

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.