

IN THE SUPREME COURT OF NORTH CAROLINA

No. 48A03

FILED: 13 JUNE 2003

STATE OF NORTH CAROLINA

v.

MARK MARCOPLOS, NANCY WOODS, PASCAL L. PITTS, LAURA WINBUSH  
VANDERBECK, JAMES EDWIN WARREN, and RUTH C. ZALPH

Appeal pursuant to N.C.G.S. § 7A-30(2) from the  
decision of a divided panel of the Court of Appeals, \_\_\_ N.C.  
App. \_\_\_, 572 S.E.2d 820 (2002), finding no error after appeal of  
judgments entered 9 August 2001 by Judge J.B. Allen, Jr., in  
Superior Court, Wake County. Heard in the Supreme Court 7 May  
2003.

*Roy Cooper, Attorney General, by William P. Hart,  
Special Deputy Attorney General, for the State.*

*Glenn, Mills & Fisher, P.A., by Stewart W. Fisher; and  
George Hausen, for defendant-appellants.*

PER CURIAM.

Defendants appeal to this Court from the decision of  
the Court of Appeals on the basis of a dissent. We affirm the  
decision of the Court of Appeals.

Defendants, in their brief and at oral argument,  
further sought review in this Court of a constitutional issue  
originally presented to but not addressed by the Court of  
Appeals. We decline to consider this constitutional issue in the  
first instance. This matter is remanded to the Court of Appeals  
so that this issue may be addressed by that court.

AFFIRMED and REMANDED.