

IN THE SUPREME COURT OF NORTH CAROLINA

No. 465A09

FILED: 8 OCTOBER 2010

STATE OF NORTH CAROLINA

v.

ROBERT PETER VOGT, JR.

Appeal pursuant to N.C.G.S. § 7A-30(2) from the decision of a divided panel of the Court of Appeals, ___ N.C. App. ___, 685 S.E.2d 23 (2009), affirming an order entered on 3 July 2008 by Judge Beverly T. Beal in Superior Court, Mecklenburg County. Heard in the Supreme Court 17 February 2010.

Roy Cooper, Attorney General, by Peter A. Regulski, Assistant Attorney General, for the State.

William D. Auman for defendant-appellant.

PER CURIAM.

For the reasons stated in *State v. Bowditch*, ___ N.C. ___, ___ S.E.2d ___ (2010) (448PA09), the decision of the Court of Appeals is affirmed.

AFFIRMED.

Chief Justice PARKER and Justices TIMMONS-GOODSON and HUDSON dissent for the reasons stated in the dissenting opinion in *State v. Bowditch*, ___ N.C. ___, ___ S.E.2d ___ (2010) (448PA09).