

IN THE SUPREME COURT OF NORTH CAROLINA

No. 387A98

FILED: 4 MARCH 1999

STATE OF NORTH CAROLINA

v.

FRANCIS M. KENNEDY

Appeal by defendant pursuant to N.C.G.S. § 7A-30(2) from the decision of a divided panel of the Court of Appeals, ___ N.C. App. ___, 503 S.E.2d 133 (1998), finding no error in a judgment entered by Cashwell, J., on 24 October 1996 in Superior Court, Wake County. Heard in the Supreme Court 9 February 1999.

Michael F. Easley, Attorney General, by Anne M. Middleton, Associate Attorney General, for the State.

Tharrington Smith, L.L.P., by Roger W. Smith and E. Hardy Lewis, for defendant-appellant.

PER CURIAM.

AFFIRMED.