IN THE SUPREME COURT OF NORTH CAROLINA

No. 262A02

FILED: 22 NOVEMBER 2002

STATE OF NORTH CAROLINA

v.

ROGER DALE DIXON

Appeal pursuant to N.C.G.S. § 7A-30(2) from the decision of a divided panel of the Court of Appeals, 150 N.C.

App. 46, 563 S.E.2d 594 (2002), ordering a new trial after appeal from a judgment entered 3 November 2000 by Taylor (Kimberly S.),

J., in Superior Court, Iredell County. Heard in the Supreme Court 17 October 2002.

Roy Cooper, Attorney General, by Anne M. Middleton, for the State-appellant.

Patricia L. Riddick for defendant-appellee.

PER CURIAM.

AFFIRMED.