

IN THE SUPREME COURT OF NORTH CAROLINA

No. 363A09

FILED: 12 MARCH 2010

STATE OF NORTH CAROLINA

v.

CHRISTOPHER LEE GIDDENS

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. ___, 681 S.E.2d 504 (2009), finding error in an amended judgment entered 9 September 2008 by Judge C. Philip Ginn in Superior Court, Macon County, and ordering a new trial. Heard in the Supreme Court 15 February 2010.

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

James R. Parish for defendant-appellee.

PER CURIAM.

AFFIRMED.