

STATE OF NORTH CAROLINA v. JEFFREY BOWES

No. 394A03

FILED: 7 OCTOBER 2005

Appeal pursuant to N.C.G.S. § 7A-30(2) from the decision of a divided panel of the Court of Appeals, 159 N.C. App. 18, 583 S.E.2d 294 (2003), affirming an order entered 10 December 2001 by Judge Charles M. Vincent in District Court, Pitt County. On 5 February 2004, the Supreme Court retained the State's notice of appeal upon substantial constitutional questions pursuant to N.C.G.S. § 7A-30(1). Heard in the Supreme Court 8 November 2004. On 16 December 2004, the Court allowed the State's petition for discretionary review as to additional issues. Determined on the briefs without further oral argument pursuant to N.C. R. App. P. 30(f).

*Roy Cooper, Attorney General, by Jeffrey R. Edwards, Assistant Attorney General, for appellant North Carolina Division of Motor Vehicles.*

*The Robinson Law Firm, P.A., by Leslie S. Robinson, and Law Offices of Keith A. Williams, P.A., by Keith A. Williams, for defendant-appellee.*

PER CURIAM.

The decision of the Court of Appeals is vacated and the appeal is dismissed as moot.

DISMISSED.

Justices MARTIN and WAINWRIGHT did not participate in the consideration or decision of this case.