

STATE OF NORTH CAROLINA v. MICHAEL ANTHONY ELLIOTT

No. 179A00

(Filed 6 October 2000)

**Evidence--general intent crimes--prior assault--admissibility to show intent**

The decision of the Court of Appeals in this case is reversed for the reason stated in the dissenting opinion in the Court of Appeals that evidence of a prior incident in which defendant hit the female victim's face was admissible in this prosecution for the general intent crimes of assault inflicting serious injury and assault on a female to show defendant's intent with respect to the present assault on the female victim.

Appeal pursuant to N.C.G.S. § 7A-30(2) from the decision of a divided panel of the Court of Appeals, 137 N.C. App. 282, 528 S.E.2d 32 (2000), finding error in a judgment entered 22 October 1998 by Stephens (Donald W.), J., in Superior Court, Durham County, and ordering a new trial. Heard in the Supreme Court 13 September 2000.

*Michael F. Easley, Attorney General, by Daniel P. O'Brien, Assistant Attorney General, for the State-appellant.*

*Kevin P. Bradley for defendant-appellee.*

PER CURIAM.

For the reasons stated in Judge Lewis's dissenting opinion, we reverse the opinion of the Court of Appeals.

REVERSED.