

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Appeal pursuant to N.C.G.S. § 7A-30(2) from an unpublished decision of a divided panel of the Court of Appeals, 127 N.C. App. 757, 493 S.E.2d 498 (1997), finding no prejudicial error in defendant's trial but ordering a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.