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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA19-984

Filed: 21 April 2020

Guilford County, No. 17CRS80917

STATE OF NORTH CAROLINA

v.

MARCUS LAMONT CHAMBERS, Defendant.

Appeal by defendant from judgment entered 16 May 2019 by Judge William A. Wood, II in Guilford County Superior Court. Heard in the Court of Appeals 31 March 2020.

Attorney General Joshua H. Stein, by Assistant Attorney General John Tillery, for the State.

Edward Eldred, Attorney at Law, PLLC, by Edward Eldred, for defendant-appellant.

BERGER, Judge.

On May 16, 2019, a Guilford County jury found Marcus Lamont Chambers (“Defendant”) guilty of felony assault on a law enforcement officer. Defendant’s sentence was suspended, and he was placed on supervised probation. On appeal, Defendant argues that the trial court erred in its instruction to the jury concerning the elements of assault on a law enforcement officer. We disagree.

Factual and Procedural Background

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On July 21, 2017, Detective Christopher Cline (“Det. Cline”) and Corporal Maurice McPhatter (“Corp. McPhatter”) (collectively, the “officers”) with the Greensboro Police Department stopped Defendant’s vehicle. The registration for Defendant’s vehicle had expired, and officers observed what they believed was suspicious activity by Defendant in a gas station parking lot. The officers initiated the stop by activating the blue lights and siren of their unmarked police car.

Both officers approached the vehicle wearing police tactical vests with the word “Police” written on the vests in clear, white lettering. Corp. McPhatter approached the vehicle from the passenger’s side and told Defendant to put his hands up. Det. Cline approached the vehicle from the driver’s side and noticed Defendant reaching toward the center console of his vehicle. Fearing that Defendant was reaching for a weapon, Det. Cline reached into Defendant’s vehicle to secure Defendant’s hands and unbuckle his seatbelt. While Det. Cline’s arm was still inside the vehicle, Defendant rolled up his window and began to accelerate. Det. Cline was jerked forward with the vehicle and dragged several yards before eventually freeing his arm from the window. The officers returned to their police car and attempted to apprehend Defendant, who had fled the scene. The officers were unsuccessful in locating Defendant at that time.

Another detective located Defendant later at his residence by using his license plate number and the officers’ observations of Defendant and his vehicle. When officers arrived at Defendant’s residence with a warrant for his arrest, Defendant

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refused to cooperate. Forty-five minutes later, Defendant was apprehended by forced entry and arrested.

As a result of being dragged by Defendant's vehicle, Det. Cline was diagnosed with a torn labrum and detached bicep. Det. Cline missed six months of work, engaged in intensive physical therapy, had two surgeries, and needed additional surgery as a result of Defendant's actions. Approximately two years after the incident, Det. Cline continued to suffer pain from these injuries and had not regained full range of motion in his injured arm.

Defendant was indicted on felony assault on a law enforcement officer. A Guilford County jury found Defendant guilty of the lesser-included offense of assault on a law enforcement officer. Defendant appeals, arguing that the trial court erred in its instruction to the jury concerning the elements of assault on a law enforcement officer. Specifically, Defendant contends the trial court erred when it instructed the jury that Defendant could be found guilty of assault on a law enforcement officer if he intentionally rolled up his vehicle's window and intentionally drove off, without also requiring the jury to find that Defendant intentionally trapped Det. Cline's arm in the vehicle.

Analysis

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Whether the trial court properly instructed the jury on the correct legal standard presents a question of law reviewed by this Court *de novo*. *State v. Edwards*, 239 N.C. App. 391, 392-93, 768 S.E.2d 619, 620-21 (2015).

“The essential elements of a charge of assault on a government official are: (1) an assault (2) on a government official (3) in the actual or attempted discharge of his duties.” *State v. Noel*, 202 N.C. App. 715, 718, 690 S.E.2d 10, 13 (2010). Because “assault” is not statutorily defined in our State, “the crime of assault is governed by common law rules.” *State v. Mitchell*, 358 N.C. 63, 69, 592 S.E.2d 543, 547 (2004). According to our state Supreme Court, “assault” is defined as

an overt act or an attempt, or the unequivocal appearance of an attempt, with force and violence, to do some immediate physical injury to the person of another, which show of force or menace of violence must be sufficient to put a person of reasonable firmness in fear of immediate bodily harm.

Id. at 69-70, 592 S.E.2d at 547 (citation and quotation marks omitted). Importantly, “assault on a government officer is a general intent crime.” *State v. Mylett*, 253 N.C. App. 198, 209, 799 S.E.2d 419, 426 (2017). To be found guilty of a general intent crime, a defendant need not have intended to accomplish a specific result. *State v. Barnes*, 229 N.C. App. 556, 560, 747 S.E.2d 912, 916 (2013). Rather, a general intent crime “only require[s] the doing of some act.” *Id.* at 560, 747 S.E.2d at 916.

In the instant case, the trial court instructed the jury that, for Defendant to be found guilty of assault on a law enforcement officer, the State was required to prove,

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beyond a reasonable doubt, that “[D]efendant assaulted the victim by intentionally rolling up the driver’s side window, thereby trapping the officer’s arm, and intentionally accelerating the vehicle.” This instruction was sufficient as a matter of law to explain to the jury the State’s burden in proving the “assault” element of assault on a law enforcement officer.

Defendant did not have to have the specific intent to trap Det. Cline’s arm in the vehicle to be found guilty. Rather, all that was required was that Defendant do some overt act, attempt, or the unequivocal appearance of an attempt, with force and violence, to do some immediate physical injury, which is sufficient to place another person in reasonable fear of immediate bodily harm. *See Mitchell*, 358 N.C. at 69, 592 S.E.2d at 547. In the instant case, the record clearly shows that Defendant intentionally raised his driver’s side window, while Det. Cline’s arm was reaching through the lowered window. Defendant then intentionally accelerated his vehicle. As a result of Defendant’s intentional actions, Det. Cline’s arm became trapped in the vehicle and he was dragged several yards. Defendant’s overt acts caused physical injury to Det. Cline. Accordingly, Defendant’s intentional actions constituted an assault, and the trial court did not err when it instructed the jury on assault on a law enforcement officer.

Conclusion

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For the reasons stated herein, the trial court did not err in its instructions to the jury.

NO ERROR.

Chief Judge McGEE and Judge INMAN concur.

Report per Rule 30(e).