

IN THE SUPREME COURT OF NORTH CAROLINA

No. 517PA09

FILED: 27 AUGUST 2010

FAYE B. BROWN,
Petitioner

v.

THE NORTH CAROLINA DEPARTMENT OF CORRECTION; ALVIN KELLER, in his capacity as Secretary of the Department of Correction; and KENNETH ROYSTER, in his capacity as Superintendent of Raleigh Correctional Center for Women,
Respondents

On writ of certiorari pursuant to N.C.G.S. § 7A-32(b) to review an opinion and order entered 14 December 2009 by Judge Ripley E. Rand in Superior Court, Wake County, allowing petitioner's application for writ of habeas corpus and ordering her unconditional release from prison. Heard in the Supreme Court 16 February 2010.

Staples S. Hughes, Appellate Defender, and Katherine Jane Allen, Benjamin Dowling-Sendor, Daniel R. Pollitt, and Daniel K. Shatz, Assistant Appellate Defenders, for petitioner-appellee.

Roy Cooper, Attorney General, by Tiare B. Smiley and Robert C. Montgomery, Special Deputy Attorneys General, for respondent-appellants State of North Carolina and North Carolina Department of Correction.

Elliot Pishko Morgan, P.A., by David Pishko, and Abrams & Abrams, P.A., by Margaret Abrams, for North Carolina Advocates for Justice, amicus curiae.

PER CURIAM.

For the reasons stated in *Jones v. Keller*, ___ N.C. ___, ___ S.E.2d ___ (2010) (518PA09), we reverse the trial

court's 14 December 2009 order allowing petitioner's petition for writ of habeas corpus.

REVERSED.

Justices BRADY and NEWBY concur in the result for the reasons stated in the concurring opinion in *Jones v. Keller*, ___ N.C. ___, ___ S.E.2d ___ (2010) (518PA09).

Justices TIMMONS-GOODSON and HUDSON dissent for the reasons stated in the dissenting opinion in *Jones v. Keller*, ___ N.C. ___, ___ S.E.2d ___ (2010) (518PA09).