

IN THE SUPREME COURT OF NORTH CAROLINA

No. 262A02

FILED: 22 NOVEMBER 2002

STATE OF NORTH CAROLINA

v.

ROGER DALE DIXON

Appeal pursuant to N.C.G.S. § 7A-30(2) from the decision of a divided panel of the Court of Appeals, 150 N.C. App. 46, 563 S.E.2d 594 (2002), ordering a new trial after appeal from a judgment entered 3 November 2000 by Taylor (Kimberly S.), J., in Superior Court, Iredell County. Heard in the Supreme Court 17 October 2002.

*Roy Cooper, Attorney General, by Anne M. Middleton, for the State-appellant.*

*Patricia L. Riddick for defendant-appellee.*

PER CURIAM.

AFFIRMED.