

IN THE SUPREME COURT OF NORTH CAROLINA

No. 421PA17

Filed 21 September 2018

STATE OF NORTH CAROLINA

v.

JUAN FORONTE McPHAUL

On discretionary review pursuant to N.C.G.S. § 7A-31 of a unanimous decision of the Court of Appeals, ___ N.C. App. ___, 808 S.E.2d 294 (2017), finding no prejudicial error in part and vacating in part judgments entered on 2 October 2015 by Judge James M. Webb in Superior Court, Hoke County. On 9 May 2018, the Supreme Court allowed the State's conditional petition for discretionary review as to additional issues. Heard in the Supreme Court on 28 August 2018.

Joshua H. Stein, Attorney General, by William P. Hart, Jr., Assistant Attorney General, for the State-appellant/appellee.

Glenn Gerding, Appellate Defender, by Amanda S. Zimmer, Assistant Appellate Defender, for defendant-appellant/appellee.

Rayburn Cooper & Durham, P.A., by James B. Gatehouse; and Davis Polk & Wardwell LLP, by Sharon Katz, pro hac vice, and Matthew R. Brock, pro hac vice, for Professor Brandon L. Garrett and twenty-five other named scholars representing the fields of law, forensic science, medicine, and statistics, amici curiae.

PER CURIAM.

DISCRETIONARY REVIEW IMPROVIDENTLY ALLOWED.