

IN THE SUPREME COURT OF NORTH CAROLINA

No. 122PA98

IN RE SARAH LYNN OWENS

On discretionary review pursuant to N.C.G.S. § 7A-31 and on appeal of right of a constitutional question pursuant to N.C.G.S. § 7A-30(1) to review a unanimous decision of the Court of Appeals, 128 N.C. App. 577, 496 S.E.2d 592 (1998), affirming an order of contempt entered in open court by Farmer, J., on 7 February 1997 in Superior Court, Wake County. Heard in the Supreme Court 30 September 1998.

Smith Helms Mulliss & Moore, L.L.P., by Jonathan E. Buchan, T. Jonathan Adams, and James G. Exum, Jr., for appellant Sarah Owens.

Michael F. Easley, Attorney General, by Norma S. Harrell, Special Deputy Attorney General, for the State-appellee.

Brooks, Pierce, McLendon, Humphrey & Leonard, L.L.P., by Mark J. Prak, on behalf of The Associated Press; The New York Times Company; North Carolina Association of Broadcasters, Inc.; and North Carolina Press Association, Inc., amici curiae.

PER CURIAM.

The decision of the Court of Appeals is affirmed for the reasons stated therein. *But see* Act of July 9, 1999, ch. 267, 1999 N.C. Sess. Laws ___ (codifying "journalists' testimonial privilege" as N.C.G.S. § 8-53.9, effective 1 October 1999).

AFFIRMED.

Justices MARTIN and WAINWRIGHT did not participate in the consideration or decision of this case.