

SUPREME COURT OF NORTH CAROLINA

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STATE OF NORTH CAROLINA

v.

From New Hanover County

COREY TYRONE SNEED

* * * * *

ORDER

Upon defendant's motion to modify, the Court enters the following order:

The opinion, filed 25 June 2004, is withdrawn *ex mero motu*, and the opinion, as modified, is refiled simultaneously with the filing of this order. Defendant's conditional motion for temporary stay of the mandate is dismissed as moot.

By order of the Court in Conference, this 1st day of July, 2004.

Brady, J.
For the Court

STATE OF NORTH CAROLINA v. COREY TYRONE SNEED

No. 601PA03

FILED: 1 JULY 2004

On discretionary review pursuant to N.C.G.S. § 7A-31 of a unanimous decision of the Court of Appeals, 161 N.C. App. 331, 588 S.E.2d 74 (2003), vacating a judgment entered 17 July 2002 by Judge W. Allen Cobb, Jr. in Superior Court, New Hanover County. Heard in the Supreme Court 18 February 2004.

Roy Cooper, Attorney General, by William P. Hart, Special Deputy Attorney General, and Lisa Granberry Corbett, Assistant Attorney General, for the State.

Daniel Shatz for defendant-appellee.

Marshall Hurley, PLLC, by Marshall Hurley, for Families Against Mandatory Minimums; and Charles E. Daye and Paul M. Green, for the North Carolina Academy of Trial Lawyers, amici curiae.

PER CURIAM.

Pursuant to this Court's opinion in *State v. Jones*, 358 N.C. ____, ____, S.E.2d ____ (June 25, 2004) (No. 591PA03), we reverse the decision of the Court of Appeals. However, as to the additional assignments of error raised by defendant but not addressed by the Court of Appeals, this case is hereby remanded to the Court of Appeals for its consideration of these issues.

REVERSED AND REMANDED.