

IN THE SUPREME COURT OF NORTH CAROLINA

No. 68A18

Filed 21 September 2018

STATE OF NORTH CAROLINA

v.

JERMEL TORON KRIDER

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. ___, 810 S.E.2d 828 (2018), vacating a judgment entered on 3 October 2016 by Judge Mark E. Klass in Superior Court, Iredell County. Heard in the Supreme Court on 30 August 2018.

Joshua H. Stein, Attorney General, by Kimberly N. Callahan, Assistant Attorney General, for the State-appellant.

Glenn Gerding, Appellate Defender, by Emily Holmes Davis, Assistant Appellate Defender, for defendant-appellee.

PER CURIAM.

As to the issue of whether the evidence in this case could support a determination that defendant violated N.C.G.S. § 15A-1343(b)(3a), we hold that the State failed to carry its burden of presenting sufficient evidence to support the trial court's decision to revoke defendant's probation based upon a finding that defendant willfully absconded probation. Accordingly, we affirm the decision of the Court of Appeals; however, we disavow the portion of the opinion analyzing the pertinence of the fact that defendant's probationary term expired prior to the date of the probation

STATE V. KRIDER

Opinion of the Court

violation hearing and holding “that the trial court lacked jurisdiction to revoke defendant’s probation after his case expired.” *State v. Krider*, ___ N.C. App. ___, ___, 810 S.E.2d 828, 833 (2018).

MODIFIED and AFFIRMED.