

IN THE SUPREME COURT OF NORTH CAROLINA

No. 359A12

FILED 8 MARCH 2013

CLYDE VERNON LOVETTE,  
Petitioner

v.

THE NORTH CAROLINA DEPARTMENT OF CORRECTION; ALVIN KELLER, in  
his capacity as Secretary of Correction; and RUDY FOSTER, in his capacity as  
Administrator of Dan River Prison Work Farm,  
Respondents

CHARLES LYNCH,  
Petitioner

v.

THE NORTH CAROLINA DEPARTMENT OF CORRECTION; ALVIN KELLER, in  
his capacity as Secretary of Correction; and TIM KERLEY, in his capacity as  
Administrator of Catawba Correctional Center,  
Respondents

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. \_\_\_, 731 S.E.2d 206 (2012), affirming an  
order entered on 16 June 2011 by Judge Allen Baddour in Superior Court, Wake  
County, allowing petitioners' applications for writ of habeas corpus and ordering  
their unconditional release from prison. Heard in the Supreme Court on 14  
February 2013.

*N.C. Prisoner Legal Services, Inc., by Sarah Jessica Farber, for petitioner-  
appellees.*

*Roy Cooper, Attorney General, by Joseph Finarelli, Special Deputy Attorney  
General, for respondent-appellants.*

LOVETTE V. N.C. DEP'T OF CORR.

*Opinion of the Court*

PER CURIAM.

For the reasons stated in the dissenting opinion, we reverse the decision of the Court of Appeals and remand this matter to that court for remand to the trial court for further proceedings not inconsistent with this opinion.

REVERSED AND REMANDED.