

STATE OF NORTH CAROLINA v. HENRY EUGENE BROWN

No. 218A11

(FILED 9 MARCH 2012)

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. ___, 710 S.E.2d 265 (2011), finding no prejudicial error in a trial resulting in judgments and an order entered on 17 July 2009 by Judge Dennis J. Winner in Superior Court, Jackson County. On 25 August 2011, the Supreme Court allowed defendant's petition for discretionary review of an additional issue. Heard in the Supreme Court on 14 February 2012.

Roy Cooper, Attorney General, by Joseph Finarelli and Jane Rankin Thompson, Assistant Attorneys General, for the State.

Staples S. Hughes, Appellate Defender, by Kristen L. Todd, Assistant Appellate Defender, for defendant-appellant.

PER CURIAM.

As to the issue before this Court under N.C.G.S. § 7A-30(2), the decision of the Court of Appeals is affirmed. Further, we conclude that the petition for discretionary review as to the additional issue was improvidently allowed.

AFFIRMED; DISCRETIONARY REVIEW IMPROVIDENTLY ALLOWED.