

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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. COA19-904

Filed: 19 May 2020

Wake County, No. 02 CRS 105413

STATE OF NORTH CAROLINA

v.

DWIGHT MCLEAN, Defendant.

Appeal by Defendant from judgments entered 22 April 2019 by Judge Paul C. Ridgeway in Wake County Superior Court. Heard in the Court of Appeals 29 April 2020.

*Attorney General Joshua H. Stein, by Assistant Attorney General Kimberly N. Callahan, for the State.*

*Appellate Defender Glenn Gerding, by Assistant Appellate Defender, Sterling Rozear, for defendant-appellant.*

MURPHY, Judge.

As Defendant concedes in his 9 December 2019 brief, all issues raised therein were decided against him pursuant to *State v. Seam*, 823 S.E.2d 605 (N.C. Ct. App. 2018). Since the filing of the briefs, our Supreme Court issued its *per curiam* opinion

in *State v. Seam*, 837 S.E.2d 870 (Mem) (N.C. 2020), affirming our prior decision and adding the following language:

Defendant's arguments regarding his constitutional rights under the Eighth Amendment in which he asserts that he has no meaningful opportunity for parole are not ripe for a determination by this Court, because the time at which he is eligible to apply for parole has not yet arrived. We recognize that the potential for parole constitutionally cannot be illusory for offenders sentenced to life with the possibility of parole. Defendant is not precluded from raising his claims at a later date, in the event that said claims become ripe for resolution.

*Seam*, 837 S.E.2d 870 (Mem).

For the reasons stated in *Seam*, 823 S.E.2d 605, and *Seam*, 837 S.E.2d 870 (Mem), we affirm.

AFFIRMED.

Judges DIETZ and ZACHARY concur.

Report per Rule 30(e).