

IN THE SUPREME COURT OF NORTH CAROLINA

No. 332PA98

FILED: 4 MARCH 1999

STATE OF NORTH CAROLINA

v.

KENNETH WAYNE VAUGHN

On discretionary review pursuant to N.C.G.S. § 7A-31 of a unanimous decision of the Court of Appeals, ___ N.C. App. ___, 503 S.E.2d 110 (1998), finding no error in defendant's trial and conviction but vacating the judgment entered by Smith (W. Osmond, III), J., on 20 March 1997 in Superior Court, Guilford County and remanding for resentencing. Heard in the Supreme Court 9 February 1999.

Michael F. Easley, Attorney General, by H. Alan Pell, Special Deputy Attorney General, for the State-appellant.

Malcolm Ray Hunter, Jr., Appellate Defender, by Anne M. Gomez, Assistant Appellate Defender, for defendant-appellee.

PER CURIAM.

AFFIRMED.