## IN THE SUPREME COURT OF NORTH CAROLINA

No. 465A09

FILED: 8 OCTOBER 2010

STATE OI	NORTH	CAROLINA
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v.

ROBERT PETER VOGT, JR.

(448PA09).

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, 685 S.E.2d 23 (2009), affirming an order entered on 3
July 2008 by Judge Beverly T. Beal in Superior Court, Mecklenburg
County. Heard in the Supreme Court 17 February 2010.
Roy Cooper, Attorney General, by Peter A. Regulski, Assistant Attorney General, for the State.
William D. Auman for defendant-appellant.
PER CURIAM.
For the reasons stated in State v. Bowditch, N.C.
, S.E.2d (2010) (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 (2010)