

IN THE SUPREME COURT OF NORTH CAROLINA

No. 106A02

FILED: 22 NOVEMBER 2002

STATE OF NORTH CAROLINA

v.

DULAINÉ LOTHARP

Appeal pursuant to N.C.G.S. § 7A-30(2) from the decision of a divided panel of the Court of Appeals, 148 N.C. App. 435, 559 S.E.2d 807 (2002), ordering a new trial after appeal from judgments entered 26 May 2000 by Beale, J., in Superior Court, Union County. Heard in the Supreme Court 14 October 2002.

*Roy Cooper, Attorney General, by Robert M. Curran, Assistant Attorney General, for the State-appellant.*

*Marjorie S. Canaday for defendant-appellee.*

*Smith Moore LLP, by Julia F. Youngman, on behalf of the American Civil Liberties Union of North Carolina Legal Foundation, amicus curiae.*

PER CURIAM.

The decision of the Court of Appeals is reversed for the reasons stated in the dissenting opinion.

REVERSED.