

IN THE SUPREME COURT OF NORTH CAROLINA

No. 526A13-2

Filed 10 May 2019

STATE OF NORTH CAROLINA

v.

TIMOTHY GLEN MILLS

Appeal pursuant to N.C.G.S. § 7A-30(2) from the unpublished decision of a divided panel of the Court of Appeals, ___ N.C. App. ___, 813 S.E.2d 478 (2018), reversing an order denying defendant's motion for appropriate relief entered on 13 September 2016 by Judge Marvin P. Pope, Jr. in Superior Court, McDowell County, and remanding for a new trial. Heard in the Supreme Court on 8 April 2019.

Joshua H. Stein, Attorney General, by Sherri Horner Lawrence, Assistant Attorney General, for the State-appellant.

N.C. Prisoner Legal Services, Inc., by Mary E. McNeill, for defendant-appellee.

PER CURIAM.

AFFIRMED.

Justice DAVIS did not participate in the consideration or decision of this case.