

IN THE SUPREME COURT OF NORTH CAROLINA

No. 440PA98

FILED: 4 MARCH 1999

STATE OF NORTH CAROLINA

v.

RICKY BRIGHT

On discretionary review pursuant to N.C.G.S. § 7A-31 of a decision of the Court of Appeals, ___ N.C. App. ___, 505 S.E.2d 317 (1998), finding no error as to defendant's convictions for first-degree burglary and first-degree kidnapping, but vacating judgments entered upon defendant's convictions for first-degree rape and first-degree sexual offense entered 7 November 1996 by Rousseau, J., in Superior Court, Wilkes County, and remanding for a new trial on those charges. Heard in the Supreme Court 12 February 1999.

Michael F. Easley, Attorney General, by Laura E. Crumpler, Assistant Attorney General, for the State-appellant and -appellee.

Malcolm Ray Hunter, Jr., Appellate Defender, by Mark D. Montgomery, Assistant Appellate Defender, for defendant-appellant and -appellee.

PER CURIAM.

DISCRETIONARY REVIEW IMPROVIDENTLY ALLOWED.

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