

STATE OF NORTH CAROLINA v. ROBERT LEE PASTUER

No. 327PA10

(FILED 7 OCTOBER 2011)

On discretionary review pursuant to N.C.G.S. § 7A-31 of a unanimous decision of the Court of Appeals, ___ N.C. App. ___, 697 S.E.2d 381 (2010), reversing a judgment imposing a sentence of life imprisonment without parole entered on 13 April 2009 by Judge Henry W. Hight, Jr. in Superior Court, Franklin County, upon a jury verdict finding defendant guilty of first-degree murder. Heard in the Supreme Court 6 September 2011.

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

Staples S. Hughes, Appellate Defender, and Charlesena Elliott Walker, Assistant Appellate Defender, for defendant-appellee.

PER CURIAM.

Justice JACKSON 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, e.g., Goldston v. State*, 364 N.C. 416, 700 S.E.2d 223 (2010).

AFFIRMED.