

IN THE SUPREME COURT OF NORTH CAROLINA

No. 119PA02

FILED: 22 NOVEMBER 2002

STATE OF NORTH CAROLINA

v.

ERNEST G. HARGETT

On discretionary review pursuant to N.C.G.S. § 7A-31 of a decision of the Court of Appeals, 148 N.C. App. 688, 559 S.E.2d 282 (2002), ordering a new trial after appeal of a judgment entered 28 September 2000 by Alford, J., in Superior Court, Craven County. Heard in the Supreme Court 14 October 2002.

*Roy Cooper, Attorney General, by Sylvia Thibaut, Assistant Attorney General, for the State-appellant.*

*Rudolph A. Ashton, III, and Kirby H. Smith, III, for defendant-appellee.*

PER CURIAM.

DISCRETIONARY REVIEW IMPROVIDENTLY ALLOWED.