

IN THE SUPREME COURT OF NORTH CAROLINA

No. 203PA12

FILED 4 OCTOBER 2013

STATE OF NORTH CAROLINA

v.

FRANCISCO JAVIER PIZANO-TREJO

On discretionary review pursuant to N.C.G.S. § 7A-31 of a unanimous, unpublished decision of the Court of Appeals, ___ N.C. App. ___, 723 S.E.2d 583 (2012), affirming in part, vacating in part, and remanding in part a judgment and order entered on 23 March 2011 by Judge Robert F. Floyd Jr. in Superior Court, Cumberland County. Heard in the Supreme Court on 15 April 2013.

Roy Cooper, Attorney General, by Sherri Horner Lawrence, Assistant Attorney General, for the State-appellant.

Staples S. Hughes, Appellate Defender, by Katherine Jane Allen, Assistant Appellate Defender, for defendant-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).

STATE V. PIZANO-TREJO

Opinion of the Court

AFFIRMED.