

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority. Citation is disfavored, but may be permitted in accordance with the provisions of Rule 30(e)(3) of the North Carolina Rules of Appellate Procedure.

IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA24-87

Filed 5 November 2024

Alamance County, No. 20 CRS 50127

STATE OF NORTH CAROLINA

v.

ABDUR-RAHMAN WAHEED

Appeal by defendant from judgement entered 20 May 2022 by Judge G. Bryan Collins in Alamance County Superior Court. Heard in the Court of Appeals 8 October 2024.

Attorney General Joshua H. Stein, by Special Deputy Attorney General M. Denise Stanford, for the State.

Jarvis John Edgerton, IV, for defendant-appellant.

ARROWOOD, Judge.

Abdur-Rahman Waheed (“defendant”) appeals from the trial court’s judgment entered 20 May 2022. For the following reasons, we find the defendant received a fair trial free from prejudicial error.

I. Background

STATE V. WAHEED

Opinion of the Court

Defendant was indicted on charges of attempted first degree murder, assault with a deadly weapon with intent to kill and inflict serious injury (“AWDWIKISI”), and conspiracy to commit a Class A felony – first degree murder. The case went to trial and defendant was acquitted of attempted murder and conspiracy and found guilty of AWDWIKISI on 20 May 2022. The court sentenced defendant to a term of 83 to 112 months imprisonment. Defendant appealed by petition for writ of certiorari filed with this Court on 16 March 2023. This Court granted defendant’s petition 20 April 2023. Pursuant to this Court’s order, the appeal was deemed taken 23 April 2023.

At trial, the evidence tended to show the following. Alliyah Crouse (“Crouse”) graduated high school in 2018 and began dancing at a strip club. There, she met defendant for the first time in 2019. They began to spend time with each other and developed a close relationship. Crouse confided in defendant that a man, James Blackwell (“Blackwell”), was threatening her and asking to have sex, something she was not willing to do. Blackwell and Crouse attended high school together between 2016 and 2017 and had communicated with each other on Instagram and Snapchat. Blackwell moved schools and communication with Crouse ended until 2019, when Blackwell reinitiated communication on social media. Crouse testified that Blackwell became “aggressive,” threatening to do “sexual things” to her and destroy property outside her home and claimed to always carry a gun. Blackwell also told Crouse that he would gain access to Crouse’s old Snapchat account and delete nude pictures of

her if she would have sex with him, but would otherwise make the photos public. Crouse testified that when she told defendant what Blackwell was doing, he first told her Blackwell would eventually leave her alone; but after Crouse persisted, defendant said he would handle it, and that Blackwell would not be bothering her anymore.

Blackwell came to Crouse's apartment around New Year's, which upset and shocked her. Crouse testified that after this encounter, defendant said that he would hurt Blackwell for Crouse by shooting him, and Crouse told defendant that she wanted Blackwell dead. Crouse then told Blackwell that he could come over to have sex with her, having agreed with defendant that he would shoot Blackwell when he arrived. At trial, defendant denied that there was ever an agreement for him to shoot or kill Blackwell. On 6 January 2020, Crouse told Blackwell that she was taking a nap, and that she would let him know when he could come over; when she woke up, she went to pick up defendant in Greensboro. When Crouse picked him up, defendant had a backpack and a camouflage hoodie; they proceeded to Panera Bread in Burlington, at which point defendant took the car. Crouse testified that there was a "Jason" ski mask in the car. After taking the car, defendant went to Wal-Mart for a hoodie and gloves, which defendant testified would keep him warm and help intimidate Blackwell. Defendant then proceeded to the Pines Apartments to wait for Blackwell. Defendant testified that Blackwell was known to carry firearms, and that Crouse told him on 6 January that Blackwell was "strapped."

Defendant testified that Blackwell knocked on Crouse's door, at which point defendant confronted him, telling him that he knew why he was there and that he needed to delete the pictures he had of Crouse. Defendant stated that they began to argue, Blackwell pulled out a firearm, defendant pulled out his, and they exchanged gunfire. Defendant immediately fled the scene and picked up Crouse. While driving, defendant threw the hoodie purchased from Wal-Mart out the window; Crouse also saw him cleaning a gun, but did not see it anymore after they stopped at defendant's friend's house. After dropping defendant off at his home, Crouse went to her mother's home. She testified that the "Jason" mask was missing from her car when she arrived.

At trial, Detective Kayla McNeely of the Graham Police Department, Criminal Investigations Division testified. She stated that she had officers collect a "Jason" mask at defendant's residence, as it "corroborated Ms. Crouse's series of these events." She also testified that no gun was recovered during the case. Also at trial, the jury heard testimony from Mikayala Sturdivant, who was dating Blackwell at the time of the shooting. She stated that Blackwell did not have a gun on the way to the Pines Apartments, as she had seen him get dressed.

II. Discussion

Defendant raises one issue on appeal. He contends that the trial court plainly erred by allowing presentation of evidence regarding a mask found in defendant's apartment that was both irrelevant and prejudicial. We find no error.

A. Standard of Review

We review objections unpreserved at trial, and not deemed preserved by rule or law, for plain error. N.C. R. App. P. Rule 10(a)(4). “For error to constitute plain error, a defendant must demonstrate that a fundamental error occurred at trial.” *State v. Lawrence*, 365 N.C. 506, 518 (2012) (citation omitted). “To show that an error was fundamental, a defendant must establish prejudice—that, after examination of the entire record, the error had a probable impact on the jury's finding that the defendant was guilty.” *Id.* (cleaned up). “[P]lain error is to be ‘applied cautiously and only in the exceptional case’” *Id.* (quoting *State v. Odom*, 307 N.C. 655, 660 (1983)).

B. Analysis

Evidence that tends to make a material fact more or less probable is relevant, and generally, all relevant evidence is admissible. N.C.G.S. § 8C-1, Rule 401, 402. However, “evidence may be excluded 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.” *Id.*, Rule 403.

In the case *sub judice*, the jury heard conflicting testimony regarding the purpose of defendant’s confrontation with Blackwell. Crouse contended that defendant intended to kill Blackwell, while defendant denied this, testifying that he merely sought to confront Blackwell. Thus, it was critically important for the State

to provide corroborating evidence of Crouse's story in order to support the charge of attempted first-degree murder, making the "Jason" mask, which provided some of this corroboration, relevant.

Further, we do not agree with defendant's contention that the mask was highly prejudicial, and its presentation during trial does not rise to the level of impacting the jury's finding of guilt. In the defendant's own words, he wanted to intimidate Blackwell, something that a "Jason" mask would consummately achieve. The mask cannot paint defendant in any worse light than his own words have. We also note that defendant was acquitted of the charge of attempted first-degree murder and found guilty on the lesser charge of assault with intent to kill inflicting serious bodily injury. Defendant states in his brief that "[t]he ["Jason"] mask is synonymous with murder and murderous intent in pop culture." While that may be true, it is clear the jury did not allow pop culture to influence its deliberations.

III. Conclusion

For the foregoing reasons, we find that defendant received a fair trial free of prejudicial error.

NO ERROR.

Judges WOOD and STADING concur.

Report per Rule 30(e).