

IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA18-76-2

Filed: 4 February 2020

Wake County, No. 16CRS208474

STATE OF NORTH CAROLINA

v.

FRED GEORGE DRAVIS, Defendant.

Appeal by Defendant from order entered 7 July 2017 by Judge Reuben F. Young in Wake County Superior Court. Originally heard in the Court of Appeals 8 August 2018. By opinion filed 4 September 2018, this Court reversed the trial court's order.

By order entered 6 September 2019, our Supreme Court remanded for reconsideration in light of its opinion in *State v. Grady*, ___ N.C. ___, 831 S.E.2d 542 (2019).

Attorney General Joshua H. Stein, by Special Deputy Attorney General L. Michael Dodd, for the State.

Appellate Defender Glenn Gerding, by Assistant Appellate Defender James R. Grant, for the Defendant.

DILLON, Judge.

We reconsider our prior opinion in light of *State v. Grady*, ___ N.C. ___, 831 S.E.2d 542 (2019). Our prior opinion can be found at *State v. Dravis*, ___ N.C. App. ___, 817 S.E.2d 796 (Table) (2018).

STATE V. DRAVIS

Opinion of the Court

After careful consideration of *Grady*, we conclude that the findings of the trial court are not sufficient to support a conclusion that the imposition of lifetime satellite-based monitoring (SBM) constitutes a reasonable warrantless search under the Fourth Amendment, as we concluded in our prior opinion. The State did not provide sufficient evidence to show how the efficacy of SBM in furthered a legitimate interest of the State; e.g. to help solve sex offense crimes. Therefore, our decision remains unchanged. The order of the trial court imposing lifetime SBM on Defendant is reversed.

REVERSED.

Judges INMAN and MURPHY concur.