

IN THE SUPREME COURT OF NORTH CAROLINA

No. 19A04

FILED: 7 OCTOBER 2004

STATE OF NORTH CAROLINA

v.

WILLARD LAVELL ALSTON

Appeal pursuant to N.C.G.S. § 7A-30(2) from the decision of a divided panel of the Court of Appeals, 161 N.C. App. 367, 588 S.E.2d 530 (2003), finding no prejudicial error in the judgment entered 4 September 2002 by Judge Clifton W. Everett, Jr. in Superior Court, Wilson County. Heard in the Supreme Court 15 September 2004.

Roy Cooper, Attorney General, by M. Elizabeth Guzman, Assistant Attorney General, for the State.

Angela H. Brown for defendant-appellant.

PER CURIAM.

The members of the Court were equally divided, with three members voting to affirm and three members voting to reverse the decision of the Court of Appeals.¹ Accordingly, the decision of the Court of Appeals is left undisturbed and stands without precedential value. See *Crawford v. Commercial Union Midwest Ins. Co.*, 356 N.C. 609, 572 S.E.2d 781 (2002); *Robinson v. Byrd*, 356 N.C. 608, 572 S.E.2d 781 (2002).

AFFIRMED.

¹ At the time this case was heard and decided, the Court consisted of only six members, due to the retirement of Associate Justice Orr on 31 July 2004.