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State v. Kelly  
No. 156PA03  
Filed 6 February 2004

No headnotes.

IN THE SUPREME COURT OF NORTH CAROLINA

No. 156PA03

FILED: 6 FEBRUARY 2004

STATE OF NORTH CAROLINA

v.

MARVIN JUNIOR KELLY

On writ of certiorari issued 2 April 2003 pursuant to N.C.G.S. § 7A-32(b) to review an order entered 13 March 2003 by Judge Joseph Moody Buckner in District Court, Orange County, declaring N.C.G.S. § 7A-455.1 unconstitutional and enjoining the Clerk of Superior Court for said county from collecting the appointment fee and entering civil judgments pursuant to N.C.G.S. § 7A-455.1. Heard in the Supreme Court 11 September 2003.

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

*James Williams, Public Defender District 15B, by Timothy C. Cole, for defendant-appellee.*

PER CURIAM.

Pursuant to this Court's opinion in *State v. Webb*, \_\_\_ N.C. \_\_\_, \_\_\_ S.E.2d \_\_\_ (Feb. 6, 2004) (No. 157PA03), the decision of the trial court is affirmed as modified.

AFFIRMED AS MODIFIED.