

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).