

STATE OF NORTH CAROLINA v. GARY LEE LAWRENCE, JR.

No. 457PA04

FILED 7 APRIL 2006

On discretionary review pursuant to N.C.G.S. § 7A-31 of a unanimous decision of the Court of Appeals, 165 N.C. App. 548, 599 S.E.2d 87 (2004), reversing in part and finding no error in part in judgments entered 9 July 2002 by Judge Jerry R. Tillett in Superior Court, Camden County. On 29 August 2005, defendant filed a motion for appropriate relief in this Court. Heard in the Supreme Court 16 November 2005.

Roy Cooper, Attorney General, by Amy C. Kunstling, Assistant Attorney General, for the State-appellant.

Thomas K. Maher for defendant-appellee.

PER CURIAM.

For the reasons stated in *State v. Markeith R. Lawrence*, ____ N.C. ____, ____ S.E.2d ____ (2006), we reverse the decision of the Court of Appeals as to defendant's seven convictions for second-degree sexual offense. However, the portion of the Court of Appeals opinion finding no error in nine of defendant's convictions as specified in that opinion remains undisturbed. Pursuant to *Blakely v. Washington*, 542 U.S. 296, 159 L. Ed. 2d 403 (2004) and *State v. Allen*, 359 N.C. 425, 615 S.E.2d 256 (2005), defendant's case is remanded to the Court of Appeals for further remand to the trial court for resentencing consistent with *Blakely* and *Allen*.

REVERSED IN PART AND REMANDED.

Justice TIMMONS-GOODSON did not participate in the consideration or decision of this case.