

IN THE SUPREME COURT OF NORTH CAROLINA

No. 493A12

FILED 13 JUNE 2013

STATE OF NORTH CAROLINA

v.

JAMES RICHARD KOCHUK

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. ___, 741 S.E.2d 327 (2012), affirming an order entered on 3 October 2011 by Judge Carl R. Fox in Superior Court, Durham County. Heard in the Supreme Court on 15 April 2013.

Roy Cooper, Attorney General, by Joseph L. Hyde, Assistant Attorney General, for the State-appellant.

Russell J. Hollers III for defendant-appellee.

PER CURIAM.

For the reasons stated in the dissenting opinion, we reverse the decision of the Court of Appeals and remand this matter to that court for remand to the trial court for further proceedings not inconsistent with this opinion.

REVERSED AND REMANDED.

Justice BEASLEY did not participate in the consideration or decision of this case.