

IN THE SUPREME COURT OF NORTH CAROLINA

No. 461A09

FILED: 8 OCTOBER 2010

STATE OF NORTH CAROLINA

v.

JOSEPH DWAYNE MORROW

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. ___, 683 S.E.2d 754 (2009), finding defendant's constitutional challenge to an order entered on 19 February 2008 by Judge Henry E. Frye, Jr. in Superior Court, Wilkes County, without merit but remanding for additional findings of fact and a determination of the duration of defendant's enrollment in satellite-based monitoring. Heard in the Supreme Court 17 February 2010.

Roy Cooper, Attorney General, by Peter A. Regulski, Assistant Attorney General, for the State.

Mark Montgomery for defendant-appellant.

PER CURIAM.

For the reasons stated in *State v. Bowditch*, ___ N.C. ___, ___ S.E.2d ___ (Oct. 8, 2010) (No. 448PA09), the decision of the Court of Appeals is affirmed.

AFFIRMED.

Chief Justice PARKER and Justices TIMMONS-GOODSON and HUDSON dissent for the reasons stated in the dissenting opinion in *State v. Bowditch*, ___ N.C. ___, ___ S.E.2d ___ (Oct. 8, 2010) (No. 448PA09).