

IN THE SUPREME COURT OF NORTH CAROLINA

No. 558A08

FILED: 18 JUNE 2009

STATE OF NORTH CAROLINA

v.

WALTER ANTHONY ALSTON, JR.

Appeal pursuant to N.C.G.S. § 7A-30(2) from the decision of a divided panel of the Court of Appeals, ___ N.C. App. ___, 668 S.E.2d 387 (2008), finding no error in a judgment entered 3 August 2007 by Judge R. Stuart Albright in Superior Court, Guilford County. Heard in the Supreme Court 4 May 2009.

Roy Cooper, Attorney General, by Kathryn Jones Cooper, Special Deputy Attorney General for the State.

Duncan B. McCormick for defendant-appellant.

PER CURIAM.

AFFIRMED.