

STATE OF NORTH CAROLINA v. MICHAEL ANTHONY ELLIOTT

No. 179A00

(Filed 6 October 2000)

Evidence--general intent crimes--prior assault--admissibility to show intent

The decision of the Court of Appeals in this case is reversed for the reason stated in the dissenting opinion in the Court of Appeals that evidence of a prior incident in which defendant hit the female victim's face was admissible in this prosecution for the general intent crimes of assault inflicting serious injury and assault on a female to show defendant's intent with respect to the present assault on the female victim.

Appeal pursuant to N.C.G.S. § 7A-30(2) from the decision of a divided panel of the Court of Appeals, 137 N.C. App. 282, 528 S.E.2d 32 (2000), finding error in a judgment entered 22 October 1998 by Stephens (Donald W.), J., in Superior Court, Durham County, and ordering a new trial. Heard in the Supreme Court 13 September 2000.

Michael F. Easley, Attorney General, by Daniel P. O'Brien, Assistant Attorney General, for the State-appellant.

Kevin P. Bradley for defendant-appellee.

PER CURIAM.

For the reasons stated in Judge Lewis's dissenting opinion, we reverse the opinion of the Court of Appeals.

REVERSED.