IN THE SUPREME COURT OF NORTH CAROLINA

No. 575A97

STATE OF NORTH CAROLINA

v.

CHRISTINA MARTINEZ TIRALONGO

Appeal pursuant to N.C.G.S. § 7A-30(2) from an unpublished decision of a divided panel of the Court of Appeals, 127 N.C. App. 757, 493 S.E.2d 498 (1997), finding no prejudicial error in defendant's trial but ordering a new sentencing hearing on the judgment entered 30 October 1996 by Wainwright, J., in Superior Court, Onslow County. Defendant also appeals pursuant to N.C.G.S. § 7A-30(1) based on a substantial constitutional question. Heard in the Supreme Court 12 April 1999.

Michael F. Easley, Attorney General, by Lars F. Nance, Special Deputy Attorney General, for the State.

Malcolm Ray Hunter, Jr., Appellate Defender, by Daniel R. Pollitt and Anne M. Gomez, Assistant Appellate Defenders, for defendant-appellant.

PER CURIAM

The decision of the Court of Appeals is affirmed. The State's motion to dismiss the appeal pursuant to N.C.G.S. § 7A-30(1) based on a substantial constitutional question is allowed.

AFFIRMED; APPEAL DISMISSED IN PART.

Justice WAINWRIGHT did not participate in the consideration or decision of this case.