

STATE OF NORTH CAROLINA v. ELBERT LEBRON WOODARD

No. 519PA01

Filed 10 May 2002

No Headnotes.

On discretionary review pursuant to N.C.G.S. § 7A-31 of a unanimous decision of the Court of Appeals, 146 N.C. App. 75, 552 S.E.2d 650 (2001), ordering a new trial as to defendant's conviction and sentence for first-degree murder and remanding for sentencing on defendant's convictions for assault with a deadly weapon inflicting serious injury and felonious operation of a motor vehicle to elude arrest; judgments were entered for these convictions on 10 December 1999 by Haigwood, J., in Superior Court, Johnston County. On 20 December 2001, the Supreme Court allowed defendant's conditional petition for discretionary review as to additional issues. Heard in the Supreme Court 16 April 2002.

*Roy Cooper, Attorney General, by Isaac T. Avery, III, Special Deputy Attorney General, and Patricia A. Duffy, Assistant Attorney General, for the State-appellant and -appellee.*

*Mark Montgomery for defendant-appellant and -appellee.*

PER CURIAM.

DISCRETIONARY REVIEW IMPROVIDENTLY ALLOWED.