

IN THE SUPREME COURT OF NORTH CAROLINA

No. 36A13

FILED 20 DECEMBER 2013

STATE OF NORTH CAROLINA

v.

MALIK SHAHEEM FRANKLIN

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 218 (2012), affirming an order denying defendant's motion to suppress which resulted in a judgment entered on 8 November 2011 by Judge Hugh B. Lewis in Superior Court, Mecklenburg County. Heard in the Supreme Court on 4 September 2013.

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

*Staples S. Hughes, Appellate Defender, by Andrew J. DeSimone, Assistant Appellate Defender, for defendant-appellant.*

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., Amward Homes, Inc. v. Town of Cary*, 365 N.C. 305, 716 S.E.2d 849 (2011); *Goldston v. State*, 364 N.C. 416, 700 S.E.2d

STATE V. FRANKLIN

*Opinion of the Court*

223 (2010).

AFFIRMED.