

IN THE SUPREME COURT OF NORTH CAROLINA

No. 363A14

11 June 2015

SANDHILL AMUSEMENTS, INC. and GIFT SURPLUS, LLC

v.

SHERIFF OF ONSLOW COUNTY, NORTH CAROLINA, HANS J. MILLER,<sup>1</sup> in his official capacity; and DISTRICT ATTORNEY FOR THE FOURTH PROSECUTORIAL DISTRICT OF THE STATE OF NORTH CAROLINA, ERNIE LEE, in his official capacity

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. \_\_\_, 762 S.E.2d 666 (2014), affirming in part, vacating in part, and dismissing in part an appeal from orders entered on 4 November 2013 by Judge Jack Jenkins in Superior Court, Onslow County. Heard in the Supreme Court on 21 April 2015.

*Daughtry, Woodard, Lawrence & Starling, by Kelly K. Daughtry and Luther D. Starling, for plaintiff-appellee Sandhill Amusements, Inc.*

*Hylar & Lopez, P.A., by Stephen P. Agan and George B. Hylar, Jr., for plaintiff-appellee Gift Surplus, LLC.*

*Turrentine Law Firm, PLLC, by S.C. Kitchen, and Lesley F. Moxley, Onslow County Attorney, for defendant-appellant Sheriff Hans J. Miller.*

*Edmond W. Caldwell, Jr., General Counsel for North Carolina Sheriffs' Association, amicus curiae.*

PER CURIAM.

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<sup>1</sup> Pursuant to N.C. R. App. P. 38, Hans J. Miller, who took office as Sheriff of Onslow County on December 1, 2014, replaced former defendant Ed Brown.

SANDHILL AMUSEMENTS, INC. v SHERIFF OF ONSLOW CNTY., N.C.

*Opinion of the Court*

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, Onslow County, for further proceedings not inconsistent with this opinion.

REVERSED AND REMANDED.

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