IN THE SUPREME COURT OF NORTH CAROLINA

No. 171A17

Filed 2 March 2018

STATE OF NORTH CAROLINA

v.

DARYL WILLIAMS

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. ___, 801 S.E.2d 169 (2017), reversing a judgment entered on 12 August 2015 by Judge Paul L. Jones in Superior Court, Wayne County, and awarding defendant a new trial. On 17 August 2017, the Supreme Court allowed the State's petition for discretionary review of an additional issue. Heard in the Supreme Court on 10 January 2018.

Joshua H. Stein, Attorney General, by Scott A. Conklin, Assistant Attorney General, for the State-appellant.

Gilda C. Rodriguez for defendant-appellee.

PER CURIAM.

We reverse in part the decision of the Court of Appeals for the reasons stated in the dissenting opinion, and we remand this case to the Court of Appeals to address defendant's remaining argument on appeal. The State's petition for discretionary review as to an additional issue was improvidently allowed.

REVERSED IN PART AND REMANDED; DISCRETIONARY REVIEW IMPROVIDENTLY ALLOWED.