

FILED: 25 JANUARY 2008

**Sexual Offenses-amendment of indictment-change of statute in heading**

The decision of the Court of Appeals in this case is reversed for the reason stated in the dissenting opinion that indictments for first-degree sexual offenses were not substantially altered in violation of N.C.G.S. § 15A-923(e) when the trial court permitted the State at the close of the evidence to correct the heading of the indictments, which stated that the offenses were in violation of N.C.G.S. § 14-27.7A (the statutory rape statute), to state that the offenses were in violation of N.C.G.S. § 14-27.4.

# Supreme Court

Appeal pursuant to N.C.G.S. § 7A-30(2) from the decision of a divided panel of the Court of Appeals, 185 N.C. App. \_\_\_, 647 S.E.2d 475 (2007), vacating judgments entered 13 April 2006 by Judge W. Erwin Spainhour in Superior Court, Davidson County. Heard in the Supreme Court 12 December 2007.

# Slip Opinion

*Roy Cooper, Attorney General, by Anne M. Middleton, Assistant Attorney General, for the State-appellant.*

*James R. Glover for defendant-appellee.*

PER CURIAM.

For the reasons stated in the dissenting opinion, the decision of the Court of Appeals is reversed.

REVERSED.