

STATE OF NORTH CAROLINA v. KAREN ELAINE EVERETT

No. 350A06

FILED: 26 JANUARY 2007

Appeal pursuant to N.C.G.S. § 7A-30(2) from the decision of a divided panel of the Court of Appeals, 178 N.C. App. ___, 630 S.E.2d 703 (2006), reversing and remanding a judgment entered 12 August 2004 by Judge Leon Stanback in Superior Court, Wake County, and ordering a new trial. Heard in the Supreme Court 8 January 2007.

Roy Cooper, Attorney General, by Thomas G. Meacham, Jr., Assistant Attorney General, and Robert C. Montgomery, Special Deputy Attorney General, for the State-appellant.

Amos Granger Tyndall for defendant-appellee.

PER CURIAM.

Justice HUDSON took no part in the consideration or decision of this case. The remaining members of the Court are equally divided, with three members voting to affirm and three members voting to reverse the decision of the Court of Appeals. Accordingly, the decision of the Court of Appeals is left undisturbed and stands without precedential value. See *State v. Harrison*, 360 N.C. 394, 627 S.E.2d 461 (2006); *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.