

IN THE SUPREME COURT OF NORTH CAROLINA

No. 222A17

Filed 8 June 2018

STATE OF NORTH CAROLINA

v.

SAM BABB CLONTS, III

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. ___, 802 S.E.2d 531 (2017), granting defendant a new trial after appeal from a judgment entered on 19 June 2015 and from orders entered on 29 February and 24 March 2016, all by Judge Jeffrey P. Hunt in Superior Court, Mecklenburg County. On 7 December 2017, the Supreme Court allowed the State's petition for discretionary review as to additional issues. Heard in the Supreme Court on 16 May 2018 in session in the Buncombe County Courthouse in the City of Asheville, pursuant to section 18B.8 of Chapter 57 of the 2017 North Carolina Session Laws.

Joshua H. Stein, Attorney General, by Joseph L. Hyde, Assistant Attorney General, for the State-appellant.

Hale & Blau, Attorneys at Law, P.C., by Daniel M. Blau, for defendant-appellee.

STATE V. CLONTS

Opinion of the Court

PER CURIAM.

We affirm the decision of the Court of Appeals. With respect to Issue II raised by the State's petition for discretionary review as to additional issues, we conclude that discretionary review was improvidently allowed.

AFFIRMED; DISCRETIONARY REVIEW IMPROVIDENTLY ALLOWED IN PART.