

IN THE SUPREME COURT OF NORTH CAROLINA

No. 391A97

FILED: 6 MARCH 1998

STATE OF NORTH CAROLINA

v.

JERRY WAYNE INMAN

Appeal by defendant pursuant to N.C.G.S. § 7A-30(2) from an unpublished decision of a divided panel of the Court of Appeals, 127 N.C. App. 210, 490 S.E.2d 253 (1997), ordering a new trial after a jury trial in which judgment was entered by Hyatt, J., on 14 March 1996 in Superior Court, Swain County, sentencing defendant to a term of sixty days' imprisonment, suspended, with one year unsupervised probation. Heard in the Supreme Court 9 February 1998.

*Michael F. Easley, Attorney General, by Reuben F. Young, Assistant Attorney General, for the State.*

*Mark R. Melrose for defendant-appellant.*

PER CURIAM.

AFFIRMED.