

IN THE SUPREME COURT OF NORTH CAROLINA

No. 421PA17

Filed 21 September 2018

STATE OF NORTH CAROLINA

v.

JUAN FORONTE McPHAUL

On discretionary review pursuant to N.C.G.S. § 7A-31 of a unanimous decision of the Court of Appeals, \_\_\_ N.C. App. \_\_\_, 808 S.E.2d 294 (2017), finding no prejudicial error in part and vacating in part judgments entered on 2 October 2015 by Judge James M. Webb in Superior Court, Hoke County. On 9 May 2018, the Supreme Court allowed the State's conditional petition for discretionary review as to additional issues. Heard in the Supreme Court on 28 August 2018.

*Joshua H. Stein, Attorney General, by William P. Hart, Jr., Assistant Attorney General, for the State-appellant/appellee.*

*Glenn Gerding, Appellate Defender, by Amanda S. Zimmer, Assistant Appellate Defender, for defendant-appellant/appellee.*

*Rayburn Cooper & Durham, P.A., by James B. Gatehouse; and Davis Polk & Wardwell LLP, by Sharon Katz, pro hac vice, and Matthew R. Brock, pro hac vice, for Professor Brandon L. Garrett and twenty-five other named scholars representing the fields of law, forensic science, medicine, and statistics, amici curiae.*

PER CURIAM.

DISCRETIONARY REVIEW IMPROVIDENTLY ALLOWED.