

IN THE SUPREME COURT OF NORTH CAROLINA

2021-NCSC-40

No. 225A20

Filed 16 April 2021

STATE OF NORTH CAROLINA

v.

ROBERT PRINCE

Appeal pursuant to N.C.G.S. § 7A-30(2) from the decision of a divided panel of the Court of Appeals, 843 S.E.2d 700 (N.C. Ct. App. 2020), vacating a judgment entered on 10 July 2018 by Judge Nathaniel J. Poovey in Superior Court, Gates County, and remanding for resentencing. Heard in the Supreme Court on 24 March 2021.

Joshua H. Stein, Attorney General, by Terence Steed, Special Deputy Attorney General, for the State-appellant.

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

PER CURIAM.

¶ 1 Justice BERGER did not participate in the consideration or decision of this case. As to the appeal of right based on the dissenting opinion, 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

STATE V. PRINCE

2021-NCSC-40

Opinion of the Court

precedential value. *See, e.g., Amward Homes, Inc. v. Town of Cary*, 365 N.C. 305, 716 S.E.2d 849 (2011); *State v. Pastuer*, 365 N.C. 287, 715 S.E.2d 850 (2011).

AFFIRMED.