

STATE OF NORTH CAROLINA v. WILLIAM THOMAS BAUBERGER

No. 172A06

FILED: 15 DECEMBER 2006

Appeal pursuant to N.C.G.S. § 7A-30(2) from the decision of a divided panel of the Court of Appeals, 176 N.C. App. ___, 626 S.E.2d 700 (2006), finding no error in judgments entered on 15 August 2003 and an order denying defendant's Motion for Appropriate Relief entered on 4 February 2004, all entered by Judge John O. Craig, III, in Superior Court, Forsyth County, following jury verdicts finding defendant guilty of second-degree murder and assault with a deadly weapon inflicting serious injury. Heard in the Supreme Court 22 November 2006.

Roy Cooper, Attorney General, by Isaac T. Avery, III, Special Counsel, for the State.

Kathryn L. VandenBerg for defendant-appellant.

PER CURIAM.

Justice WAINWRIGHT took no part in the consideration or decision of this case. The remaining members of the Court are equally divided, with three members voting to affirm and three members voting to reverse the decision of the Court of Appeals. Accordingly, the decision of the Court of Appeals is left undisturbed and stands without precedential value. See *State v. Harrison*, 360 N.C. 394, 627 S.E.2d 461 (2006); *Crawford v. Commercial Union Midwest Ins. Co.*, 356 N.C. 609, 572 S.E.2d 781 (2002); *Robinson v. Byrd*, 356 N.C. 608, 572 S.E.2d 781 (2002).

AFFIRMED.