

STATE OF NORTH CAROLINA v. ANH VIET THAI

No. 7PA06

FILED: 28 JUNE 2007

On discretionary review pursuant to N.C.G.S. § 7A-31 of a unanimous, unpublished decision of the Court of Appeals, 175 N.C. App. 249, 623 S.E.2d 89 (2005), finding no prejudicial error in defendant's conviction which resulted in a judgment entered 28 May 2004 by Judge James E. Lanning in Superior Court, Mecklenburg County, but remanding for resentencing. Heard in the Supreme Court 9 May 2007.

Roy Cooper, Attorney General, by Q. Shanté Martin, Assistant Attorney General, for the State-appellant.

Isabel Scott Day, Mecklenburg County Public Defender, by Julie Ramseur Lewis, Assistant Public Defender, for defendant-appellee.

PER CURIAM.

To the extent the Court of Appeals ordered remand of defendant's case for resentencing, we reverse and remand to that court for reconsideration in light of *State v. Blackwell*, 361 N.C. 41, 638 S.E.2d 452 (2006), *cert. denied*, ___ U.S. ___, ___ L. Ed. 2d ___, 75 U.S.L.W. 3609 (2007). The Court of Appeals opinion remains undisturbed in all other respects.

REVERSED IN PART AND REMANDED.

Justice HUDSON did not participate in the consideration or decision of this case.