

IN THE SUPREME COURT OF NORTH CAROLINA

No. 499PA12

FILED 8 NOVEMBER 2013

STATE OF NORTH CAROLINA

v.

WAYNE ANTHONY HUSS

On discretionary review pursuant to N.C.G.S. ' 7A-31 of a unanimous decision of the Court of Appeals, \_\_\_ N.C. App. \_\_\_, 734 S.E.2d 612 (2012), reversing judgments entered on 1 July 2011 by Judge Beverly T. Beal in Superior Court, Lincoln County. Heard in the Supreme Court on 14 October 2013.

*Roy Cooper, Attorney General, by Sherri Horner Lawrence, Assistant Attorney General, for the State-appellant.*

*Staples S. Hughes, Appellate Defender, by Daniel Shatz, Assistant Appellate Defender, for defendant-appellee.*

PER CURIAM.

Justice BEASLEY took no part in the consideration or decision of this case. 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 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).

STATE V. HUSS

*Opinion of the Court*

AFFIRMED.