

IN THE SUPREME COURT OF NORTH CAROLINA

No. 173PA17

Filed 7 December 2018

STATE OF NORTH CAROLINA

v.

MELVIN LEROY FOWLER

On discretionary review pursuant to N.C.G.S. § 7A-31 of a unanimous decision of the Court of Appeals, ___ N.C. App. ___, 800 S.E.2d 724 (2017), finding reversible error in a judgment entered on 2 March 2016 by Judge A. Graham Shirley in Superior Court, Wake County, vacating defendant's conviction, and granting him a new trial. Heard in the Supreme Court on 30 August 2018.

Joshua H. Stein, Attorney General, by Christopher W. Brooks, Special Deputy Attorney General, for the State-appellant.

Jason Christopher Yoder for defendant-appellee.

PER CURIAM.

The decision of the Court of Appeals is vacated and this case is remanded to the Court of Appeals for reconsideration in light of our decision in *State v. Malachi*, ___ N.C. ___, ___ S.E.2d ___ (2018) (142PA17).

VACATED AND REMANDED.