

STATE OF NORTH CAROLINA v. WILLIAM LYDA MESSER

No. 405A01

(Filed 18 December 2001)

Appeal pursuant to N.C.G.S. § 7A-30(2) from the decision of a divided panel of the Court of Appeals, 145 N.C. App. 43, \_\_\_\_ S.E.2d \_\_\_\_ (2001), reversing a judgment entered 29 September 1999 by Caviness, J., in Superior Court, Buncombe County. Heard in the Supreme Court 15 November 2001.

*Roy Cooper, Attorney General, by Elizabeth Leonard McKay, Special Deputy Attorney General, for the State-appellant.*

*Leah Broker for defendant-appellee.*

PER CURIAM.

AFFIRMED.