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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA16-1033

Filed: 5 July 2017

Sampson County, No. 15 CRS 51898

STATE OF NORTH CAROLINA

v.

CHRISTOPHER ADAM HICKS

Appeal by defendant from judgments entered 26 April 2016 by Judge W. Douglas Parsons in Sampson County Superior Court. Heard in the Court of Appeals 19 June 2017.

Attorney General Joshua H. Stein, by Assistant Attorney General Phyllis A. Turner, for the State.

James F. Hedgpeth, Jr., for defendant.

DIETZ, Judge.

Defendant Christopher Adam Hicks challenges the sufficiency of the State's evidence supporting his felony convictions for stealing copper wire from a farm. As explained below, the State presented ample evidence tying Hicks to the crime, including witness testimony that Hicks was seen leaving a building on the farm while carrying something, that he was seen unloading something resembling wire from his

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trunk shortly after, that he had wire cutters in his trunk, and that law enforcement found plastic remnants that appeared to be the coating of copper wire inside his home. This evidence is sufficient for a reasonable jury to convict Hicks of the charged offenses and thus the trial court properly sent the charges to the jury.

Facts and Procedural History

On 8 August 2015, William Mitchell went to check on his mother's turkey farm, which had been out of business for approximately three years. When he arrived, he saw a teal car parked next to one of the farm buildings. Mitchell then saw Defendant Christopher Adam Hicks come out of the building, throw something back inside, and throw something else into the trunk of the car.

Mitchell confronted Hicks. Hicks claimed he was there because he was having an argument with his wife, who was in the driver's seat of the car. Mitchell ordered Hicks to leave, and Hicks did. Mitchell then looked around the farm building and saw that some copper wiring had been disturbed. Mitchell called 911 and also tried unsuccessfully to pursue Hicks.

Later, Mitchell told law enforcement what he saw. He also informed them that he received a phone call from a friend who saw Hicks and his wife unloading items from the trunk of their car which were "consistent with what he had seen at his farm." Mitchell later returned to the farm and discovered that significant amounts of copper wiring had been cut and taken.

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Corporal Riley of the Sampson County Sheriff's Department went to Hicks's home to investigate. When Corporal Riley arrived at Hicks's home, he saw Hicks peeking out from behind a tree. When Hicks realized he was spotted, he "took off running." Corporal Riley caught Hicks after chasing him about 50 yards.

Hicks consented to a search of his car and home. Hicks's car, which was registered to his wife, matched the description of the car Hicks was driving when Mitchell saw him leave the farm. Corporal Riley found electrical tools in the trunk. Inside Hicks's home, Corporal Riley found "two piles that appeared to be burning like the coating off of the wire." Corporal Riley then left without arresting Hicks.

A few days later, Hicks came to the Sheriff's Office for further questioning. In a recorded statement, Hicks again explained that he was on the farm property because he was arguing with his wife. He explained that they began arguing on the highway and "he didn't like people watching him argue" so he drove down the road to the farm where no one could see them. Hicks also explained that during the argument Hicks's wife "accidentally hit the trunk button with her knee" and that Hicks had gotten out of the car to close the trunk. That, according to Hicks, was when Mitchell arrived and saw him. Hicks denied stealing anything from the farm.

The State indicted Hicks for felony breaking and entering, felony larceny, and felony possession of stolen goods. Hicks moved to dismiss the charges for insufficiency of the evidence but the court denied his motion. The jury convicted Hicks on all

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charges and the trial court sentenced Hicks to two consecutive, suspended sentences of 6 to 17 months in prison, 36 months of supervised probation, and a 60-day sentence as a special condition of his probation. The court arrested judgment on the felony possession of stolen goods conviction. Hicks timely appealed.¹

Analysis

Hicks presents a single, straightforward argument on appeal: that the State failed to present sufficient evidence of the alleged offenses and thus the trial court should have dismissed the charges. As explained below, this argument is meritless.

We review the denial of a motion to dismiss a criminal charge *de novo*. *State v. Smith*, 186 N.C. App. 57, 62, 650 S.E.2d 29, 33 (2007). “When a defendant moves for dismissal, the trial court is to determine whether there is substantial evidence (a) of each essential element of the offense charged, or of a lesser offense included therein, and (b) of defendant’s being the perpetrator of the offense.” *State v. Earnhardt*, 307 N.C. 62, 65–66, 296 S.E.2d 649, 651 (1982). “Substantial evidence is such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.” *State v. Smith*, 300 N.C. 71, 78–79, 265 S.E.2d 164, 169 (1980). “In making its

¹ Hicks filed two sloppy notices of appeal that failed to fully comply with the requirements of Rule 4 of the Rules of Appellate Procedure. Among other deficiencies, Hicks failed to properly designate the judgments being appealed and the court to which the appeal was being taken. But the State concedes that it was able to infer the missing information and was not misled by the deficiencies in the notices. Accordingly, under our precedent, the faulty notices of appeal are minimally sufficient to confer appellate jurisdiction. *See State v. Hammonds*, 218 N.C. App. 158, 162, 720 S.E.2d 820, 823 (2012).

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determination, the trial court must consider all evidence admitted, whether competent or incompetent, in the light most favorable to the State, giving the State the benefit of every reasonable inference and resolving any contradictions in its favor.” *State v. Rose*, 339 N.C. 172, 192–93, 451 S.E.2d 211, 223 (1994).

The State’s evidence in this case readily satisfies the substantial evidence standard. To be sure, Hicks offered a purportedly innocent explanation for his presence at the scene of the crime. But that explanation was undercut by witness testimony. Specifically, Mitchell testified that he saw Hicks at the building from which the wire was stolen. Hicks was carrying something at the time. One of Mitchell’s friends later saw Hicks and his wife unload, from their car, material that matched the description of the stolen wire. When law enforcement searched Hicks’s property, they found wire cutters in the trunk of the car and evidence inside the house that indicated the wire had been stripped of its plastic coating so the copper could be sold. This evidence was more than sufficient to permit a reasonable juror to convict Hicks of the charged offenses. Accordingly, the trial court properly denied Hicks’s motion to dismiss.

Conclusion

We find no error in the trial court’s judgment.

NO ERROR.

Judges ELMORE and BERGER concur.

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Report per Rule 30(e).