

IN THE SUPREME COURT OF NORTH CAROLINA

No. 207PA14

11 June 2015

STATE OF NORTH CAROLINA

v.

CURTIS MARIO BENTON

On discretionary review pursuant to N.C.G.S. § 7A-31 of a unanimous, unpublished decision of the Court of Appeals, \_\_\_ N.C. App. \_\_\_, 762 S.E.2d 1 (2014), reversing an order entered on 25 April 2013 by Judge Ronald E. Spivey, and vacating a judgment dated 6 May 2013 and entered on 15 May 2013 by Judge David L. Hall, in Superior Court, Guilford County. Heard in the Supreme Court on 19 March 2015.

*Roy Cooper, Attorney General, by Derrick C. Mertz, Assistant Attorney General, for the State-appellant.*

*Mark L. Hayes for defendant-appellee.*

PER CURIAM.

In *State v. Jackson*, the Court of Appeals concluded in a divided opinion that the stop of the defendant in that case, Tiyoun Jimek Jackson, was not supported by reasonable suspicion. \_\_\_ N.C. App. \_\_\_, \_\_\_, 758 S.E.2d 39, 46 (2014). Based on its opinion in *Jackson*, the Court of Appeals concluded that the stop of the defendant in this companion case, Curtis Mario Benton, was also not supported by reasonable suspicion. *State v. Benton*, \_\_\_ N.C. App. \_\_\_, 762 S.E.2d 1, 2014 WL 2507700, at \*1

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*Opinion of the Court*

(2014) (unpublished). On appeal to this Court, we concluded that the stop of defendant Jackson was supported by reasonable suspicion, and we therefore reversed the decision of Court of Appeals. *State v. Jackson*, \_\_\_ N.C. \_\_\_, \_\_\_, \_\_\_ S.E.2d \_\_\_, \_\_\_ (June 11, 2015) (183A14). Accordingly, the decision of the Court of Appeals in *State v. Benton*, \_\_\_ N.C. App. \_\_\_, 762 S.E.2d 1 (2014) is vacated and remanded to that court for reconsideration in light of our opinion in *State v. Jackson*, \_\_\_ N.C. \_\_\_, \_\_\_ S.E.2d \_\_\_ (2015).

VACATED AND REMANDED.