

IN THE SUPREME COURT OF NORTH CAROLINA

No. 290A17

Filed 21 September 2018.

STATE OF NORTH CAROLINA

v.

MARCUS MARCEL SMITH

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. ___, 804 S.E.2d 235 (2017), reversing an order denying defendant's motion to suppress entered on 9 May 2016 by Judge John O. Craig III in Superior Court, Forsyth County. On 7 December 2017, the Supreme Court allowed petitions for discretionary review of additional issues filed by both the State and defendant. Heard in the Supreme Court on 29 August 2018.

Joshua H. Stein, Attorney General, by Teresa M. Postell, Assistant Attorney General, for the State-appellant/appellee.

Jason Christopher Yoder for defendant-appellant/appellee.

PER CURIAM.

For the reasons stated in the dissenting opinion, we reverse the decision of the Court of Appeals. With respect to the additional issues raised by the parties' petitions for discretionary review, we conclude that discretionary review was improvidently allowed. Therefore, the decision of the Court of Appeals as to these matters remains undisturbed.

STATE V. SMITH

Opinion of the Court

REVERSED IN PART; DISCRETIONARY REVIEW IMPROVIDENTLY
ALLOWED.