

Sexual Offenses-amendment of indictment-change of statute in heading

The decision of the Court of Appeals in this case is reversed for the reason stated in the dissenting opinion that indictments for first-degree sexual offenses were not substantially altered in violation of N.C.G.S. § 15A-923(e) when the trial court permitted the State at the close of the evidence to correct the heading of the indictments, which stated that the offenses were in violation of N.C.G.S. § 14-27.7A (the statutory rape statute), to state that the offenses were in violation of N.C.G.S. § 14-27.4.

Supreme Court
Slip Opinion

Appeal pursuant to N.C.G.S. § 7A-30(2) from the decision of a divided panel of the Court of Appeals, 185 N.C. App. ___, 647 S.E.2d 475 (2007), vacating judgments entered 13 April 2006 by Judge W. Erwin Spainhour in Superior Court, Davidson County. Heard in the Supreme Court 12 December 2007.

Roy Cooper, Attorney General, by Anne M. Middleton, Assistant Attorney General, for the State-appellant.

James R. Glover for defendant-appellee.

PER CURIAM.

For the reasons stated in the dissenting opinion, the decision of the Court of Appeals is reversed.

REVERSED.