

IN THE SUPREME COURT OF NORTH CAROLINA

No. 174A02

FILED: 28 MARCH 2003

STATE OF NORTH CAROLINA

v.

WILLIAM JASPER GOODMAN, JR.

Appeal pursuant to N.C.G.S. § 7A-30(2) from the decision of a divided panel of the Court of Appeals, 149 N.C. App. 57, 560 S.E.2d 196 (2002), finding no error in the guilt phase of defendant's trial but remanding for resentencing a judgment entered 31 March 2000 by Judge James C. Davis in Superior Court, Gaston County. On 15 August 2002, the Supreme Court granted discretionary review of additional issues. Heard in the Supreme Court 13 March 2003.

*Roy Cooper, Attorney General, by Philip A. Lehman, Assistant Attorney General, for the State.*

*Staples Hughes, Appellate Defender, by Daniel R. Pollitt and Beth Posner, Assistant Appellate Defenders, for defendant-appellant.*

PER CURIAM.

For the reasons stated in the dissenting opinion, the decision of the Court of Appeals is reversed. We hold that defendant's petition for discretionary review as to additional issues was improvidently allowed.

REVERSED IN PART; DISCRETIONARY REVIEW IMPROVIDENTLY ALLOWED IN PART.