

STATE OF NORTH CAROLINA v. WILLIAM LYDA MESSER

No. 405A01

(Filed 18 December 2001)

Appeal pursuant to N.C.G.S. § 7A-30(2) from the decision of a divided panel of the Court of Appeals, 145 N.C. App. 43, ___ S.E.2d ___ (2001), reversing a judgment entered 29 September 1999 by Caviness, J., in Superior Court, Buncombe County. Heard in the Supreme Court 15 November 2001.

Roy Cooper, Attorney General, by Elizabeth Leonard McKay, Special Deputy Attorney General, for the State-appellant.

Leah Broker for defendant-appellee.

PER CURIAM.

AFFIRMED.