

IN THE SUPREME COURT OF NORTH CAROLINA

No. 382A11

STATE OF NORTH CAROLINA

v.

JACKIE RAY ANDERSON

(FILED 9 MARCH 2012)

Appeal pursuant to N.C.G.S. § 7A-30(2) from the decision of a divided panel of the Court of Appeals, ___ N.C. App. ___, ___ S.E.2d ___, 2011 WL 3569529 (Aug. 16, 2011) (No. COA10-1573), finding error in a judgment entered on 17 May 2010 by Judge Walter H. Godwin, Jr. in Superior Court, Wilson County, and granting defendant a new trial. Heard in the Supreme Court on 14 February 2012.

Roy Cooper, Attorney General, by Derrick C. Mertz, Assistant Attorney General, for the State-appellant.

Michael J. Reece for defendant-appellee.

PER CURIAM.

AFFIRMED.