

IN THE SUPREME COURT OF NORTH CAROLINA

No. 534PA05

FILED: 28 JUNE 2007

STATE OF NORTH CAROLINA

v.

ALEJANDRO HERNANDEZ-MADRID

On discretionary review pursuant to N.C.G.S. § 7A-31 of a unanimous, unpublished decision of the Court of Appeals, 173 N.C. App. 234, 617 S.E.2d 724 (2005), affirming in part judgments entered 2 July 2003 by Judge W. Osmond Smith in Superior Court, Wake County, but remanding the case for resentencing after granting defendant's Motion for Appropriate Relief. Heard in the Supreme Court 8 May 2007.

Roy Cooper, Attorney General, by Robert C. Montgomery, Special Deputy Attorney General, for the State-appellant.

Irving Joyner for defendant-appellee.

PER CURIAM.

To the extent the Court of Appeals ordered remand of defendant's case for resentencing, we reverse and remand to that court for reconsideration in light of *State v. Hurt*, 361 N.C. 325, 643 S.E.2d 915, (2007), and *State v. Blackwell*, 361 N.C. 41, 638 S.E.2d 452 (2006), cert. denied, ___ U.S. ___, ___ L. Ed. 2d ___, 75 U.S.L.W. 3609 (2007). The Court of Appeals opinion remains undisturbed in all other respects.

REVERSED IN PART AND REMANDED.

Justice HUDSON did not participate in the consideration or decision of this case.