

STATE OF NORTH CAROLINA v. CHAD JARRETT BARROW

No. 505A11

(Filed 14 June 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. ___, 718 S.E.2d 673 (2011), finding no error in defendant's conviction that resulted in a judgment entered on 7 December 2009 by Judge Nathaniel J. Poovey in Superior Court, Cleveland County, but reversing in part and remanding for further sentencing proceedings. On 26 January 2012, the Supreme Court allowed both the State's petition for discretionary review and defendant's conditional petition for discretionary review as to an additional issue. Heard in the Supreme Court on 8 May 2012.

Roy Cooper, Attorney General, by Melissa L. Trippe, Special Deputy Attorney General, for the State-appellee/appellant.

Staples S. Hughes, Appellate Defender, by Daniel Shatz, Assistant Appellate Defender, for defendant-appellant/appellee.

PER CURIAM.

As to the issue on direct appeal, we affirm. Discretionary review was improvidently allowed as to the other issues.

AFFIRMED; DISCRETIONARY REVIEW IMPROVIDENTLY
ALLOWED.