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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA17-479

Filed: 7 November 2017

Rutherford County, No. 16CRS000373

STATE OF NORTH CAROLINA

v.

DAVID ALLEN GOODNIGHT, Defendant.

Appeal by Defendant from judgment entered 11 October 2016 by Judge William H. Coward in Rutherford County Superior Court. Heard in the Court of Appeals 2 October 2017.

*Attorney General Joshua H. Stein, by Assistant Attorney General Lisa B. Finkelstein, for the State.*

*Winifred H. Dillon for the Defendant.*

DILLON, Judge.

David Allen Goodnight (“Defendant”) appeals from judgment entered upon a jury verdict finding him guilty of possession of stolen goods.

I. Background

At trial, the State’s evidence tended to show as follows: In August 2015, law enforcement officers conducted a search of a camper in which Defendant was living

STATE V. GOODNIGHT

*Opinion of the Court*

while on supervised probation for previous offenses. Defendant's girlfriend had arranged for the camper to be set up on certain property so Defendant would have a place to live when he was released from jail. During the search, officers noticed a hasp lock on the exterior of the camper and pry marks around the door.

Shortly thereafter, other officers saw Defendant drive by the property. Defendant was stopped and brought back to the camper. When an officer mentioned the hasp lock to Defendant, Defendant stated "yeah, we don't have a key. We had to pry it open." A subsequent search of the VIN number of the camper revealed that it had been stolen in South Carolina approximately two months earlier.

Defendant moved to dismiss the charge of possession of stolen goods at the close of the State's evidence and the close of all evidence. These motions were denied by the trial court, and Defendant was ultimately convicted of possession of stolen goods. Defendant's notice of appeal was not timely filed; however, Defendant has filed a petition for writ of *certiorari*, which we hereby grant.

II. Analysis

Defendant's sole argument on appeal is that the trial court erred in denying his motions to dismiss based on the State's failure to present substantial evidence that Defendant knew the camper was stolen. We disagree.

We review the trial court's denial of a motion to dismiss *de novo*. *State v. Barnett*, 368 N.C. 710, 713, 782 S.E.2d 885, 888 (2016).

STATE V. GOODNIGHT

*Opinion of the Court*

In order to survive a motion to dismiss for insufficient evidence, the State must present substantial evidence of “(1) of each essential element of the offense charged, . . . and (2) of defendant’s being the perpetrator of such offense.” *State v. Fritsch*, 351 N.C. 373, 378, 526 S.E.2d 451, 455 (2000). Substantial evidence is “such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.” *State v. Blake*, 319 N.C. 599, 604, 356 S.E.2d 352, 355 (1987). The evidence must be considered in the light most favorable to the State, with all contradictions and discrepancies resolved in the State’s favor. *Id.* “If the evidence adduced at trial gives rise to a reasonable inference of guilt, it is for the members of the jury to decide whether the facts shown satisfy them beyond a reasonable doubt of defendant's guilt.” *State v. Jones*, 303 N.C. 500, 504, 279 S.E.2d 835, 838 (1981).

The felony offense of possession of stolen property requires that “the possessor [know] or [have] reasonable grounds to believe the property [was] stolen[.]” *State v. Davis*, 302 N.C. 370, 373, 275 S.E.2d 491, 493 (1981); *see also* N.C. Gen. Stat. § 14-71.1 (2015). Our Court has recognized that “[w]hether the defendant knew or had reasonable grounds to believe that the [goods] were stolen must necessarily be proved through inferences drawn from the evidence.” *State v. Brown*, 85 N.C. App. 583, 589, 355 S.E.2d 225, 229 (1987).

Here, the State presented evidence that the door to the camper had been pried open and that Defendant and his girlfriend had installed a hasp lock on the exterior

STATE V. GOODNIGHT

*Opinion of the Court*

of the camper to keep the door secure. Defendant had the key to the hasp lock and unlocked the door to the camper for the officers.

Defendant presented evidence explaining that he had pried the door open on one occasion prior to installing the hasp lock when he accidentally locked himself out. However, the owner of the camper testified that he had been in possession of all the keys from the time the camper was stolen until it was recovered, thus contradicting Defendant's evidence that he or his girlfriend had keys to the camper at any point.

Finally, officers testified that they saw Defendant drive past the property while officers were present to conduct the search. *See State v. Stewart*, 189 N.C. 340, 340, 127 S.E. 260, 63 (1925) (stating that while flight is "not in itself an admission of guilt," the jury can consider flight "in connection with other circumstances" in determining a defendant's guilt). Defendant was escorted back to the scene by law enforcement.

When viewed in the light most favorable to the State, this evidence constitutes substantial evidence from which a jury could find Defendant guilty of the charge. Accordingly, we conclude that it was not error for the trial court to deny Defendant's motions to dismiss.

NO ERROR.

Chief Judge McGEE and Judge CALABRIA concur.

Report per Rule 30(e).