

IN THE SUPREME COURT OF NORTH CAROLINA

No. 52A13

FILED 4 OCTOBER 2013

STATE OF NORTH CAROLINA

v.

BOBBY LEE MCKENZIE

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. ___, 736 S.E.2d 591 (2013), reversing an order entered on 13 March 2012 by Judge Phyllis M. Gorham in Superior Court, Duplin County. Heard in the Supreme Court on 4 September 2013.

Roy Cooper, Attorney General, by Christopher W. Brooks, Assistant Attorney General, for the State-appellant.

Hunter & Price, P.A., by Justin B. Hunter and G. Braxton Price, for defendant-appellee.

Tin Fulton Walker & Owen, PLLC, by Noell P. Tin, Jacob H. Sussman, and Matthew G. Pruden, for North Carolina Advocates for Justice, amicus curiae.

PER CURIAM.

For the reasons stated in the dissenting opinion, the decision of the Court of Appeals is reversed. This case is remanded to the Court of Appeals for further remand to the Superior Court, Duplin County, for additional proceedings consistent with this opinion.

REVERSED AND REMANDED.