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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA24-377

Filed 19 November 2024

Wilson County, Nos. 22 CRS 50803-05, 22 CRS 50862, 22 CRS 50948

STATE OF NORTH CAROLINA

v.

COREY JAMAINE DEANS

Appeal by defendant from judgment entered 3 October 2023 by Judge L. Lamont Wiggins in Wilson County Superior Court. Heard in the Court of Appeals 7 November 2024.

Attorney General Joshua H. Stein, by Assistant Attorney General Katashia L. Cooper, for the State.

The Sweet Law Firm, PLLC, by Kaelyn N. Sweet, for defendant-appellant.

PER CURIAM.

On 3 October 2023, a jury found Defendant Corey Jamaine Deans guilty of careless and reckless driving, giving fictitious information to an officer, and felony

fleeing to elude arrest with a motor vehicle, all arising from the same incident.¹

On appeal, Defendant argues the trial court erred by denying his motion to dismiss for insufficient evidence. Specifically, Defendant contends there was insufficient evidence of the perpetrator's identity.

Whether the State presented substantial evidence of the perpetrator's identity is a question of law, which we review de novo. *See State v. Davenport*, 904 S.E.2d 738, 744 (N.C. 2024). "Substantial evidence is that amount of relevant evidence necessary to persuade a rational juror to accept a conclusion." *State v. Mann*, 355 N.C. 294, 301 (2002). "If the evidence is sufficient only to raise a suspicion or conjecture as to the [] the identity of the defendant as the perpetrator [of the crime], the motion [to dismiss] should be allowed." *State v. Barnes*, 334 N.C. 67, 75 (1993) (citation omitted). If there is substantial evidence of the perpetrator's identity, then the case is submitted to the jury. *See State v. Earnhardt*, 307 N.C. 62, 66–67 (1982).

When considered in the light most favorable to the State and drawing all reasonable inferences in favor of the State, *see id.* at 67, we conclude there was substantial evidence that Defendant was the perpetrator to send the issue to the jury.

Here, on the evening of 10 March 2022, State Highway Patrol troopers conducted a traffic stop on a vehicle in Wilson. After the driver answered some

¹ The trial court consolidated these three guilty verdicts into one judgment. Additionally, the jury found Defendant guilty/responsible for failing to stop for a blue light and siren, failing to stop at a duly erected stop sign, and failing to stop for a steady red light, but the trial court arrested judgment on those three counts.

questions, he fled the scene in the vehicle, resulting in a high-speed chase. The vehicle eventually collided with a fence, and the driver escaped on foot. The vehicle was rented to Defendant, and troopers found Defendant's driver's license in the center console of the vehicle.

One of the troopers testified regarding the driver's identity. He testified that the driver wore a mask during the traffic stop, but he "got a good look" at the driver when the driver pulled down the mask. Moreover, the trooper was within arm's length of the driver and used a flashlight to illuminate the driver's face during the stop. After they found Defendant's license in the crashed vehicle, the trooper determined that the driver was also the person pictured on the license. At trial, the trooper identified Defendant (sitting in the courtroom) as the driver of the vehicle.

Additionally, Defendant testified that (1) he rented the vehicle and (2) he was late for his shift at work that evening. And a representative from the rental agency testified that Defendant never reported the vehicle as stolen.

The trooper's testimony, along with the other evidence discussed above, constituted substantial evidence of the perpetrator's identity to send the case to the jury. Once sent to the jury, it was for the jury to determine the weight to give the trooper's identification of Defendant as the driver. *See State v. Turner*, 305 N.C. 356, 362 (1982) ("As a general rule, the credibility of witnesses and the proper weight to be given their identification testimony is a matter for jury determination.").

Accordingly, Defendant received a fair trial, free of reversible error.

STATE V. DEANS

Opinion of the Court

NO ERROR.

Panel consisting of Chief Judge DILLON and Judges HAMPSON and
CARPENTER.

Report per Rule 30(e).