

IN THE SUPREME COURT OF NORTH CAROLINA

No. 347A09

FILED: 11 DECEMBER 2009

STATE OF NORTH CAROLINA

v.

KELCIE LEE ANDREW MORTON

Appeal pursuant to N.C.G.S. § 7A-30(2) from the decision of a divided panel of the Court of Appeals, \_\_\_ N.C. App. \_\_\_, 679 S.E.2d 437 (2009), vacating judgments entered 25 April 2008 by Judge W. Osmond Smith, III in Superior Court, Person County. Heard in the Supreme Court 18 November 2009.

*Roy Cooper, Attorney General, by Derrick C. Mertz, Assistant Attorney General, for the State-appellant.*

*Mercedes O. Chut for defendant-appellee.*

PER CURIAM.

For the reasons stated in Section I of the dissenting opinion, the decision of the Court of Appeals is reversed. The case is remanded to the Court of Appeals for consideration of the remaining issues.

REVERSED AND REMANDED.