Affirm	Lenoir 00CRS50957,00CRS9560	Tyson
04-741-1	Moolenaar v Moolenaar (Civil) <b>Decision:</b> Affirmed	Lincoln 02CVD1082	Hunter
04-774-1	State v Godfrey (Criminal) <b>Decision:</b> No error	McDowell 02CRS3858	Calabria
04-310-1	Daher v Daher (Civil) <b>Decision:</b> Dismissed	Mecklenburg 99CVD18510	Geer
04-743-1	Salkin v Horne (Civil) <b>Decision:</b> Affirmed	Mecklenburg 02CVS5118	Jackson
04-871-1	Hall, et al v Perry, et al (Civil) <b>Decision:</b> Dismissed	Mecklenburg 03CVS6436	Calabria
04-944-1	Jeffers v D'Alessandro (Civil) <b>Decision:</b> Appeal dismissed	Mecklenburg 03CVS13863	Jackson
04-1207-1	State v Powell (Criminal) <b>Decision:</b> No error	Mecklenburg 03CRS216984	Elmore
04-1167-1	State v Yarborough (Criminal) <b>Decision:</b> Reversed and remanded	Moore 00CRS5809,00CRS5817	Elmore
04-217-1	Piper v AMP Inc. (Civil) <b>Decision:</b> Affirmed	N.C. Industrial Commission IC081100	Geer
04-535-1	Castro v Staffmark & Crawford & Co. (Civil)	N.C. Industrial Commission IC962662	Bryant

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	<b>Decision:</b> Affirmed		
04-762-1	Kearney, et al v Vance County B.O.E. (Civil)	N.C. Industrial Commission ICTA16855	McCullough
	<b>Decision:</b> Affirmed		
04-820-1	Leonard v King Sash Door, Inc., et al (Civil)	N.C. Industrial Commission IC009309	Levinson
	<b>Decision:</b> Affirmed		
04-1048-1	McNair v Superior Construction (Civil)	N.C. Industrial Commission IC248030	Calabria
	<b>Decision:</b> Affirmed		
04-659-1	State v Perkins (Criminal)	New Hanover 03CRS10927	Jackson
	<b>Decision:</b> No error		
04-1046-1	State v Cooper (Criminal)	New Hanover 03CRS5729,03CRS5727,03- CRS5728	Calabria
	<b>Decision:</b> No error		
04-88-1	State v McDougale (Criminal)	Onslow 02CRS60681,02CRS60683	Geer
	<b>Decision:</b> No error in part; dismissed without prejudice in part		
04-781-1	Dixon v Taylor, et al (Civil)	Pamlico 03CVS121	McCullough
	<b>Decision:</b> Affirmed		
04-223-1	In The Matter Of: B.A.A. & P.J.A. (Juvenile - 3.1)	Randolph 02J85,02J86	Hudson
	<b>Decision:</b> Affirmed		
04-448-1	State v Ransom (Criminal)	Robeson 99CRS853	Geer
	<b>Decision:</b> No error		
04-204-1	In Re: S.M.W. (Juvenile - 3.1)	Rowan 98J179	Geer
	<b>Decision:</b> Affirmed		
04-982-1	State v Strausser (Criminal)	Surry 02CRS50680,01CRS52754,- 02CRS51005,02CRS2436,0- 1CRS52752,02CRS51003,0- 1CRS52755,02CRS50350,0- 1CRS52753,02CRS51004,0- 2CRS715	Calabria
	<b>Decision:</b> Vacated in part and remanded in part for resentencing		
04-97-1	State v Tate (Criminal)	Union 01CRS55292	Wynn, Jr.
	<b>Decision:</b> No error		
04-738-1	Fuquay-Varina v Southside Trust, et al (Civil)	Wake 02CVS11705	McCullough
	<b>Decision:</b> Affirmed		
04-747-1	Southern Equip. Co. v Laura & Assoc. (Civil)	Wake 03CVS15377	Jackson
	<b>Decision:</b> Affirmed		
04-803-1	Greene, et al v Hicks (Civil)	Wake 03CVS1017	Bryant
	<b>Decision:</b> Affirmed		

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04-236-1	Skinner v Furman (Civil) <b>Decision:</b> No error	Watauga 01CVS542	Geer
04-685-1	In Re: C.E. (Juvenile - 3.1) <b>Decision:</b> Affirmed	Wayne 03J235	Geer
04-809-1	Beale v Manley (Civil) <b>Decision:</b> Dismissed	Wayne 01CVD1394	Hudson