

STATE OF NORTH CAROLINA v. WILLIE FORREST, III

No. 270A04-2

FILED: 17 NOVEMBER 2006

On order of the United States Supreme Court entered 30 June 2006 granting defendant's petition for a writ of certiorari to review our decision reported in 359 N.C. 424, 611 S.E.2d 833 (2005), vacating said judgment and remanding the case to this Court for further consideration in light of *Davis v. Washington*, 547 U.S. ___, 165 L. Ed. 2d 224 (2006). Heard on remand in the Supreme Court 17 October 2006.

Roy Cooper, Attorney General, by Kevin L. Anderson, Assistant Attorney General, for the State.

Irving Joyner for defendant-appellant.

Robert P. Mosteller, Cooperating Attorney for the American Civil Liberties Union of North Carolina and the North Carolina Academy of Trial Lawyers, amici curiae.

PER CURIAM.

Having reconsidered this case on remand from the Supreme Court of the United States in light of *Davis v. Washington*, 547 U.S. ___, 165 L. Ed. 2d 224, the opinion of the Court of Appeals reported at 164 N.C. App. 272, 596 S.E.2d 22 (2004) is vacated. We further conclude that this matter is now moot due to defendant's death and thus allow the State's motion to dismiss defendant's appeal.

VACATED AND DISMISSED AS MOOT.