

FILED 18 DECEMBER 2015

SUPREME COURT OF NORTH CAROLINA

* * * * *

STATE OF NORTH CAROLINA)	
)	
v.)	From Cumberland County
)	
QUINTEL AUGUSTINE, TILMON)	
GOLPHIN, and CHRISTINA WALTERS)	

* * * * *

ORDER

The trial court granted respondents' motions for appropriate relief under the Racial Justice Act, N.C.G.S. §§ 15A-2010 to -2012 (2009) and N.C.G.S. §§ 15A-2010 to -2012 (2011 & Supp. 2012). After careful review, we conclude that the error recognized in this Court's Order in *State v. Robinson*, ___ N.C. ___, ___ S.E.2d ___ (2015) (411A94-5), infected the trial court's decision, including its use of issue preclusion, in these cases. Accordingly, the trial court's order is vacated. Furthermore, the trial court erred when it joined these three cases for an evidentiary hearing. These cases are therefore remanded to the senior resident superior court judge of Cumberland County for reconsideration of respondents' motions for appropriate relief. *Cf.* Gen. R. Pract. Super. & Dist. Cts. 25(4), 2016 Ann. R. N.C. 22.

We express no opinion on the merits of respondents' motions for appropriate relief at this juncture. On remand, the trial court should address petitioner's constitutional and statutory challenges pertaining to the Act. In any new hearings

on the merits, the trial court may, in the interest of justice, consider additional statistical studies presented by the parties. The trial court may also, in its discretion, appoint an expert under N.C. R. Evid. 706 to conduct a quantitative and qualitative study, unless such a study has already been commissioned pursuant to this Court's Order in *Robinson*, in which case the trial court may consider that study. If the trial court appoints an expert under Rule 706, the Court hereby orders the Administrative Office of the Courts to make funds available for that purpose.

By order of the Court in Conference, this 15th day of December, 2015.

s/Jackson, J.

For the Court

Justice BEASLEY and Justice ERVIN did not participate in the consideration or decision of these cases.

WITNESS my hand and the seal of the Supreme Court of North Carolina, this 18th day of December, 2015.

CHRISTIE S. CAMERON ROEDER

Clerk of the Supreme Court

s/M.C. Hackney

Assistant Clerk