

IN THE SUPREME COURT OF NORTH CAROLINA

No. 321A10

FILED: 4 FEBRUARY 2011

STATE OF NORTH CAROLINA

v.

GERALD T. PINKERTON

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. \_\_\_, 697 S.E.2d 1 (2010), finding error in judgments entered on 22 August 2008 by Judge James F. Ammons, Jr. in Superior Court, Johnston County, and remanding for a new sentencing hearing. Heard in the Supreme Court 11 January 2011.

*Roy Cooper, Attorney General, by Charles E. Reece, Assistant Attorney General, for the State-appellant.*

*Staples S. Hughes, Appellate Defender, by David W. Andrews, Assistant Appellate Defender, for defendant-appellee.*

PER CURIAM.

The decision of the Court of Appeals is reversed for the reasons stated in the dissenting opinion.

REVERSED.