

IN THE SUPREME COURT OF NORTH CAROLINA

No. 276A17

Filed 2 March 2018

STATE OF NORTH CAROLINA

v.

GARY WILLIAM CANNON

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. ___, 804 S.E.2d 199 (2017), affirming in part and vacating in part a judgment entered on 13 May 2016 by Judge Daniel A. Kuehnert in Superior Court, Lincoln County, and remanding for a new sentencing hearing. Heard in the Supreme Court on 6 February 2018.

Joshua H. Stein, Attorney General, by Thomas J. Campbell, Special Deputy Attorney General, for the State.

William D. Spence for defendant-appellant.

PER CURIAM.

The decision of the Court of Appeals is affirmed. However, we specifically disavow that court's taking of judicial notice of the prevalence of Wal-Mart stores in Gastonia and in the area between Gastonia and Denver, as well as of the "ubiquitous nature of Wal-Mart stores." *State v. Cannon*, ___ N.C. App. ___, ___, 804 S.E.2d 199, 202 (2017).

STATE V. CANNON

Opinion of the Court

AFFIRMED.