

Last Revised: TUESDAY, 3 February 2004 (3:16 pm)

No. 186PA03

State v. Draper

Per Curiam - Affirmed as modified

Description: Constitutionality of N.C.G.S. § 7A-455.1

File Name: O:\SC\2004\P-040206\186PA03-1.wpd

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IN THE SUPREME COURT OF NORTH CAROLINA

No. 186PA03

STATE OF NORTH CAROLINA

v.

CLAYTON DRAPER

On writ of certiorari issued 11 April 2003 pursuant to N.C.G.S. § 7A-32(b) to review an order entered 3 April 2003, *nunc pro tunc* 26 March 2003, by Judge William L. Daisy in District Court, Guilford County, declaring N.C.G.S. § 7A-455.1 unconstitutional. Heard in the Supreme Court 11 September 2003.

*Roy Cooper, Attorney General, by Norma S. Harrell, Special Deputy Attorney General, for the State-appellant.*

*Smith Moore LLP, by James G. Exum, Jr., and Frances Turner Mock, for defendant-appellee.*

PER CURIAM.

Pursuant to this Court's opinion in *State v. Webb*, 358 N.C. 92, 591 S.E.2d 505 (2004), the decision of the trial court is affirmed as modified.

AFFIRMED AS MODIFIED.