IN THE COURT OF APPEALS OF NORTH CAROLINA

2022-NCCOA-331

No. COA21-550

Filed 3 May 2022

Johnston County, Nos. 18 CRS 1493, 18 CRS 54891, 18 CRS 54892, 18 CRS 54893

STATE OF NORTH CAROLINA,

v.

JOHNNY LEE WILLIAMS.

Appeal by defendant from judgment entered 11 March 2021 by Judge Thomas H. Lock in Johnston County Superior Court. Heard in the Court of Appeals 9 February 2022.

Attorney General Joshua H. Stein, by Special Deputy Attorney General Phillip T. Reynolds, for the State.

Epstein Law Firm, by Andrew Nelson, for Defendant-Appellant.

CARPENTER, Judge.

¶ 1 Johnny Lee Williams ("Defendant") appeals from judgment entered upon jury verdicts, following the trial court's denial of his motion to suppress evidence obtained in a warrantless search by law enforcement. On appeal, Defendant argues the trial court erred in denying his motion to suppress because the trial court failed to make adequate conclusions of law in its suppression order (the "Order") and because the

officers exceeded the scope of a valid "knock and talk." Because the Order did not contain sufficient conclusions of law, we reverse and remand the matter to the trial court to allow for entry of an order with adequate conclusions of law. We need not consider Defendant's remaining arguments.

I. Factual and Procedural Background

¶ 2 On 4 September 2018, a Johnston County grand jury returned true bills of indictment against Defendant, charging him with trafficking in methamphetamine by possession, in violation of N.C. Gen. Stat. § 90-95(h)(3)(b); trafficking in methamphetamine by transportation, in violation of N.C. Gen. Stat. § 90-95(h)(3)(b); possessing drug paraphernalia, in violation of N.C. Gen. Stat. § 90-113.22(a); possessing up to one-half ounce of marijuana, in violation of N.C. Gen. Stat. § 90-95(d)(4); resisting a public officer, in violation of N.C. Gen. Stat. § 14-223; carrying a concealed weapon, in violation of N.C. Gen. Stat. § 14-269(a); and obtaining the status of habitual felon, in violation of N.C. Gen. Stat. § 14-7.1. On 22 January 2022, a Johnston County grand jury returned a superseding true bill of indictment, charging Defendant with possession with intent to sell or deliver methamphetamine, in violation of N.C. Gen. Stat. § 90-95(a)(1).

¶ 3 On 22 March 2019, counsel for Defendant filed a pre-trial motion to suppress the evidence collected by the officers on 3 August 2018 on the basis the warrantless search violated Defendant's rights under the Fourth Amendment, Fifth Amendment,

and Sixth Amendment of the United States Constitution as well as Article I, Sections 19 and 20 of the North Carolina Constitution. On 17 February 2020, a pre-trial hearing was conducted in Johnston County Superior Court before the Honorable Vinston M. Rozier, Jr. to consider Defendant's motion.

¶ 4 The evidence presented at the pre-trial suppression hearing tended to show the following: On 3 August 2018, the Johnston County Sheriff's Department dispatched two deputies, Deputy Andrew McCoy ("Deputy McCoy") and Deputy Jonathan Lee ("Deputy Lee"), in response to a service call referencing a drug complaint. Deputy McCoy, who was, at the time of the hearing, employed by the Johnston County Sheriff's Department, testified that the anonymous caller indicated that "the meth man is on the way over there" and that "a deal is about to happen." A follow-up call came in stating, "it's either lot 10 or 11 [of the trailer park] and should have a silver Saturn in the yard."

¶ 5 Deputy McCoy testified he arrived at the scene late at night. He saw two cars parked near a mobile home, one silver and one black. Although he noted that one of the cars was silver, he could not recall if it was a Saturn as the caller indicated, nor could he recall where the car was parked in relation to lots 10 and 11 of the trailer park. The cars were "parked side by side, both facing away from the road." Deputy McCoy parked behind the trailer, and he did not block in the vehicles or use any kind of emergency signaling. There were four individuals in the silver car, and one

individual—the driver—in the black car.

¶ 6 Deputy McCoy stood between the two vehicles and first made contact with the driver of the black car. While Deputy McCoy was questioning the driver, a male occupant in the rear passenger side of the silver car rolled down his window and spoke to Deputy McCoy. Deputy McCoy "began to smell the odor of marijuana coming from the car." He also saw "marijuana crumbs" all over the passenger's lap and clothing. When questioned by Deputy McCoy as to how much marijuana he had in the car, the passenger responded, "none, I was just making a blunt." At that time, another backseat passenger exited the silver vehicle and walked to the front of the vehicle.

¶ 7 Around the time Deputy McCoy was questioning the driver, Deputy Lee arrived at the scene and parked directly behind Deputy McCoy. He "noticed the vehicle that had been described by the call notes" and walked up between the cars where Deputy McCoy stood. Deputy McCoy approached the front passenger window of the silver car, where Defendant was seated. According to Deputy McCoy, Defendant's "hand was completely under his buttocks," and he "appeared to be stuffing something under his person and in his seat." Upon multiple requests, Defendant refused to show his hands or get out of the car. Deputy McCoy ultimately had to assist Defendant out of the vehicle. Before Deputy McCoy could perform a pat down of Defendant, another passenger started to run, and Deputy McCoy chased him on foot.

¶ 8 Deputy Lee testified he stayed at the location of the vehicles and "tr[ied] to keep [the subjects, who had all exited from the vehicles,] centralized in one area while also keeping an eye on Deputy McCoy's pursuit. Deputy Lee witnessed Defendant approach the driver's side of the black vehicle. Deputy Lee ordered Defendant to stay where he was and to not move. Shortly thereafter, Deputy Lee observed Defendant "bend over in the front end of the vehicle in the grill area," and make "a swinging motion [with] his arm." Deputy Lee asked Defendant what he was doing and asked him to stop moving. Defendant did not address Deputy Lee or otherwise attempt to communicate with him. Instead, Defendant moved to the opposite side of the vehicle from which Deputy Lee stood, and in the opposite direction of Deputy McCoy. Defendant then attempted to run from the scene. Deputy Lee caught up with Defendant and took him into custody. Deputy Lee performed a pat down of Defendant and did not find any weapons or contraband on his person. After securing Defendant in a patrol car, the officers searched the area, including under and inside the vehicles.

¶ 9 The record reveals the officers found, *inter alia*, digital scales, a glass smoking pipe, a plastic bag containing what officers believed was methamphetamine under the silver vehicle, a plastic bag containing what officers believed was marijuana, and other drug paraphernalia. The officers also found brass knuckles under the front passenger seat of the silver vehicle where Defendant was seated.

¶ 10 The trial court took the matter under advisement and did not rule on the

motion to suppress following the hearing. On 17 February 2020, the trial court issued the written Order denying Defendant's motion to suppress.

¶ 11 On 8 March 2021, a jury trial began before the Honorable Thomas H. Lock, judge presiding. Deputy Lee and former Deputy McCoy testified at trial. The evidence collected from the scene was introduced at trial without objection. Kaitlin Giovanni ("Giovanni"), a chemist employed by the North Carolina Department of Agriculture in the Food and Drug Protection Division, also testified. Giovanni conducted testing on some of the bags of substances found by the officers at the scene and opined that the substances included 27.91 grams of methamphetamine in the aggregate.

¶ 12 The jury returned unanimous verdicts finding Defendant guilty of one count of possession of methamphetamine, one count of possession of drug paraphernalia, one count of resisting a public officer, and one count of carrying a concealed weapon. The trial court sentenced Defendant to a minimum term of thirty-six months and a maximum term of fifty-six months in the custody of the North Carolina Division of Adult Correction.

¶ 13 Defendant filed written notice of appeal pursuant to N.C. Gen. Stat. § 15A-1444.

II. Jurisdiction

¶ 14 As an initial matter, we must consider whether this Court has jurisdiction to

address the merits of Defendant's appeal.

¶ 15 On 28 October 2021, Defendant filed a petition for writ of certiorari with this Court, in which he admits his notice of appeal "inaccurately describes the criminal counts included in the consolidated judgment issued by the trial court." Nevertheless, Defendant contends the notice of appeal substantially complies with Rule 4 of the North Carolina Rules of Appellate Procedure, the State has not been prejudiced by the errors, and Defendant's intent to appeal from the judgment was apparent from the notice.

¶ 16 Under Rule 4,

> [a]ny party entitled by law to appeal from a judgment or order of a superior or district court rendered in a criminal action may take appeal by: (1) giving oral notice of appeal at trial, or (2) filing notice of appeal . . . within fourteen days after entry of the judgment or order. . . .

N.C. R. App. P. 4(a)(1)-(2). In addition to filing and service requirements, the notice of appeal "shall designate the judgment or order from which appeal is taken . . . ." N.C. R. App. P. 4(b).

> The writ of certiorari may be issued in appropriate circumstances by either appellate court to permit review of the judgments and orders of trial tribunals when the right to prosecute an appeal has been lost by failure to take timely action, or when no right of appeal from an interlocutory order exists, or for review pursuant to [N.C. Gen. Stat.] § 15A-1422(c)(3) of an order of the trial court ruling on a motion for appropriate relief.

N.C. R. App. P. 21(a)(1). The decision to allow a petition and issue the writ of certiorari "rests within the discretion of this Court." *State v. Biddix*, 244 N.C. App. 482, 486, 780 S.E.2d 863, 866 (2015) (citing N.C. R. App. P. 21(a)(1)). "A petition for the writ must show merit or that error was probably committed below. *Certiorari* is a discretionary writ and only to be issued for good and sufficient cause shown." *State v. Rouson*, 226 N.C. App. 562, 563–64, 741 S.E.2d 470, 471, *disc. rev. denied*, 367 N.C. 220, 747 S.E.2d 538 (2013) (citation omitted).

¶ 17 Defendant has shown merit as to the adequacy of the Order; thus, we exercise our discretion and grant his petition for writ of certiorari. *See Biddix*, 244 N.C. App. at 486, 780 S.E.2d at 866; *Rouson*, 226 N.C. App. at 563–64, 741 S.E.2d at 471.

III. Issues

¶ 18 On appeal, Defendant argues the trial court erred by: (1) finding in the Order the anonymous tip referred to a black car; (2) failing to include the relevant conclusions of law in the Order; and (3) denying Defendant's motion to suppress evidence seized by officers following a warrantless search.

IV. Motion to Suppress

A. Preservation of Issue

¶ 19 Before considering the merits of the case, we must determine whether Defendant properly preserved his arguments for appeal as to the motion to suppress. In this case, counsel for Defendant objected during the suppression hearing to the

admission of evidence relating to what the officers found following their search. At trial, counsel for Defendant failed to renew her objection to the admission of the evidence.

¶ 20 After the close of evidence of the suppression hearing, the trial court did not orally announce its findings of fact or conclusions of law. Rather, the trial court took the matter under advisement. After the trial court's entry of the final judgments, Defendant gave notice of appeal from one final judgment but did not give notice of appeal from the Order on the motion to suppress.

¶ 21 "To preserve an issue for appeal, the defendant must make an objection at the point during the trial when the State attempts to introduce the evidence. A defendant cannot rely on his pretrial motion to suppress to preserve an issue for appeal. His objection must be renewed at trial." *State v. Golphin*, 352 N.C. 364, 463, 533 S.E.2d 168, 232 (2000) (citations omitted), *writ denied*, 532 U.S. 931, 121 S. Ct. 1380, 149 L. Ed. 2d 305 (2001). Nevertheless, our Supreme Court has held the appellate courts may review issues relating to a motion to suppress under the plain error standard where a defendant has failed to preserve such issues and has "specifically and distinctly" contended on appeal the action amounts to plain error. *State v. Waring*, 364 N.C. 443, 508, 701 S.E.2d 615, 655 (2010) (quoting N.C. R. App. P. 10(a)(4)).

¶ 22 We conclude Defendant failed to renew his objection to the introduction of evidence at trial; thus, he failed to preserve the issues relating to his motion to

suppress. *See Golphin*, 352 N.C. at 463, 533 S.E.2d at 232. Because Defendant "specifically and distinctly" alleges in his brief the trial court committed plain error by denying his motion to suppress, we review the issues regarding the motion to suppress under the plain error standard. *See Waring*, 364 N.C. at 508, 701 S.E.2d at 655; *see also* N.C. R. App. P. 10(a)(4).

B. Standard of Review

¶ 23 This Court's review of the record for plain error of an order denying a defendant's motion to suppress is a two-step process. *State v. Oxendine*, 246 N.C. App. 502, 510, 783 S.E.2d 286, 292, *disc. rev. denied*, 368 N.C. 921, 787 S.E.2d 24 (2016). First, we must determine "whether the trial court did, in fact, err in denying [the d]efendant's motion to suppress." *State v. Powell*, 253 N.C. App. 590, 594, 800 S.E.2d 745, 748 (2017). In evaluating the denial of a motion to suppress, we consider "whether competent evidence supports the trial court's findings of fact and whether the findings of fact support the conclusions of law." *State v. Otto*, 366 N.C. 134, 136, 726 S.E.2d 824, 827 (2012). Unchallenged findings of fact "are presumed to be supported by competent evidence and are binding on appeal." *State v. Baker*, 312 N.C. 34, 37, 320 S.E.2d 670, 673 (1984) (citation omitted). Second, we consider whether Defendant has "show[n] that any error was fundamental by establishing that the error had a probable effect on the verdict." *Oxendine*, 246 N.C. App. at 510, 783 S.E.2d at 292.

¶ 24 We begin our analysis with step one by determining whether the trial court did in fact err in denying Defendant's motion to suppress. *See Powell*, 253 N.C. App. at 594, 800 S.E.2d at 748. We first consider "whether competent evidence supports the trial court's findings of fact and whether the findings of fact support the conclusions of law." *See Otto*, 366 N.C. at 136, 726 S.E.2d at 827.

C. Suppression Order

1. Finding of Fact 7

¶ 25 Defendant argues the trial court erred in "finding that the anonymous tip referred to a black car" because the caller mentioned only a "silver Saturn."

¶ 26 Finding of fact 7 provides:

> Upon his arrival to the trailer park, Deputy McCoy noticed black and silver cars. *These were the colors referenced in the anonymous call.* He stopped in that area. Deputy McCoy, however, did not confirm whether these cars were parked near or at lot 10 or 11. Deputy McCoy was not aware as to whether or not these cars were parked near or far away from the identified lots in the call. (Emphasis added).

¶ 27 We agree that the finding, "[t]hese were the colors referenced in the anonymous call," is not supported by competent evidence. *See Otto*, 366 N.C. at 136, 726 S.E.2d at 827. The remaining findings contained within finding of fact 7 are supported by Deputy McCoy's testimony at the suppression hearing. *See id.* at 136, 726 S.E.2d at 827. Defendant does not contest any other finding of fact in the Order; thus, the remaining findings "are presumed to be supported by competent evidence and are

binding on appeal." *See Baker*, 312 N.C. at 37, 320 S.E.2d at 673.

2. Conclusions of Law

¶ 28 Defendant challenges the sufficiency of the trial court's Order on his motion to suppress. Defendant does not specifically contest any of the trial court's conclusions of law but rather contends the Order "does not contain any conclusion of law"—only inadequate statements of law. The State maintains the conclusions of law in the trial court's Order "are sufficient to satisfy N.C. Gen. Stat. § 15A-977(f)" because the "denial of Defendant's motion resulted in the undeniable conclusion that the officers had the right to come on to the property and that the evolving circumstances supported both reasonable suspicion to investigate and probable cause to arrest Defendant." After careful review, we agree with Defendant to the extent he argues the trial court's conclusions of law were inadequate.

¶ 29 The State relies on *State v. Biber*, 365 N.C. 162, 712 S.E.2d 874 (2011), for the proposition that an implicit conclusion of probable cause, drawn from the findings of fact, is sufficient to uphold a suppression order. We disagree.

¶ 30 In *Biber*, the trial court ruled on the defendant's motion to suppress and made findings of fact and conclusions of law from the bench, which were reduced to a written order. *Id.* at 163, 712 S.E.2d at 876. The trial court denied the defendant's motion to suppress, concluding the officers had probable cause to perform a search and defendant's constitutional rights were not violated. *Id.* at 165, 712 S.E.2d at 877.

The pertinent issue on appeal was whether the officers had "probable cause to arrest [the defendant] for constructive possession of [a] powdery substance . . . ." *Id.* at 166, 712 S.E.2d at 877. This Court held "the trial court implicitly concluded that the officers had probable cause to arrest [the] defendant [for constructive possession]" since it concluded none of his constitutional rights were violated. *Id.* at 168, 712 S.E.2d at 879.

¶ 31 The holding in *Biber* cannot be interpreted to mean this Court may implicitly conclude from the findings of a suppression order that officers had probable cause to perform a search or seizure. To expand the holding of *Biber*, as the State suggests, would run counter to this state's statutes and case law as well as the role of the appellate courts. *See* N.C. Gen. Stat. § 15A-977(f) (2021); *State v. McFarland*, 234 N.C. App. 274, 283, 758 S.E.2d 457, 464 (2014) (holding the trial court must include proper conclusions of law in a suppression order); *State v. Williams*, 267 N.C. App. 485, 490, 833 S.E.2d 223, 227 (2019) ("It is the trial court's duty to apply legal principles to the facts . . . .").

¶ 32 When a trial court rules on a motion to suppress, "[t]he judge must set forth in the record his findings of facts and conclusions of law." N.C. Gen. Stat. § 15A-977(f). This Court has interpreted this statute to mandate a written order unless "the trial court provides its rationale from the bench and there are no material conflicts in the evidence." *McFarland*, 234 N.C. App. at 283, 758 S.E.2d at 464 (citation omitted).

"Generally, a conclusion of law requires 'the exercise of judgment' in making a determination, 'or the application of legal principles' to the facts found." *Id*. at 284, 758 S.E.2d at 465 (citation omitted). As this Court has explained, "[f]indings and conclusions are required in order that there may be a meaningful appellate review" of a trial court's ruling on a motion to suppress. *State v. Fisher*, 158 N.C. App. 133, 141, 580 S.E.2d 405, 412 (citation omitted), *disc. rev. denied*, 357 N.C. 464, 586 S.E.2d 274 (2003); *see State v. Howard*, 259 N.C. App. 848, 855, 817 S.E.2d 232, 238 (2018). When the required findings or conclusions are absent, the appropriate remedy is to remand the matter to the trial court. *Howard*, 259 N.C. App. at 855, 817 S.E.2d at 238. The defendant is not entitled to a new trial simply because the suppression order is lacking adequate conclusions of law. *McFarland*, 234 N.C. App. at 284, 758 S.E.2d at 465.

¶ 33 With respect to the issue regarding the trial court's conclusions, we find *State v. McFarland* controlling in the instant case. The written order in *McFarland* was "unusual because although the trial court made a number of relevant findings of fact, the trial court did not give *any* explanation for denying defendant's motion from the bench and did not include *any* conclusions of law . . . ." *Id*. at 283, 758 S.E.2d at 464 (emphasis in original). Rather "[t]he 'conclusions of law' in the written order were simply statements of law . . . ." *Id*. at 283, 758 S.E.2d at 464. This Court explained that "[n]ot one of the 'conclusions' . . . applied the law to the facts of this case." *Id*. at

284, 758 S.E.2d at 465. This Court remanded the matter to the trial court for entry of appropriate conclusions of law. *Id*. at 284, 758 S.E.2d at 465.

¶ 34 In this case, the trial court did not announce its ruling from the bench at the end of the suppression hearing. Additionally, the trial court did not "provide[any] rationale from the bench." *See McFarland*, 234 N.C. App. at 283, 758 S.E.2d at 464. The trial court specifically noted that it would "take this under advisement" and explained that it was "not in a position to make a well-advised decision." On 17 February 2020, the trial court entered the written Order, in which it made the following conclusions of law:

> 1. The Court has jurisdiction over the Defendant and the subject matter herein.
>
> 2. The motion to suppress is timely filed and served on the State of North Carolina and the issue is properly before the court.
>
> 3. The Fourth Amendment protects individuals against unreasonable searches and seizures.
>
> 4. "[T]he determination of reasonable suspicion must be based on commonsense judgments and inferences about human behavior." Illinois v. Wardlow, 528 U.S. 119, 123 (2000).
>
> 5. In applying the standard, the officer may make "inferences and deductions that might well elude an untrained person" and the evidence should be evaluated "as understood by those versed in the field of law enforcement." 498 (1983) (plurality opinion), or "founded suspicion", *see, e.g.*, United States v. Cortez, 449 U.S. 411, 417 (1981). The Court has repeatedly

instructed that a collection of facts that may seem innocent to the average lay person may provide a basis for reasonable suspicion by a trained officer. *See, e.g., id.* at 419 (noting that it is imperative to recognize that "when used by trained law enforcement officers, objective facts, meaningless to the untrained, can be combined with permissible deductions from such facts to form a legitimate basis for suspicion of a particular person and for action on that suspicion"); United States v. Arvizu, 534 U.S. 266, 273 (2002).

6. Reasonable suspicion is a less demanding standard than probable cause not only in the sense that reasonable suspicion can be established with information that is different in quantity or content than that required to establish probable cause, but also in the sense that reasonable suspicion can arise from information that is less reliable than that required to show probable cause. Alabama v. White, 496 U.S. 325, 330 (1990).

7. "To be lawful, a warrantless arrest must be support[ed] by probable cause . . . to warrant a cautious man in believing the accused is guilty." State v. Adkerson, 90 NC App 333 (1988); cited by State v. Bonds, 139 NC App 627 (2000).

8. Probable cause "turn[s] on the assessment of probabilities in particular factual contexts" and cannot be "reduced to a neat set of legal rules." Gates, 462 U. S., at 232, 103 S. Ct. 2317, 76 L. Ed. 2d 527. It is "incapable of precise definition or quantification into percentages." Pringle, 540 U. S., at 371, 124 S. Ct. 795, 157 L. Ed. 2d 769.

9. An encounter between a law enforcement officer and a citizen does not implicate the Fourth Amendment's prohibition against unreasonable searches and seizures in the absence of a "seizure" of the person. *Florida v. Royer*, 460 U.S 491, 498, 103 S. Ct. 1319, 75 L. Ed. 2d

229, 236 (1983) ("If there is no detention—no seizure within the meaning of the Fourth Amendment—then no constitutional rights have been infringed."). In *Florida v. Bostick*, 501 U.S. 429, 111 S. Ct. 2382, 115 L. Ed. 2d 389 (1991), the Supreme Court of the United States held that a seizure does not occur simply because a police officer approaches an individual and asks a few questions. So long as a reasonable person would feel free "to disregard the police and go about his business," [*California v. Hodari D.*, 499 U.S. 621, 628, 111 S. Ct. 1547, 113 L. Ed. 2d 690 (1991)], the encounter is consensual and no reasonable suspicion is required. The encounter will not trigger Fourth Amendment scrutiny unless it loses its consensual nature. *Id.* at 434, 115 L. Ed. 2d. at 398.

10. Even in the absence of any suspicion that an individual is engaged in criminal activity, law enforcement officers may "pose questions, ask for identification, and request consent to search . . . provided they do not induce cooperation by coercive means." *Unites States v. Drayton*, 536 U.S. 194, 201, 122 S. Ct. 2105, 153 L. Ed. 2d 242, 251 (2002).

11. Absent physical force, a seizure occurs only if, "taking into account all of the circumstances surrounding the encounter, the police conduct would 'have communicated to a reasonable person that he was not at liberty to ignore the police presence and go about his business." *Bostick*, 501 U.S. at 437, 115 L. Ed. 2d at 400 (quoting *Michigan v. Chesternut*, 486 U.S. 567, 569, 108 S. Ct. 1975, 100 L. Ed. 2d 565, 569 (1988)).

12. [N]o search of the curtilage occurs when an officer is in a place where the public is allowed to be, such as at the front door of a house. It is well established that entrance by law enforcement officers onto private property for the purpose of a general inquiry or interview is proper. *Gentile*, 237 N.C. App. at 309, 766 S.E.2d at 353.

¶ 35 Like the written order in *McFarland*, the Order in this case contained numerous relevant findings of fact, but only statements of law; none of the purported twelve conclusions "applied the law to the facts of th[e] case." *See McFarland*, 234 N.C. App. at 283, 758 S.E.2d at 464. The Order denies Defendant's motion to suppress, but it fails to show the trial court exercised its judgment in reaching this determination, or that relevant legal principles were applied to the specific facts. *See id*. at 284, 758 S.E.2d at 465. Therefore, we are unable to partake in "meaningful appellate review" as to the denial of the motion to suppress. *See Fisher*, 158 N.C. App. at 141, 580 S.E.2d at 412. Although this Court could understand how the findings of the trial court "would likely fit into the legal standards recited in the section of the [O]rder which is identified as 'conclusions of law,'" it is the role of the trial court to make such conclusions—not the appellate courts. *See McFarland,* N.C. App. at 284, 758 S.E.2d at 465. Therefore, we must remand to allow the trial court to enter proper conclusions of law that support its ruling. *See id.* at 284, 758 S.E.2d at 465; *see also Howard*, 259 N.C. App. at 855–56, 817 S.E.2d at 238.

¶ 36 Because we reverse and remand the Order, we need not address Defendant's constitutional arguments as to why the trial court improperly denied his motion to suppress.

V. Conclusion

¶ 37 We hold the trial court did not make adequate conclusions of law in its Order

to warrant denying Defendant's motion to suppress. Accordingly, we remand the matter to the trial court to allow for entry of proper conclusions of law, which are supported by its findings of fact without hearing additional evidence or arguments.

REVERSED AND REMANDED.

Judges ZACHARY and COLLINS concur.

Report per Rule 30(e).