

FILED: 6 FEBRUARY, 2009

Evidence—lay opinion testimony—substance was cocaine

The decision of the Court of Appeals finding no error in defendant's trial and conviction of trafficking in cocaine by possession of 28 grams or more but less than 200 grams is reversed for the reason stated in the dissenting opinion that the trial court erred by allowing two detectives to express lay opinions that a white powder substance found in an apartment leased by defendant was cocaine.

Appeal pursuant to N.C.G.S. § 7A-30(2) from the decision of a divided panel of the Court of Appeals, 189 N.C. App. ___, 659 S.E.2d 79 (2008), finding no error in a judgment entered 14 September 2006 by Judge W. Robert Bell in Superior Court, Mecklenburg County. Heard in the Supreme Court 18 November 2008.

Roy Cooper, Attorney General, by LaToya B. Powell, Assistant Attorney General, for the State.

Kevin P. Tully, Public Defender, by Julie Ramseur Lewis, Assistant Public Defender, for defendant-appellant.

PER CURIAM.

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

REVERSED.