

STATE OF NORTH CAROLINA v. MELVIN KEITH SMITH

No. 321PA00

Filed 6 April 2001

No headnotes.

On discretionary review pursuant to N.C.G.S. § 7A-31 of a unanimous decision of the Court of Appeals, 138 N.C. App. 605, 532 S.E.2d 235 (2000), reversing orders denying defendant's motions for mistrial and subsequent judgment, entered by Guice, J., on 5 December 1997 and 12 February 1998, respectively, in Superior Court, Rutherford County, and remanding for a new trial. Heard in the Supreme Court 12 March 2001.

*Roy A. Cooper, Attorney General, by Jane Ammons Gilchrist, Assistant Attorney General, for the State-appellant.*

*Teddy & Meekins, P.L.L.C., by David R. Teddy, for defendant-appellee.*

PER CURIAM.

DISCRETIONARY REVIEW IMPROVIDENTLY ALLOWED.