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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA19-832

Filed: 19 May 2020

Madison County, Nos. 18 CRS 50197, 19 CRS 8

STATE OF NORTH CAROLINA

v.

TAYLOR LEE JACKSON

Appeal by defendant from judgment entered 7 March 2019 by Judge Marvin P. Pope in Madison County Superior Court. Heard in the Court of Appeals 4 March 2020.

Attorney General Joshua H. Stein, by Assistant Attorney General Christopher R. McLennan, for the State.

Appellate Defender Glenn Gerding, by Assistant Appellate Defender Jillian C. Katz, for defendant.

DIETZ, Judge.

At Taylor Lee Jackson’s trial on various drug possession charges, the prosecutor asked a detective why law enforcement officers took Jackson into custody. The officer responded, “for narcotics violations, for the methamphetamine that was found right at her feet in her possession.”

Taylor argues that the trial court erred by admitting this testimony because the officer's statement that the drugs were in Jackson's "possession" was an impermissible lay opinion. We reject this argument. The officer's reference to "possession" was a shorthand statement intended to assist the jury in understanding how Jackson came into police custody, where she later made a series of incriminating admissions. Under our precedent, the trial court did not abuse its discretion by admitting this testimony. We thus find no error in the trial court's judgment.

Facts and Procedural History

In 2018, a confidential informant texted Defendant Taylor Lee Jackson's husband to purchase methamphetamine. This controlled purchase was part of an organized drug investigation by law enforcement. Jackson and her husband traveled to Madison County to meet the informant and conduct the sale.

When Jackson and her husband arrived, law enforcement intercepted them. Inside the car, at Jackson's feet, officers found a bag containing 6.6 grams of methamphetamine, a set of digital scales, six cell phones, several pieces of burnt tin foil, and various drug paraphernalia. The police also found "a large amount of methamphetamine and cash" on Jackson's husband. In addition, when officers removed Jackson's husband from the car, a firearm fell to the floorboard and officers recovered it.

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During an interrogation after her arrest, Jackson admitted that she and her husband sell methamphetamine, that she knew how much meth was going to be sold to the informant, and that she was the one texting the informant about the sale. The State charged Jackson with various drug-related offenses.

After a trial, the jury found Jackson guilty of felony possession with intent to manufacture, sell, or distribute methamphetamine and possession of methamphetamine. Jackson then pleaded guilty to attaining habitual felon status. The trial court arrested judgment on the possession charge and sentenced Jackson to 67 to 93 months in prison on the remaining charge. Jackson appealed.

Analysis

Jackson argues that the trial court committed reversible error by admitting testimony from the detective who interrogated Jackson in which the detective explained that law enforcement initially arrested Jackson “for narcotics violations, for the methamphetamine that was found right at her feet in her possession.” Jackson contends that this testimony was an improper expression of lay opinion and an impermissible comment on a legal question. We reject these arguments.

“Whether a lay witness may testify as to an opinion is reviewed for abuse of discretion” and may be reversed only if the trial court’s ruling “was so arbitrary that it could not have been the result of a reasoned decision.” *State v. Washington*, 141 N.C. App. 354, 362, 540 S.E.2d 388, 395 (2000). “Rule 701 permits opinion testimony

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by a lay witness where the opinion is (a) rationally based on the perception of the witness and (b) helpful to a clear understanding of his testimony or the determination of a fact in issue.” *State v. Browning*, 321 N.C. 535, 539–40, 364 S.E.2d 376, 379 (1988). Under this standard, “[o]ur Supreme Court has previously recognized that some testimony of officers regarding violations of the law may constitute a shorthand statement of fact rather than a legal term of art or an opinion as to the legal standard the jury should apply, rendering the testimony admissible.” *State v. Rollins*, 220 N.C. App. 443, 452, 725 S.E.2d 456, 463 (2012). This sort of testimony, which typically assists the jury “in understanding a law enforcement officer’s investigative process,” is admissible under Rule 701. *State v. Daughtridge*, 248 N.C. App. 707, 716, 789 S.E.2d 667, 672 (2016).

Here, the prosecutor asked Detective Jankowski, the officer who interrogated Jackson after her arrest, what was “the purpose of transporting [Jackson] to the Madison County Sheriff’s Office?” Detective Jankowski answered: “At minimum, she was arrested for narcotics violations, for the methamphetamine that was found right at her feet in her possession.” This line of questioning established how Jackson came into police custody, where Detective Jankowski later interrogated her and obtained a number of incriminating admissions.

In context, we agree with the State that the officer’s use of the term “possession” in this testimony was not a lay opinion about whether, as a legal matter,

Jackson possessed the drugs at her feet. The officer used the word “possession” as a way of explaining the decision-making process of the officers involved in the investigation—in particular, the testimony established why, based on the information available, officers took Jackson into custody where she later incriminated herself in an interrogation.

Importantly, the officer was “not interpreting the law for the jury” or even commenting on the questions facing the jury. *Rollins*, 220 N.C. App. at 452, 725 S.E.2d at 463. Instead, the officer described in neutral terms the observations that led officers to arrest Jackson and, as a result, obtain further incriminating evidence. Under well-settled precedent from this Court, the trial court did not abuse its discretion by admitting this shorthand testimony. *See id.*; *Daughtridge*, 248 N.C. App. at 716, 789 S.E.2d at 672.

Conclusion

For the foregoing reasons, we find no error.

NO ERROR.

Judges BERGER and BROOK concur.

Report per Rule 30(e).