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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA22-920

Filed 18 July 2023

Pasquotank County, No. 18 CRS 050893

STATE OF NORTH CAROLINA

v.

DAZIS DAVANTE BONDS, Defendant.

Appeal by Defendant from judgment entered 3 March 2022 by Judge Eula E. Reid in Pasquotank County Superior Court. Heard in the Court of Appeals 9 May 2023.

Attorney General Joshua H. Stein, by Special Deputy Attorney General Brian D. Rabinovitz, for the State.

Glover & Petersen, P.A., by Ann B. Petersen, for Defendant.

GRIFFIN, Judge.

Defendant Dazis Davante Bonds appeals from a judgment entered after a jury found him guilty of first-degree murder. Defendant argues the trial court erred in admitting certain evidence under Rule 404(b) as that evidence also included evidence of other crimes, wrongs, or acts. We hold the trial court did not commit reversible error.

I. Factual and Procedural Background

On 30 June 2018, a passerby, driving on Esclip Road in Weeksville, North Carolina, saw a man—later identified as Devon Khamari Revelle—on the roadside suffering from multiple gunshot wounds. The passerby called 911, but Revelle had died by the time of their arrival.

Upon investigation, police received a tip from a confidential informant reporting Defendant was involved in the murder. On 2 July 2018, investigators interviewed Defendant at his home in Elizabeth City. At that time, Defendant stated he did not know anything about the murder. Nevertheless, investigators contacted Pasquotank Probation and Parole to obtain information about Defendant's location at the time of the shooting, as Defendant was wearing a GPS tracking device on his ankle as a condition of probation. The GPS data indicated Defendant was at the scene at the time of the shooting. Based on this information, Defendant was arrested on 2 July 2018.

On 30 July 2018, Defendant was indicted for first-degree murder. On 28 February 2022, Defendant's case came on for trial by jury in Pasquotank County Superior Court. On 3 March 2022, the jury returned a verdict, finding Defendant guilty of first-degree murder. Upon conviction, Defendant was sentenced to life imprisonment without parole. Defendant gave notice of appeal in open court.

II. Analysis

Defendant argues the trial court erred in overruling his objection to the

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admission of a portion of Defendant’s interrogation video, pursuant to Rule 404(b), as it included evidence of other crimes, wrongs, or acts. Specifically, Defendant contends the trial court erred in allowing the jury to hear the portion of the video containing prior crime evidence which had no probative value other than to serve as evidence of Defendant’s bad character—that he was “a person who shot people.” We disagree.

We review the trial court’s decision to admit evidence under Rule 404(b) de novo. *State v. Beckelheimer*, 366 N.C. 127, 130, 726 S.E.2d 156, 160 (2012).

Rule 404(b) of our North Carolina Rules of Evidence states, in pertinent part, “evidence of other crimes, wrongs, or acts is not admissible to prove the character of a person in order to show that he acted in conformity therewith.” N.C. Gen. Stat. § 8C-1, Rule 404(b) (2021). Such evidence, however, is “admissible for other purposes, such as proof of motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake, entrapment or accident.” *Id.* “This list is not exclusive, and such evidence is admissible as long as it is relevant to any fact or issue other than the defendant’s propensity to commit the crime [charged].” *Beckelheimer*, 366 N.C. at 130, 726 S.E.2d at 159.

Here, at trial, the State offered a video of Defendant’s recorded interrogation by Major Wallio and Agent Norman into evidence. The State began playing the video before the jury. Defendant’s counsel then requested a bench conference, expressing concern as to the content of the video. Upon review, Defendant’s counsel objected to the admission of a portion of the video which contained the following exchange

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between Agent Norman and Defendant:

Agent Norman: And your job is to kill him.

Defendant: Why was my job to kill him if I don't even know him like that?

Agent Norman: Well, you a shooter ain't you?

Defendant: No. Why I gotta be a shooter?

Agent Norman: You have it tattooed on your arm.

Defendant: Yeah. It don't matter I got a tattoo of a gun on my arm. Don't mean I'm a shooter.

Agent Norman: You never shot nobody?

Defendant: No. I ain't never shot nobody.

Agent Norman: It's the first time I've heard that today.

Defendant: Why?

...

Agent Norman: It's the first time I've heard you've never shot nobody.

Defendant: Because my charges?

Agent Norman: Nope.

Defendant: I ain't never shot nobody.

The trial court denied Defendant's objection allowing the entirety of the video to be played before the jury.

The above exchange, to which Defendant objected, does not fall within the scope of Rule 404(b). Agent Norman refrained from referencing a prior crime, wrong,

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or act by Defendant. Instead, Agent Norman only referred to Defendant as a “shooter” and noted “[i]t’s the first time I’ve heard that today” when Defendant said he had never shot anyone. Further, when asked by Defendant if these references related to his prior charges, Agent Norman explicitly stated they did not.

Because Agent Norman refrained from specifically referencing a prior crime, wrong, or act by Defendant, the above statements do not fall within the purview of Rule 404(b).

III. Conclusion

For the aforementioned reasons, the trial court did not err in denying Defendant’s objection to the introduction of the specified portion of the interrogation video, as it was not within the scope of Rule 404(b).

NO ERROR.

Chief Judge STROUD and Judge WOOD concur.

Report per Rule 30(e).