

WALTER SUTTON BAYSDEN v. STATE OF NORTH CAROLINA

No. 522A11

(Filed 25 January 2013)

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. ___, 718 S.E.2d 699 (2011), reversing a judgment entered on 11 February 2011 by Judge Lucy N. Inman in Superior Court, Wake County, and remanding for entry of summary judgment in favor of plaintiff. On 26 January 2012, the Supreme Court allowed plaintiff's petition for discretionary review. Heard in the Supreme Court on 8 May 2012.

Dan L. Hardway Law Office, by Dan L. Hardway, for plaintiff-appellee/appellant.

Roy Cooper, Attorney General, by John J. Aldridge, III, Special Deputy Attorney General, for defendant-appellant/appellee.

PER CURIAM.

Justice BEASLEY 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); *Formyduval v. Britt*, 361 N.C. 215, 639 S.E.2d 443 (2007); *Pitts v. Am. Sec. Ins. Co.*, 356 N.C. 292, 569 S.E.2d 647 (2002).

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Opinion of the Court

AFFIRMED.