

IN THE SUPREME COURT OF NORTH CAROLINA

No. 270A98

FILED: 4 MARCH 1999

SHANNON CAUDILL

v.

JAMES L. DELLINGER, C. RICKY BOWMAN, in his official capacity as District Attorney of Judicial District 17-B, and THE ADMINISTRATIVE OFFICE OF THE COURTS

Appeal by defendant James L. Dellinger pursuant to N.C.G.S. § 7A-30(2) from the decision of a divided panel of the Court of Appeals, 129 N.C. App. 649, 501 S.E.2d 99 (1998), reversing and remanding a judgment entered by Cornelius, J., on 3 June 1997 in Superior Court, Surry County. On 5 November 1998 this Court allowed defendant Dellinger's petition for discretionary review as to additional issues. Heard in the Supreme Court 12 February 1999.

*Elliot, Pishko, Gelbin & Morgan, P.A., by David C. Pishko, for plaintiff-appellee.*

*White & Crumpler, by H.W. Zimmerman, Jr., and Dudley A. Witt, for defendant-appellant Dellinger.*

PER CURIAM.

On defendant Dellinger's appeal, the decision of the Court of Appeals is affirmed for the reasons stated in the majority opinion by Judge Horton. Defendant's petition for discretionary review as to additional issues was improvidently allowed.

AFFIRMED IN PART; DISCRETIONARY REVIEW IMPROVIDENTLY ALLOWED IN PART.