IN THE COURT OF APPEALS OF NORTH CAROLINA

2022-NCCOA-618

No. COA21-647

Filed 6 September 2022

Wake County, No. 18CRS215086

STATE OF NORTH CAROLINA, Plaintiff,

v.

LAQUAN LEON WILLIAMS, Defendant.

Appeal by defendant from judgment entered 25 March 2021 by Judge G. Bryan Collins Jr. in Wake County Superior Court. Heard in the Court of Appeals 24 August 2022.

Attorney General Joshua H. Stein, by Assistant Attorney General Michael T. Henry, for the State.

Kimberly P. Hoppin, for the defendant-appellant.

TYSON, Judge.

¶ 1 Laquan Leon Williams ("Defendant") appeals from judgment entered upon a jury's verdict finding him guilty of first-degree murder of Summer Robinson on the bases of premeditation and deliberation and lying in wait. We find no error.

I. Background

¶ 2 Defendant was 27 years old in the summer of 2018. Defendant had recently

re-connected with a long-time friend, who invited Defendant to live with him at the home of Karea Nelson ("Nelson").

¶ 3 Defendant eventually became acquainted with the victim, Summer Robinson ("Robinson"), a 19-year-old female living with her mother and older sister in Chapel Hill.

¶ 4 Accounts of Defendant's and Robinson's relationship conflicted at trial. Defendant spoke to Robinson incessantly and referred to her as his girlfriend. Defendant's acquaintances believed the two were dating but were experiencing difficulties. Robinson's friends testified to being unfamiliar with Defendant and never hearing Robinson mention Defendant's name.

¶ 5 In the weeks before Robinson died, she blocked various phone numbers used by Defendant and blocked all of Defendant's social media accounts. Evidence tended to show Robinson had reached out to one person who knew Defendant, asking that individual to convince Defendant to leave her alone. Defendant nevertheless continued to use Nelson's phone, sometimes as much as "ten to 15 times a day", to monitor Robison's social media accounts and attempt to contact her.

¶ 6 The State entered into evidence numerous voicemails Defendant had left on Robinson's phone between mid-July and her murder on 13 August 2018. The voicemails consisted of Defendant: professing his love for Robinson; accusing her of being "selfish" and "playing the victim"; calling her a "dirty [expletive]"; and warning

Robinson there would be a "price [Robinson] was going to have to pay" and Defendant was "going to be watching [her]." Defendant notably warned Robinson he would kill her if she did not talk to him.

¶ 7 Defendant used more than one friend's cell phone to attempt to contact Robinson. He also convinced his friend, Dennis Williamson ("Williamson"), to follow Robinson on SnapChat after Robinson had blocked Defendant from accessing all of her social media accounts. Defendant's plan apparently backfired because Williamson and Robinson subsequently engaged in several flirtatious conversations and had a romantic encounter in late July 2018.

¶ 8 On the morning of 13 August 2018, Defendant worked a shift with Williamson. Williamson told Defendant about his romantic encounter with Robinson to "see how [Defendant] felt." Defendant became fixated on the information, "walking back and forth" at the job site; Defendant fluctuated between incredulity and anger and mumbled Defendant and Williamson were "going to have to fight." Williamson fabricated a story to their boss about Defendant having a family emergency because Defendant could not focus on the job duties. Williamson took Defendant to the company warehouse and arranged for Williamson's brother to retrieve Defendant.

¶ 9 Defendant later left Robinson a voicemail around 1:00 p.m. informing Robinson that Williamson had broken the news about their romantic relationship. Defendant also threatened Robinson, and stated he was going to "come to her house," "talk to

[her] mom," and "see what happens." Throughout that day, Williamson similarly received several hostile phone calls and text messages from Defendant threatening to kill him, telling him "not to run," and warning that Williamson's mother would have to "bury her son."

¶ 10 Later that evening, Defendant was acting "really hyper" at Nelson's house, "pac[ing] back and forth." Defendant told Nelson that Robinson was "cheating on him" with Williamson. He requested a friend to drop him off in Robinson's neighborhood.

¶ 11 Defendant called Williamson around 10 p.m. from a neighbor's phone. Defendant told Williamson he wanted to chat outside and assured Williamson they could talk with "no beef, no drama." After Defendant ended the phone conversation with Williamson, Defendant told the neighbor a contrary story about his intentions, informing the neighbor that he "was going to kill [Williamson]."

¶ 12 Before leaving the house to speak with Defendant, Williamson texted Robinson and told her not come to Williamson's home because Defendant was nearby. Williamson went outside and had a brief conversation with Defendant, gave him two cigarettes, and told him to leave. Defendant walked out of sight, appearing to leave, but instead was "crouch[ing] down" between the houses "to hide . . . from being seen."

¶ 13 Believing Defendant had left, Williamson called Robinson, who told him she did not care whether Defendant was present and pulled her car into the

neighborhood. She pulled her car in front of Williamson, who leaned into her open passenger window to talk.

¶ 14 While they were speaking, Robinson looked behind Williamson and asked "Who is that?" Williamson turned around and saw Defendant running toward them from between the houses, stating repeatedly he "just want[ed] to talk." Williamson stepped aside so Defendant and Robinson could have a conversation.

¶ 15 This conversation grew "super loud" in less than a minute. Defendant launched himself headfirst through the open passenger window. Williamson grabbed Defendant's feet to pull him back out of the car. During this struggle, Williamson saw blood splatter across Robinson's windshield.

¶ 16 When Williamson briefly extracted Defendant, Defendant "looked at [Robinson], looked at [Williamson,] and then . . . jumped in again." Immediately, Williamson again pulled Defendant back out of the vehicle. Defendant began to run and yelled something to the effect of "[y]ou're going to jail with me." Defendant threw a knife down a storm drain in front of the home.

¶ 17 An ambulance arrived within minutes, but Robinson was pronounced dead on the scene. The autopsy revealed Robinson suffered blunt force injuries to her face, neck, wrist, ring finger, and forearm. Defendant had also stabbed Robinson in the chest, breast, shoulder and back. Expert testimony opined two of the knife wounds independently caused fatal blood loss.

¶ 18 Williamson's brother witnessed the attack from his car and led responding officers to the storm drain where Defendant had disposed of the knife. Investigators later determined Defendant had taken and used a paring knife from Nelson's kitchen knife set. The butt of a cigarette was also found inside Robinson's car with Defendant's DNA on it.

¶ 19 When speaking with the officers, Williamson received several missed calls from an unknown number. Believing it to be Defendant, Williamson called the number back and put it on speakerphone in the presence of multiple witnesses, including a police officer. Defendant stated he did not care Robinson was dead, mentioned he would "do it again," and told Williamson that he would be next.

¶ 20 Police apprehended Defendant in Brooklyn, New York on 18 September 2018. Defendant was indicted for Robinson's murder and tried by a jury on 15 March 2021. Defendant presented no evidence at trial.

¶ 21 During the direct examination of the State's final witness, Detective Stephen Snowden ("Detective Snowden"), the trial court sustained Defendant's objection to Detective Snowden's repeated attempts to introduce statements made by Williamson and Williamson's brother that Defendant previously assaulted other women. The trial court overruled Defendant's motion for a mistrial, but struck all of Detective Snowden's testimony and instructed the jury not to consider it for any purpose.

¶ 22 The trial court denied Defendant's motions to dismiss at the close of the State's evidence and as renewed at the close of all evidence. Defendant did not object to instructing the jury on premeditation and deliberation but did object to jury instructions on the theory of lying in wait. The trial court overruled Defendant's objection and instructed the jury on first-degree murder on the theories of premeditation and deliberation and lying in wait, and second-degree murder.

¶ 23 The jury found Defendant guilty of first-degree murder under both theories. The trial court sentenced Defendant to life imprisonment without the possibility of parole. Defendant appeals.

II. Jurisdiction

¶ 24 This Court possesses appellate jurisdiction pursuant to N.C. Gen. Stat. §§ 7A-27(b)(1), 15A-1444(a) (2021).

III. Issues

¶ 25 Defendant raises three issues on appeal: (1) whether the trial court erred in denying Defendant's motion to dismiss for insufficient evidence to support the charge of first-degree murder; (2) whether the trial court erred in instructing the jury on the theory of lying in wait for the charge of first-degree murder; and, (3) whether the trial court erred by denying Defendant's motion for mistrial based on the stricken testimony of Detective Snowden.

IV. Motion to Dismiss

¶ 26 Defendant entered a motion to dismiss the charge of first-degree murder for insufficiency of the evidence under the theories of premeditation and deliberation and lying-in wait at the close of the State's evidence and the close of all evidence. The court denied Defendant's motion. The issue is preserved for appellate review. N.C. R. App. P. 10(a)(3).

A. Standard of Review

¶ 27 In ruling on a motion to dismiss criminal charges, the trial court must determine "whether there is substantial evidence (1) of each essential element of the offense charged . . . and (2) of defendant's being the perpetrator of such offense." *State v. Barnes*, 334 N.C. 67, 75, 430 S.E.2d 914, 918 (1993) (citation omitted). "Substantial evidence" refers to the "amount of relevant evidence that a reasonable mind might accept as adequate to support a conclusion." *State v. Smith*, 357 N.C. 604, 615, 588 S.E.2d 453, 461 (2003) (citation and internal quotation marks omitted). In ruling on a motion to dismiss, this Court is required to view all evidence in the light most favorable to the non-moving party, drawing all reasonable inferences in favor of the State. *Id.* at 616, 588 S.E.2d at 461 (citation omitted).

¶ 28 When a defendant properly preserves a motion to dismiss, this Court reviews *de novo* whether the State presented substantial evidence of each essential element of the offense to support the denial of a motion to dismiss. *State v. Golder*, 374 N.C. 238, 250, 839 S.E.2d 782, 790 (2020) (citation omitted). Under *de novo* review, this

Court considers the "matter anew and freely substitutes its own judgment for that of the [trial court]." *State v. Williams*, 362 N.C. 628, 632-33, 669 S.E.2d 290, 294 (2008) (citations and internal quotation marks omitted).

B. Analysis

¶ 29 "Murder in the first degree is the unlawful killing of a human being with malice and with premeditation and deliberation." *State v. Wilkerson*, 295 N.C. 559, 577-78, 247 S.E.2d 905, 915 (1978) (citations omitted); *see also* N.C. Gen. Stat. § 14-17(a) (2021) ("A murder which shall be perpetrated by means of . . . lying in wait . . . or by any other kind of willful, deliberate, and premeditated killing.").

1. Premeditation and Deliberation

¶ 30 To support a verdict of first degree murder, "[p]remeditation means [ ] the act was thought out beforehand for some length of time, however short, but no particular amount of time is necessary for the mental process of premeditation." *State v. Bullock*, 326 N.C. 253, 257, 388 S.E.2d 81, 83 (1990) (citation omitted). Deliberation requires "an intent to kill, carried out in a cool state of blood, in furtherance of a fixed design for revenge or to accomplish an unlawful purpose and not under the influence of a violent passion, suddenly aroused by lawful or just cause or legal provocation." *State v. Davis*, 349 N.C. 1, 33, 506 SE.2d 455, 472 (1998) (citation omitted). Premeditation and deliberation does not require a fixed length of time." *State v. Walters*, 275 N.C. 615, 623, 170 S.E.2d 484, 490 (1969) (citation omitted).

> Premeditation and deliberation are processes of the mind. In most cases, they are not subject to proof by direct evidence but must be proved, if at all, by circumstantial evidence. Among other circumstances from which premeditation and deliberation may be inferred are (1) lack of provocation on the part of the deceased, (2) the conduct and statements of the defendant before and after the killing, (3) threats and declarations of the defendant before and during the occurrence giving rise to the death of the deceased, (4) ill-will or previous difficulty between the parties, (5) the dealing of lethal blows after the deceased has been felled and rendered helpless, (6) evidence that the killing was done in a brutal manner, and (7) the nature and number of the victim's wounds.

State v. Vause, 328 N.C. 231, 238, 400 S.E.2d 57, 62 (1991) (citation omitted).

¶ 31 A defendant possessing "a cool state of blood" does not mean the defendant lacked passion and emotion. *Id.* Premeditation and deliberation simply requires the defendant's anger or emotion is not strong enough as to overcome the defendant's reason. *State v. Hunt*, 330 N.C. 425, 427, 410 S.E.2d 478, 480 (1991) (citation omitted).

¶ 32 The State's evidence tended to show Defendant was not prompted by overwhelming passion that impeded reason. Defendant stalked and threatened Robinson for an extended period of time prior to her death. Defendant expressed his desire to kill Robinson and Williamson on multiple occasions to independent witnesses in the weeks and hours leading up to the murder. Defendant also threatened Williamson and Robinson for approximately twelve hours before the

murder. He sent threats *via* text messages and social media accounts, left threatening voicemails, and told Williamson's neighbor he planned to kill. Defendant took the knife used to kill Robinson from Nelson's home, after he discovered Robinson would likely visit Williamson's home later, which was several hours before the murder. "When a homicide is perpetrated by means . . . lying in wait . . . the means and method used involves planning and purpose. Hence, the law presumes premeditation and deliberation. The act speaks for itself." *State v. Dunheen*, 224 N.C. 738, 739-40, 32 S.E.2d 322, 323-34 (1944) (citation omitted). These actions collectively suggest Defendant intended to kill for several weeks, days, and hours before ultimately murdering Robinson.

¶ 33 No evidence of provocation existed prior to or in the moments before the killing occurred. Defendant searched for and used alternative phones to lure his targets, hoping Williamson and Robinson would answer if the call did not come from his phone. The evidence also showed Defendant concealed his intentions, assuring Williamson and Robinson on various occasions he only wanted to talk. Even after Williamson pulled Defendant away from Robinson during the initial attack, Defendant paused before deciding to attack Robinson again. These facts collectively suggest Defendant planned the attack on Robinson and indicate the attack was not prompted by provocation.

¶ 34 Nearly every factor the Court listed in *Vause* indicates Defendant's mental state leading up to the killing was a pre-meditated, planned, and deliberate attack on Robinson, when reasonable inferences are drawn in the State's favor. *Vause*, 328 N.C. at 238, 400 S.E.2d at 62.

¶ 35 Because the State's evidence tended to show Defendant deliberately planned to kill, or at the very least, to harm Robinson prior to the attack, the trial court did not err by denying Defendant's motion to dismiss the charge of first-degree murder under the theory of premeditation and deliberation. Viewing the evidence in the light most favorable to the State, the State presented substantial evidence to instruct the jury. The trial court also instructed the jury on the lesser-included offence of second-degree murder. Defendant's arguments are without merit.

2. Lying in Wait

¶ 36 "[P]remeditation and deliberation is not an element of the crime of first-degree murder perpetrated by means of . . . lying in wait . . . Likewise, a specific intent to kill is equally irrelevant when the homicide is perpetrated by means of . . . lying in wait[.]" *State v. Johnson*, 317 N.C. 193, 203, 344 S.E.2d 775, 781 (1986).

> Murder perpetrated by lying in wait refers to a killing where the assassin has stationed himself or is lying in ambush for a private attack upon his victim. The assassin need not be concealed, nor need the victim be unaware of his presence. If one places himself in a position to make a private attack upon his victim and assails him at a time when the victim does not know of the assassin's presence

> or, if he does know, is not aware of his purpose to kill him, the killing would constitute a murder perpetrated by lying in wait.

State v. Leroux, 326 N.C. 368, 375, 390 S.E.2d 314, 320 (1990) (citations and internal quotations omitted)

¶ 37 The State does not need to prove Defendant concealed himself or stationed himself at the site and waited for some period before killing Robinson. *Id.* "Even a moment's deliberate pause before killing [some]one unaware of the impending assault and consequently without opportunity to defend himself satisfies the definition of murder perpetrated by lying in wait." *State v. Cox*, 256 N.C. App. 511, 521, 808 S.E.2d 339, 346 (2017) (citation omitted).

¶ 38 The State's evidence tended to show Defendant waited for Robinson to arrive and surprised her by attacking suddenly, like the defendant in *Aikens*. *See State v. Aikens*, 342 N.C. 567, 574, 467 S.E.2d 99, 104 (1996) (finding the defendant guilty of murder under the theory of lying in wait where the defendant waited for the victim to be lured out of a room before shooting the victim and then shot the victim again while the victim attempted to escape).

¶ 39 The evidence tended to show Defendant was told to leave Williamson's home, and after appearing to leave the area, he waited for Robinson to arrive at Williamson's house. Upon Robinson's arrival, Defendant hid in the bushes until Robinson saw Defendant emerging from the bushes behind Williamson. Before

Defendant was within striking distance, Defendant stated he "just want[ed] to talk." Once Williamson stepped away, Defendant twice lunged through her window, attacked Robinson, and repeatedly stabbed her to death with a paring knife.

¶ 40 Robinson's awareness of Defendant quickly and aggressively approaching the car does not preclude a verdict of first-degree murder under the theory of lying in wait. The State only needed to present sufficient evidence tending to show Defendant hid himself before attacking and that Robinson remained unaware of such attack was impending to submit the issue to the jury, when viewed in the light most favorable to the State. The trial court did not err by denying Defendant's motion to dismiss under the theory of lying in wait. Defendant's arguments are overruled.

V. Jury Instruction on Lying in Wait

¶ 41 Defendant next contends the trial court erred by instructing the jury on the theory of lying in wait for the first-degree murder charge after Defendant objected to the instruction at trial.

A. Standard of Review

¶ 42 "An instruction about a material matter must be based on sufficient evidence. Assignments of error challenging the trial court's decisions regarding jury instructions are reviewed *de novo* by this Court." *State v. Osorio*, 196 N.C. App. 458, 466, 675 S.E.2d 144, 149 (2009) (internal citations omitted). "It is the duty of the trial court to instruct the jury on the law applicable to the substantive features of the case

arising on the evidence[.]" *State v. Robbins*, 309 N.C. 771, 776, 309 S.E.2d 188, 191 (1983).

B. Analysis

¶ 43 Defendant argues the jury instruction on lying in wait was not supported by the evidence. He contends error occurred because "the judge's instructions permitted the jury . . . to predicate guilt on theories of the crime which were…not supported by the evidence at trial." *State v. Brown*, 312 N.C. 237, 249, 321 S.E.2d 856, 861 (1984).

¶ 44 Defendant's argument lacks merit. The State presented relevant evidence tending to show and to support a lying in wait theory of first degree murder to submit the issue for the jury's deliberation. Although Defendant objected at trial, no argument is made on appeal regarding the sufficiency of the jury instruction or any shortcomings in the pattern jury instruction as given. Defendant's argument is without merit.

VI. Motion for Mistrial

¶ 45 Defendant contends Detective Snowden's testimony irreparably harmed Defendant and a mistrial was the only appropriate remedy. N.C. Gen. Stat. § 15A-1061 (2021).

A. Standard of Review

¶ 46 This Court analyzes whether the trial court's ruling was an abuse of discretion and necessary to secure the rights of Defendant. *State v. Calloway*, 305 N.C. 747, 754,

291 S.E.2d 622, 627 (1982) (citation omitted) ("Whether a motion for mistrial should be granted is a matter which rests in the sound discretion of the trial judge[.]"). The trial court's ruling must not be disturbed absent a showing of abuse of discretion. *State v. Hogan*, 321 N.C. 719, 722, 365 S.E.2d 289, 290 (1988) (citation omitted).

B. Analysis

¶ 47 "The judge must declare a mistrial upon the defendant's motion if there occurs during the trial an error or legal defect in the proceedings, or conduct inside or outside the courtroom, resulting in substantial and irreparable prejudice to the defendant's case." N.C. Gen. Stat. § 15A-1061 (2021). Granting a mistrial is a drastic remedy. *State v. Blackstock*, 314 N.C. 232, 243–44, 333 S.E.2d 245, 252 (1985). "[A] mistrial is appropriate only when there are such serious improprieties as would make it impossible to attain a fair and impartial verdict under the law." *Calloway*, 305 N.C. at 754, 291 S.E.2d at 627 (citation omitted).

¶ 48 This Court presumes jurors follow a trial court's instructions and admonitions to disregard certain testimony and evidence. *State v. Rogers*, 355 N.C. 420, 453, 562 S.E.2d 859, 880 (2002). "Whether instructions can cure the prejudicial effect of [irrelevant evidence] must depend in large measure upon the nature of the evidence and the particular circumstances of the individual case." *State v. Hunt*, 287 N.C. 360, 375, 215 S.E.2d 40, 49 (1975) (citation omitted). The trial judge occupies the best position to know the circumstances, and to appraise and weight the factors. *Id.*

¶ 49 Detective Snowden testified about several out of court statements Williamson had made to him regarding Defendant's aggressive behavior towards women. Williamson purportedly informed Detective Snowden about Defendant's actions towards other women, stating: "[Defendant] would often call her his bi--h, and . . . assault women" and "one time [Defendant] had threatened to slap her over her role in some marijuana." Defendant moved to strike this testimony during trial, and the trial court granted the motion. The trial court struck all of Detective Snowden's testimony prior to the motion and instructed the jury not to consider the testimony for any purpose when deliberating. The court denied Defendant's motion for a mistrial.

¶ 50 Defendant has failed to show the trial court abused its discretion by refusing to grant a mistrial. Presuming Detective Snowden's statements were inadmissible hearsay, Defendant has not demonstrated how Detective Snowden's statements prejudiced Defendant given the copious and overwhelming evidence of guilt, including multiple eyewitnesses' accounts of the attack, recordings of voicemails Defendant had left, DNA evidence placing Defendant on the scene, the autopsy report, and other circumstantial evidence.

¶ 51 The trial court struck the entirety of Detective Snowden's testimony, leaving no ambiguity about which of his testimony the jury should exclude and consider. Defendant immediately moved for a mistrial. *See Hunt*, 287 N.C. at 376-77, 215

S.E.2d at 50-51 (explaining a new trial should have been granted because defendant's "motion for mistrial was not made until the next day," meaning "the evidence must have found secure lodgment in the minds of the jurors," especially considering the instructions "given were not specific as to the content of the challenged questions"). This Court presumes the jurors acknowledged and followed the trial court's directions to disregard Detective Snowden's testimony. *Rogers*, 355 N.C. at 453, 562 S.E.2d at 880.

¶ 52 Defendant has not shown Detective Snowden's testimony made it impossible for him to "attain a fair and impartial verdict under the law." *Calloway*, 305 N.C. at 754, 291 S.E.2d at 627 (citation omitted). Defendant's argument is overruled.

VII. Conclusion

¶ 53 The State's evidence, when viewed in the light most favorable to the State, supports the submission to the jury of the charge of first-degree murder under the theories of premeditation and deliberation and lying in wait. The trial court did not err by denying Defendant's motions to dismiss and submitting both theories to the jury, along with an instruction on second-degree murder.

¶ 54 Defendant failed to show any abuse of discretion or prejudice by the trial court's denial of a mistrial regarding Detective Snowden's stricken testimony. Defendant received a fair trial, free of prejudicial errors he preserved and argued.

We find no error in the jury's verdicts or in the judgment entered thereon. *It is so ordered.*

NO ERROR.

Judges ARROWOOD and GRIFFIN concur.

Report per Rule 30(e).