

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority. Citation is disfavored, but may be permitted in accordance with the provisions of Rule 30(e)(3) of the North Carolina Rules of Appellate Procedure.

IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA16-1314

Filed: 3 October 2017

Wilson County, No. 15 CR 000117

STATE OF NORTH CAROLINA,

v.

JULIUS MERCER, Defendant,

and

HERBERT WOODARD, Surety.

Appeal by Wilson County Board of Education from order entered 3 October 2016 by Judge John J. Covolo in District Court, Wilson County. Heard in the Court of Appeals 7 August 2017.

*Schwartz & Shaw, P.L.L.C., by Kristopher L. Caudle and Rebecca M. Williams, for Wilson County Board of Education, Plaintiff-Appellant.*

*No brief for Julius Mercer, Defendant-Appellee.*

*No brief for Herbert Woodard, Defendant-Appellee Surety.*

McGEE, Chief Judge.

STATE V. CHESTNUT

*Opinion of the Court*

This case is a companion case to COA16-1310, *State v. Chestnut*, filed contemporaneously with this opinion. *Chestnut* contains the facts and analysis relevant to this case. For the reasons stated in *Chestnut*, we vacate the order.

VACATED.

Judges TYSON and INMAN concur.

Report per Rule 30(e).