

IN THE SUPREME COURT OF NORTH CAROLINA

No. 124A12

FILED 14 DECEMBER 2012

STATE OF NORTH CAROLINA

v.

JERRY LAMONT LINDSEY

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. ___, 725 S.E.2d 350 (2012), reversing judgments entered on 13 May 2010 by Judge Timothy S. Kincaid in Superior Court, Caldwell County. On 13 June 2012, the Supreme Court allowed the State's petition for discretionary review of an additional issue. Heard in the Supreme Court on 13 November 2012.

Roy Cooper, Attorney General, by Kimberly N. Callahan, Assistant Attorney General, for the State-appellant.

James N. Freeman, Jr. for defendant-appellee.

PER CURIAM.

The decision of the Court of Appeals is reversed for the reasons stated in the dissenting opinion, and this case is remanded to the Court of Appeals for consideration of the remaining issues. Discretionary review was improvidently allowed as to the additional issue.

STATE V. LINDSEY

Opinion of the Court

REVERSED AND REMANDED; DISCRETIONARY REVIEW
IMPROVIDENTLY ALLOWED.