

IN THE SUPREME COURT OF NORTH CAROLINA

No. 48A03

FILED: 13 JUNE 2003

STATE OF NORTH CAROLINA

v.

MARK MARCOPILOS, NANCY WOODS, PASCAL L. PITTS, LAURA WINBUSH
VANDERBECK, JAMES EDWIN WARREN, and RUTH C. ZALPH

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. ___, 572 S.E.2d 820 (2002), finding no error after appeal of judgments entered 9 August 2001 by Judge J.B. Allen, Jr., in Superior Court, Wake County. Heard in the Supreme Court 7 May 2003.

*Roy Cooper, Attorney General, by William P. Hart,
Special Deputy Attorney General, for the State.*

*Glenn, Mills & Fisher, P.A., by Stewart W. Fisher; and
George Hausen, for defendant-appellants.*

PER CURIAM.

Defendants appeal to this Court from the decision of the Court of Appeals on the basis of a dissent. We affirm the decision of the Court of Appeals.

Defendants, in their brief and at oral argument, further sought review in this Court of a constitutional issue originally presented to but not addressed by the Court of Appeals. We decline to consider this constitutional issue in the first instance. This matter is remanded to the Court of Appeals so that this issue may be addressed by that court.

AFFIRMED and REMANDED.