

IN THE MATTER OF TONY MERRITT

No. 493PA00

FILED: 4 May 2001

No Headnotes.

On discretionary review pursuant to N.C.G.S. § 7A-31 of a unanimous, unpublished, per curiam decision of the Court of Appeals, 140 N.C. App. 151, 539 S.E.2d 58 (2000), dismissing Durham County's appeal from an order entered by O'Neal, J., on 25 June 1999 in District Court, Durham County. Heard in the Supreme Court 17 April 2001.

*Roy A. Cooper, Attorney General, by Brent D. Kiziah, Assistant Attorney General, for petitioner-appellee State.*

*S.C. Kitchen, County Attorney, and Curtis O. Massey II, Assistant County Attorney, for respondent-appellant Durham County.*

*Stubbs, Cole, Breedlove, Prentis & Biggs, P.L.L.C., by Darin P. Meece, for respondent-appellee Tony Merritt, Sr.*

*North Carolina Association of County Commissioners, by James B. Blackburn, III, General Counsel; and Jonathan V. Maxwell, Guilford County Attorney, and Mercedes O. Chut, Assistant Guilford County Attorney, on behalf of North Carolina Association of County Commissioners, amicus curiae.*

PER CURIAM.

DISCRETIONARY REVIEW IMPROVIDENTLY ALLOWED.