

IN THE SUPREME COURT OF NORTH CAROLINA

No. 82A14

Filed 21 December 2016

STATE OF NORTH CAROLINA

v.

SETHY TONY SEAM

On writ of certiorari to review an order on a motion for appropriate relief entered on 8 August 2013 by Judge Theodore S. Royster, Jr. in Superior Court, Davidson County. On 4 September 2013, the Court of Appeals allowed the State's petition for writ of certiorari to review the order pursuant to N.C.G.S. § 7A-32(c). On 11 March 2014, the Supreme Court on its own initiative certified the case for review prior to determination in the Court of Appeals. Following oral argument on 6 May 2014, the Court on 28 January 2016 ordered supplemental briefing. Heard in the Supreme Court on 12 October 2016.

Roy Cooper, Attorney General, by Robert C. Montgomery, Senior Deputy Attorney General, for the State-appellant.

Glenn Gerding, Appellate Defender, by Barbara S. Blackman and Kathryn L. VandenBerg, Assistant Appellate Defenders, for defendant-appellee.

PER CURIAM.

For the reasons stated in *State v. Young*, ___ N.C. ___, ___ S.E.2d ___ (Dec. 21, 2016) (No. 80A14), the trial court's order is affirmed, and this case is remanded for resentencing.

STATE V. SEAM

Opinion of the Court

AFFIRMED; REMANDED FOR RESENTENCING.

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