

STATE OF NORTH CAROLINA v. THOMAS HENRY MYERS and JESSE WARREN
COLEMAN

No. 660PA05

FILED: 17 NOVEMBER 2006

On discretionary review pursuant to N.C.G.S. § 7A-31 of a unanimous decision of the Court of Appeals, 174 N.C. App. 526, 621 S.E.2d 329 (2005), affirming orders entered 20 November 2003 by Judge Robert F. Floyd, Jr., in Superior Court, Cumberland County. Heard in the Supreme Court 16 October 2006.

Roy Cooper, Attorney General, by William B. Crumpler, Assistant Attorney General, for the State-appellant.

Staples S. Hughes, Appellate Defender, by Daniel K. Shatz, Assistant Appellate Defender, for defendant-appellee Myers; and Brian Michael Aus for defendant-appellee Coleman.

PER CURIAM.

The decision of the Court of Appeals is reversed, and this case is remanded to that court for reconsideration on the issue of sufficiency of the evidence in light of *State v. Childress*, 321 N.C. 226, 362 S.E.2d 263 (1987).

REVERSED AND REMANDED.