

STATE OF NORTH CAROLINA v. MONTREZ DEMARIO CARTER

No. 290A06

FILED: 15 DECEMBER 2006

Appeal pursuant to N.C.G.S. § 7A-30(2) from the decision of a divided panel of the Court of Appeals, 177 N.C. App. ___, 629 S.E.2d 332 (2006), reversing defendant's conviction which resulted in a judgment entered 25 August 2004 by Judge Kenneth C. Titus in Superior Court, Durham County, and ordering a new trial. Heard in the Supreme Court 21 November 2006.

Roy Cooper, Attorney General, by Robert C. Montgomery, Special Deputy Attorney General, and Derrick C. Mertz, Assistant Attorney General, for the State-appellant.

George E. Kelly, III, for defendant-appellee.

PER CURIAM.

AFFIRMED.