An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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. COA17-1051

Filed: 1 May 2018

Johnston County, Nos. 14 CRS 55560, 55877

STATE OF NORTH CAROLINA

v.

ROBERT DWAYNE LEWIS

Appeal by defendant from judgments entered 6 April 2017 by Judge Kendra D. Hill in Johnston County Superior Court. Heard in the Court of Appeals 22 February 2018.

Attorney General Joshua H. Stein, by Assistant Attorney General Milind Dongre, for the State.

Appellate Defender Glenn Gerding, by Assistant Appellate Defender Kathryn L. VandenBerg, for defendant.

DIETZ, Judge.

Defendant Robert Dwayne Lewis appeals his convictions for one count of robbery with a dangerous weapon and two counts of second degree kidnapping related to the robbery of a business in Johnston County. This case is a companion case to No. COA17-888, *State v. Lewis*, and involves the same facts and legal issues. For the

reasons discussed in our opinion in that case, we vacate Lewis's convictions and remand this case with instructions for the trial court to allow Lewis's motion to suppress the evidence seized from the residence located at 7085 Laurinburg Road. The trial court properly denied the motion to suppress with respect to evidence seized from the two vehicles located at 7085 Laurinburg Road and any evidence seized in those separate searches is admissible.

In this appeal, Lewis also filed a petition for writ of certiorari seeking review of the factual basis for his guilty pleas to the two kidnapping charges. Because we vacate Lewis's convictions, we need not address his challenge to the factual basis supporting his guilty pleas. Accordingly, we dismiss his petition as moot.

VACATED AND REMANDED.

Judges HUNTER, JR. and ARROWOOD concur.

Report per Rule 30(e).