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IN THE COURT OF APPEALS OF NORTH CAROLINA

2021-NCCOA-472

No. COA20-651

Filed 7 September 2021

Lee County, No. 18 CRS 50509

STATE OF NORTH CAROLINA

v.

CHRISTOPHER ROBERT CHAMBERLIN

Appeal by defendant from judgment entered 5 December 2019 by Judge Keith O. Gregory in Lee County Superior Court. Heard in the Court of Appeals 11 August 2021.

Attorney General Joshua H. Stein, by Special Deputy Attorney General Keith Clayton, for the State.

Kimberly P. Hoppin for defendant-appellant.

ZACHARY, Judge.

¶ 1

Defendant Christopher Robert Chamberlin appeals from a judgment entered upon a jury's verdict finding him guilty of assault with a deadly weapon inflicting serious injury. On appeal, Defendant argues that the trial court erred by (1) admitting a law enforcement officer's testimony concerning voluntary statements made by Defendant, and (2) denying Defendant's motion to dismiss the charge of

assault with a deadly weapon with intent to kill inflicting serious injury, due to insufficient evidence. After careful review, we conclude that Defendant received a fair trial, free from error.

I. Background

¶ 2 On 16 March 2018, Defendant and Rayanna Walker were in an “on-and-off” dating relationship. Ms. Walker and her young child were living with Ms. Walker’s grandmother, Genevieve Lucas. On 16 March, Defendant called Ms. Walker and asked if he could come to her grandmother’s house, but Ms. Walker refused. Defendant sounded “angry” on the phone, and he showed up uninvited shortly thereafter.

¶ 3 Ms. Walker was on the porch when Defendant arrived, and they spoke briefly before Ms. Walker announced that he “might as well just come in since you’re here.” Defendant followed her into a room where Ms. Lucas was sitting. Defendant and Ms. Walker began arguing, and Defendant started hitting Ms. Walker. When Ms. Lucas went into the kitchen to call 911, Ms. Walker and Defendant followed her. Ms. Walker took the phone from Ms. Lucas in order to give Defendant’s last name to emergency personnel, and Defendant then pushed Ms. Walker against the oven. At some point during the altercation, Defendant stabbed Ms. Walker with a pocketknife in the left middle portion of her back.

¶ 4 Defendant fled prior to the arrival of police and emergency medical services.

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When law enforcement officers arrived at the home, they observed that Ms. Walker appeared “[v]ery disheveled” and “hurt.” Her stab wound was “dripping blood[,]” and she was transported by helicopter to the University of North Carolina Hospital in Chapel Hill, North Carolina. There, medical personnel cleaned and bandaged Ms. Walker’s wound, which was two centimeters long with “a five-centimeter area just underneath the skin where the wound . . . extended out.” Ms. Walker remained in the hospital for treatment for approximately seven hours.

¶ 5 That day, a Lee County magistrate issued an arrest warrant charging Defendant with first-degree burglary and assault with a deadly weapon with intent to kill inflicting serious injury. On 6 April 2018, Sanford Police Department Detectives Matthew Smith and Isaac Soto went to Defendant’s residence to serve the warrant, accompanied by several Lee County Sheriff’s deputies. When Detective Smith arrived, Defendant was leaving the parking lot in a vehicle with two female passengers, and the law enforcement officers stopped the car. At an officer’s request, Defendant exited the car, Lee County Sheriff’s Department officers placed him in handcuffs, and Detective Smith transported Defendant to the Sanford Police Department for questioning.

¶ 6 En route to the station, Defendant began “talking about anything and everything[,]” despite the fact that neither Detective Smith nor Detective Soto had asked Defendant any questions. At trial, over Defendant’s objection, Detective Smith

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testified to certain incriminating statements that Defendant made in the police vehicle regarding his intent to kill Ms. Walker, and his admission that he “stab[bed] that bitch because she wouldn’t listen like she should have.”

¶ 7 Upon arrival at the police department interview room, Detective Smith advised Defendant of his *Miranda* rights, and Defendant waived his rights and agreed to speak with Detective Smith regarding the incident on 16 March. Defendant told Detective Smith that when Ms. Walker was on the phone with emergency personnel, “just out of instinct and fight or flight, [he] grabbed [his] pocketknife and stabbed her in the side.” He then “stated that he owned up to stabbing her and the domestic violence but he did not break into that bitch’s house.”

¶ 8 After Defendant provided the statement at the police department, Detectives Smith and Soto transported Defendant to the magistrate’s office. Detective Smith testified at trial that Defendant “began to talk freely again in the vehicle” on the way to the magistrate’s office, informing the officers that were it not for the passengers in his vehicle, he would have attempted to hit the officers with his vehicle. According to Detective Smith, Defendant explained that “he told himself that he would never go back to jail and would have to be killed before ever going back.”

¶ 9 On 9 April 2018, a Lee County grand jury returned an indictment charging Defendant with first-degree burglary and assault with a deadly weapon with intent to kill inflicting serious injury. Defendant was tried at the 2 December 2019 criminal

session of Lee County Superior Court, before the Honorable Keith O. Gregory. Prior to trial, Defendant moved to suppress the statements he made to Detective Smith, which the trial court denied in part. At the close of the State's evidence, Defendant moved to dismiss the charges against him. The trial court granted Defendant's motion as to the burglary charge, but denied his motion to dismiss the charge of assault with a deadly weapon with intent to kill inflicting serious injury. Defendant did not present any evidence and renewed his motion to dismiss the assault charge at the close of all evidence. The trial court denied the motion.

¶ 10 On 5 December 2019, the jury returned a verdict finding Defendant guilty of the lesser-included offense of assault with a deadly weapon inflicting serious injury. The trial court entered judgment upon the verdict and sentenced Defendant to a term of 31 to 50 months in the custody of the North Carolina Division of Adult Correction. Defendant gave notice of appeal in open court.

II. Analysis

¶ 11 Defendant raises two arguments on appeal. First, Defendant argues that the trial court erred by admitting Detective Smith's testimony regarding the statements that Defendant made in the patrol car. Second, Defendant argues that the trial court erred by denying Defendant's motion to dismiss the assault charge because the State failed to submit sufficient evidence that Ms. Walker suffered a serious injury. After careful review, we conclude that Defendant received a fair trial, free from error.

A. Evidentiary Arguments

¶ 12 Defendant contends that the trial court erred and abused its discretion by admitting, over Defendant’s objection, Detective Smith’s testimony regarding the incriminating statements that Defendant made while being transported to the police station and subsequently to the magistrate’s office. At trial, Defendant argued that the statements were irrelevant and that their prejudicial effect substantially outweighed any probative value. The trial court overruled Defendant’s objection, concluding that the statements were relevant, and that their prejudicial effect did not substantially outweigh their probative value pursuant to Rule 403 of the North Carolina Rules of Evidence. On appeal, Defendant maintains that the statements were irrelevant, that they impermissibly referred to prior crimes committed by Defendant, and that any probative value of the statements was substantially outweighed by their prejudicial effect; therefore, the trial court erred and abused its discretion by admitting this portion of Detective Smith’s testimony. We disagree.

1. Preservation

¶ 13 Defendant argues on appeal that the admission of Defendant’s statement that he did not want to return to jail violated Rule 404(b) of the North Carolina Rules of Evidence because it amounted to “[e]vidence of other crimes, wrongs, or acts[.]” offered “to show that he acted in conformity therewith.” N.C. Gen. Stat. § 8C-1, Rule 404(b) (2019). However, Defendant did not object on Rule 404(b) grounds at trial. In

“the absence of a specific objection based on Rule 404, [D]efendant has failed to preserve this matter for review.” *State v. Garcia*, 358 N.C. 382, 416, 597 S.E.2d 724, 748 (2004), *cert. denied*, 543 U.S. 1156, 161 L. Ed. 2d 122 (2005); *see also* N.C.R. App. P. 10(a)(1) (“In order to preserve an issue for appellate review, a party must have presented to the trial court a timely request, objection, or motion, stating the specific grounds for the ruling the party desired the court to make if the specific grounds were not apparent from the context.”). “Therefore, we will address only the issue of relevance which [D]efendant properly raised at trial.” *Garcia*, 358 N.C. at 416, 597 S.E.2d at 748.

2. Standard of Review

¶ 14 We review determinations regarding the relevance of evidence de novo. *State v. Kirby*, 206 N.C. App. 446, 456, 697 S.E.2d 496, 503 (2010). “Defendant bears the burden of showing that the evidence was erroneously admitted and that he was prejudiced by the error.” *Id.* However, “[w]hether or not to exclude evidence under Rule 403 of the Rules of Evidence is a matter within the sound discretion of the trial court and its decision will not be disturbed on appeal absent a showing of an abuse of discretion.” *State v. McCray*, 342 N.C. 123, 131, 463 S.E.2d 176, 181 (1995). “Abuse of discretion results where the court’s ruling is manifestly unsupported by reason or is so arbitrary that it could not have been the result of a reasoned decision.” *State v. Hennis*, 323 N.C. 279, 285, 372 S.E.2d 523, 527 (1988).

3. Admissibility of Defendant's Voluntary Statements

¶ 15 Detective Smith testified that while law enforcement officers were transporting Defendant to the police station, he made some spontaneous incriminating statements regarding his intent to kill Ms. Walker:

[Defendant] continued to say that he did want to kill that girl and if he ended up seeing her today, he probably would [have]. Today was his birthday and [he] had sent her messages wanting her to not be in town, and if she ruined his birthday, something bad was going to happen.

Detective Smith also testified that Defendant then “stated that he did stab that bitch because she wouldn’t listen like she should have.”

¶ 16 In addition, Detective Smith testified that Defendant made more spontaneous statements while law enforcement officers were transporting him to the magistrate’s office:

[Defendant] stated that the only reason he had stopped earlier [when he was arrested] was because his mother and sister were in the car and [he] didn’t want anything bad to happen to them. He went on to state that if his mother and sister weren’t in the vehicle, he would [have] stepped on the gas in hopes to hit one of us, stating all those police would have to shoot him.

He said that if he weren’t in the car and had -- and were somewhere where he had access to a gun, he wouldn’t have come easy and would have put up a fight. [Defendant] said he told himself that he would never go back to jail and would have to be killed before ever going back.

¶ 17 Defendant moved to suppress these statements, and the trial court denied the

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motion. Defendant later objected to the admission of the statements during Detective Smith's direct examination, which the trial court overruled.

¶ 18 On appeal, Defendant argues that Detective Smith's testimony that Defendant said that "he told himself that he would never go back to jail and would have to be killed before ever going back" was irrelevant and inadmissible because it "improperly put before the jury that [Defendant] had previously been in jail on an unrelated matter." Defendant further argues that "[e]ven if these statements could be considered relevant," their prejudicial effect substantially outweighed their probative value, making them inadmissible pursuant to Rule 403. In particular, Defendant contends

[t]hat [Defendant] possibly threatened [Ms. Walker] in the days after the incident, or that he allegedly threatened to harm officers if they tried to arrest him – because he did not want to go back to jail, had no bearing on whether he committed burglary or inflicted a serious injury, as he was charged.

Accordingly, Defendant argues that the introduction of his voluntary statements to Detective Smith entitles him to a new trial because the evidence was irrelevant, had no probative value, and was unfairly prejudicial. We disagree.

¶ 19 "Relevant evidence" is "evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence." N.C. Gen. Stat. § 8C-1, Rule

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401. “All relevant evidence is admissible unless excluded by some other rule of law.” *State v. Meekins*, 326 N.C. 689, 699, 392 S.E.2d 346, 351 (1990). “[E]vidence is relevant if it has any logical tendency, however slight, to prove a fact in issue in the case.” *State v. Prevette*, 317 N.C. 148, 162, 345 S.E.2d 159, 168 (1986).

¶ 20 Evidence of a defendant’s desire to avoid returning to jail can “be reasonably viewed as an acknowledgment of guilt” of the charged offense. *State v. Locklear*, 180 N.C. App. 115, 122, 636 S.E.2d 284, 288 (2006). Evidence of threats made by a defendant to a victim can “show the ill will between them[,]” and any “remoteness in time generally affects only the weight to be given such evidence, not its admissibility.” *State v. White*, 349 N.C. 535, 553, 508 S.E.2d 253, 265 (1998) (citation omitted), *cert. denied*, 527 U.S. 1026, 144 L. Ed. 2d 779 (1999).

¶ 21 Here, in overruling Defendant’s objection to Detective Smith’s testimony as to Defendant’s statements, the trial court reasoned that Defendant’s threats toward Ms. Walker were relevant because they “indicat[ed] his intent to commit an assault.” Indeed, Defendant’s statements suggest that he possessed a general intent to harm Ms. Walker, are “relevant to show the ill will between” them, and make it more likely that he assaulted her on 16 March 2018. *Id.* Moreover, Defendant’s statements to Detective Smith that “if his mother and sister weren’t in the vehicle, he would [have] stepped on the gas in hopes” of hitting one of the law enforcement officers; that “all those police would have to shoot him”; and that if he had “had access to a gun, he

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wouldn't have come easy and would have put up a fight" because "he told himself that he would never go back to jail and would have to be killed before ever going back" are relevant because they suggest "an acknowledgment of guilt" of the assault of Ms. Walker. *Locklear*, 180 N.C. App. at 122, 636 S.E.2d at 288. These statements are therefore relevant, and the trial court did not err by overruling Defendant's objection on that ground.

¶ 22 However, "even when evidence is admissible because it satisfies the low bar of logical relevance," *State v. Hembree*, 368 N.C. 2, 17, 770 S.E.2d 77, 87 (2015), Rule 403 of the North Carolina Rules of Evidence provides for the exclusion of relevant evidence "if its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury, or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence[.]" N.C. Gen. Stat. § 8C-1, Rule 403. Our Supreme Court has defined "unfair prejudice" for the purpose of Rule 403 as "an undue tendency to suggest a decision on an improper basis, usually an emotional one." *Hennis*, 323 N.C. at 283, 372 S.E.2d at 526. The amount and strength of the evidence should be considered in evaluating the prejudice to a defendant. *Meekins*, 326 N.C. at 696, 392 S.E.2d at 350.

¶ 23 In the instant case, we "find no abuse of discretion in the trial court's determination . . . that the evidence in question met this test of admissibility. The evidence was relevant, as we have shown," to prove Defendant's ill will toward Ms.

Walker, his general intent to cause her harm, and his guilt as to the assault. *Id.* Further, the evidence was not unduly prejudicial “in light of all the other rather overwhelming evidence tending to show” Defendant’s guilt of assault with a deadly weapon inflicting serious injury, including the testimony of Ms. Walker and her grandmother as to the facts of the assault, Defendant’s voluntary statement in which he confessed to stabbing Ms. Walker with his pocketknife, and the testimony of the law enforcement officers and emergency physician regarding Ms. Walker’s injury. *Id.* Therefore, we cannot say that the trial court abused its discretion in overruling Defendant’s relevance objections to the statements at issue.

B. Motion to Dismiss

¶ 24 Defendant next asserts that the trial court erred by denying his motion to dismiss the charge of assault with a deadly weapon inflicting serious injury because the State submitted insufficient evidence that Ms. Walker suffered a serious injury. We disagree.

1. Standard of Review

¶ 25 We review a trial court’s denial of a criminal defendant’s motion to dismiss de novo. *State v. Money*, 271 N.C. App. 140, 143, 843 S.E.2d 257, 260, *supersedeas dismissed*, 374 N.C. 748, 842 S.E.2d 89 (2020). “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 [the] defendant’s being the perpetrator of the offense.” *State v. Earnhardt*, 307 N.C. 62, 65–66, 296 S.E.2d 649, 651 (1982).

¶ 26 Substantial evidence is “such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.” *Id.* at 66, 296 S.E.2d at 652 (citation omitted). Generally, “if there be any evidence tending to prove the fact in issue, or which reasonably conduces to its conclusion as a fairly logical and legitimate deduction, and not merely such as raises a suspicion or conjecture in regard to it, the case should be submitted to the jury.” *Id.* (citation omitted). “In ruling on a motion to dismiss the trial court is to consider the evidence in the light most favorable to the State.” *Id.* at 67, 296 S.E.2d at 652. The “State is entitled to every reasonable intendment and every reasonable inference to be drawn from the evidence; contradictions and discrepancies do not warrant dismissal of the case—they are for the jury to resolve.” *Id.* at 67, 296 S.E.2d at 653.

2. Evidence of Serious Injury

¶ 27 Defendant contends that the State did not present sufficient evidence that Defendant inflicted a serious injury upon Ms. Walker. This argument lacks merit.

¶ 28 N.C. Gen. Stat. § 14-32(b) governs assault with a deadly weapon inflicting serious injury: “Any person who assaults another person with a deadly weapon and inflicts serious injury shall be punished as a Class E felon.” N.C. Gen. Stat. § 14-32(b). Our Supreme Court “has not defined ‘serious injury’ for purposes of assault

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prosecutions, other than stating that ‘the injury must be serious but it must fall short of causing death’ and that ‘further definition seems neither wise nor desirable.’ ” *State v. Ramseur*, 338 N.C. 502, 507, 450 S.E.2d 467, 471 (1994) (quoting *State v. Jones*, 258 N.C. 89, 91, 128 S.E.2d 1, 3 (1962)).

¶ 29 It is well established that “[w]hether ‘serious injury’ has been inflicted must be decided on the facts of each case.” *Id.* “Substantial evidence of a serious injury that is sufficient to survive a motion to dismiss includes, but is not limited to, evidence of hospitalization, pain, blood loss, and time lost at work.” *State v. Bagley*, 183 N.C. App. 514, 526, 644 S.E.2d 615, 623 (2007) (citation and internal quotation marks omitted). Generally, “as long as the State presents evidence that the victim sustained a physical injury as a result of an assault by the defendant, it is for the jury to determine the question of whether the injury was serious.” *State v. Alexander*, 337 N.C. 182, 189, 446 S.E.2d 83, 87 (1994).

¶ 30 Here, the State presented evidence that Defendant stabbed Ms. Walker with a pocketknife. The evidence showed that the wound was bleeding and “dripping blood” when law enforcement officers arrived at the scene. Ms. Walker required treatment at the emergency department of a hospital, and she remained there for approximately seven hours. In addition to this testimonial evidence, the State also offered photographs of Ms. Walker’s wound into evidence for illustrative purposes. Because the State “present[ed] evidence that [Ms. Walker] sustained a physical injury as a

result of an assault by . . . [D]efendant, it [was] for the jury to determine the question of whether the injury was serious.” *Id.* We therefore conclude that the trial court did not err by denying Defendant’s motion to dismiss the charge of assault with a deadly weapon inflicting serious injury.

III. Conclusion

¶ 31 For the foregoing reasons, we conclude that the trial court did not err or abuse its discretion in overruling Defendant’s relevance objections to the admission of testimony regarding certain incriminating statements that Defendant made to law enforcement officers. We further conclude that the trial court did not err by denying Defendant’s motion to dismiss the assault charge. Accordingly, we hold that Defendant received a fair trial, free from error.

NO ERROR.

Judges HAMPSON and JACKSON concur.

Report per Rule 30(e).