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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA24-891

Filed 16 April 2025

Gaston County, Nos. 18CRS000734, 18CRS051101, 18CRS051102, 18CRS701330

STATE OF NORTH CAROLINA

v.

JAMES DILLARD PROCTOR

Appeal by defendant from judgment entered 12 July 2023 by Judge David A. Phillips in Gaston County Superior Court. Heard in the Court of Appeals 18 March 2025.

Attorney General Jeff Jackson, by Assistant Attorney General Victor A. Unnone, III, for the State.

Reid Cater for defendant-appellant.

ZACHARY, Judge.

Defendant James Dillard Proctor appeals from the trial court's judgment entered upon a jury's verdicts finding him guilty of driving while impaired, possession of amphetamine, possession of methamphetamine, trafficking methamphetamine by possession, and reckless driving to endanger. On appeal, Defendant contends that the trial court abused its discretion by admitting certain expert testimony relevant to his

conviction for driving while impaired. After careful review, we conclude that Defendant received a fair trial, free from error, but remand for the limited purpose of correcting a clerical error in the prior record level worksheet and the judgment entered in file number 18CRS051102.

I. Background

On 1 October 2018, a Gaston County grand jury indicted Defendant for driving while impaired, felony possession of amphetamine, possession of methamphetamine, trafficking methamphetamine by possession, reckless driving to endanger, and driving left of center.

Defendant's case came on for jury trial on 10 July 2023 in Gaston County Superior Court. At trial, the State introduced Trooper Nathaniel Hanline of the North Carolina Highway Patrol, who testified that he responded to a call regarding a serious single-vehicle accident on 27 January 2018. Trooper Hanline described the scene of the accident, including his observation that Defendant was the sole occupant of a vehicle that had hit a tree, resulting in "[h]eavy front-end damage [to] the vehicle" and significant physical injuries to Defendant. Trooper Hanline further testified that Defendant "was speeding on a wet road"; that in his estimate, Defendant's speed at the point of impact was 70 miles per hour in a 55-miles-per-hour zone; that he discovered in the vehicle a bottle containing dozens of pills and two baggies containing "a white crystalline substance"; and that in his opinion, Defendant was "appreciably impaired" by methamphetamine at the time of the accident. At the

hospital, Trooper Hanline requested that Defendant submit to a blood draw in order to test for impairing substances and Defendant consented.

The State also introduced Kathryn Hauenstein, a forensic scientist at the State Crime Laboratory, who was accepted by the trial court as an expert in the field of forensic chemistry, specializing in the chemical analysis of controlled substances. Ms. Hauenstein testified that the pills and white crystalline substance discovered in Defendant's vehicle were determined to be amphetamines and methamphetamines.

Lastly, the State introduced Megan Deeds, a forensic toxicologist with the State Crime Laboratory, who was accepted by the trial court as an expert in the field of forensic toxicology. Ms. Deeds testified, without objection, to the effects of methamphetamine on the human body, noting that it and amphetamine were "central nervous system stimulants." On redirect examination, the State asked Ms. Deeds about the impairing effects of methamphetamine, to which defense counsel objected. The trial court overruled the objection and Ms. Deeds testified that "there is a potential for there to be an impairing effect for" methamphetamine and that "[i]t does have some general effects."

At the close of the State's evidence, defense counsel moved to dismiss two of the charges, which the trial court granted as to the charge of driving left of center. On 12 July 2023, the jury returned verdicts finding Defendant guilty of all remaining charges. The trial court then consolidated Defendant's convictions for judgment and sentenced him to a term of 70 to 93 months' imprisonment in the custody of the North

Carolina Department of Correction. The court also imposed a mandatory fine of \$50,000.00 related to Defendant's trafficking conviction. *See* N.C. Gen. Stat. § 90-95(h)(3b)(a) (2023).

Defendant timely filed notice of appeal.

II. Discussion

On appeal, Defendant argues that “the trial court improperly allowed Megan Deeds to testify outside her area of expertise when describing the impairing effects of methamphetamine.” We disagree.

A. Standard of Review

“A trial court’s decision regarding whether proffered expert testimony meets the requirements of Rule 702(a) of the North Carolina Rules of Evidence will not be reversed on appeal absent a showing of abuse of discretion.” *State v. Mason*, 286 N.C. App. 121, 124, 879 S.E.2d 324, 328 (2022) (cleaned up), *disc. review denied*, 385 N.C. 325, 890 S.E.2d 918 (2023). “A trial court may be reversed for abuse of discretion only upon a showing that its ruling was manifestly unsupported by reason and could not have been the result of a reasoned decision.” *Id.* (cleaned up).

B. Analysis

The North Carolina Rules of Evidence provide for the admission of expert testimony: “If scientific, technical or other specialized knowledge will assist the trier of fact to understand the evidence or to determine a fact in issue, a witness qualified as an expert by knowledge, skill, experience, training, or education, may testify

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thereto in the form of an opinion” N.C. Gen. Stat. § 8C-1, Rule 702(a). As our Supreme Court articulated in *State v. McGrady*, “Rule 702(a) has three main parts, and expert testimony must satisfy each to be admissible.” 368 N.C. 880, 889, 787 S.E.2d 1, 8 (2016). “First, the area of proposed testimony must be based on scientific, technical or other specialized knowledge that will assist the trier of fact to understand the evidence or to determine a fact in issue.” *Id.* (cleaned up). “Second, the witness must be qualified as an expert by knowledge, skill, experience, training, or education.” *Id.* at 889, 787 S.E.2d at 9 (cleaned up). Third, the testimony must satisfy each prong of the three-pronged reliability test: “(1) [t]he testimony must be based upon sufficient facts or data[;] (2) [t]he testimony must be the product of reliable principles and methods[; and] (3) [t]he witness must have applied the principles and methods reliably to the facts of the case.” *Id.* at 890, 787 S.E.2d at 9 (cleaned up).

“[I]t is not necessary that an expert be experienced with the identical subject matter at issue or be a specialist, licensed, or even engaged in a specific profession.” *State v. Norton*, 213 N.C. App. 75, 81, 712 S.E.2d 387, 391–92 (2011) (citation omitted). “Rather, it is enough that the expert witness because of his expertise is in a better position to have an opinion on the subject than is the trier of fact.” *Id.* at 81, 712 S.E.2d at 392 (cleaned up).

At trial, the following exchange took place:

[THE STATE:] Ms. Deeds, first of all, can -- you indicated that there could be an effect in your body of having methamphetamine in your bloodstream; is that correct, it

can affect -- would it be fair to say it could affect judgment?

[DEFENSE COUNSEL]: Objection.

[THE STATE:] If you know?

THE COURT: Overruled.

If you know you can answer.

[MS. DEEDS:] So *there is a potential for there to be an impairing effect for this type of -- for this drug, for this class of drugs*. Every person is different, so depending on the severity of what it may affect is a little -- would depend on the person. As far as to specifically say anything about judgment, I wouldn't want to quite go there. *It does have some general effects*.

(Emphases added).

Defendant argues that while Ms. “Deeds was properly permitted to testify as an expert as to her analysis of the substances in the blood samples,” she was not “better qualified than the jury to form an opinion on the subject matter of the intoxicating effects of methamphetamine on [Defendant].” Thus, Defendant contends that “[t]he trial court abused its discretion when it allowed [Ms.] Deeds to give this testimony on the potential impairing effects of methamphetamine.” Meanwhile, the State argues that “Defendant mischaracterizes the testimony Ms. Deeds gave about the intoxicating effects of methamphetamine, . . . and to the extent that she did testify about the effects of methamphetamine on the body, Ms. Deeds established that she had a base of knowledge to support her testimony.” We agree with the State.

As the State points out, “Ms. Deeds clearly refrained from giving a definitive

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opinion about whether methamphetamine impaired *Defendant's* judgment. She simply stated that methamphetamine does have some general effects on the body, a statement which Ms. Deeds was qualified to make based on her training and work experience.” (Emphasis added). Ms. Deeds also testified to the potential for impairing effects after the ingestion of methamphetamine.

The facts in this case are analogous to those that were presented to our Court in *Norton*. In that case, an expert forensic toxicologist testified at trial as to the effects of cocaine on the body. *Norton*, 213 N.C. App. at 80, 712 S.E.2d at 391. On appeal, the defendant argued that the trial court erred by admitting this testimony “because this testimony was outside of the witness’s area of expertise.” *Id.* This Court disagreed and determined that “[a]s a trained expert in forensic toxicology . . . , the witness in this case was plainly in a better position to have an opinion on the physiological effects of cocaine than the jury,” and therefore could properly testify to such. *Id.* at 81, 712 S.E.2d at 392.

Likewise, we conclude that Ms. Deeds, a trained expert in the field of forensic toxicology, could properly testify to the potential impairing effects of methamphetamine and that methamphetamine “does have some general effects.” Defendant’s contention to the contrary is overruled.

Even assuming, *arguendo*, that the admission of this testimony was erroneous, Defendant fails to show prejudice. Our General Statutes provide, in relevant part, that “[a] person commits the offense of impaired driving if he drives any vehicle upon

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any highway, any street, or any public vehicular area . . . [w]hile under the influence of an impairing substance.” N.C. Gen. Stat. § 20-138.1(a). Defendant concedes that “[t]here was evidence that [he] had amphetamine and methamphetamine in his blood stream”; however, he argues that “there was no significant evidence that [he] was impaired.”

“[E]videntiary error does not necessitate a new trial unless the erroneous admission was prejudicial.” *State v. Wilkerson*, 363 N.C. 382, 415, 683 S.E.2d 174, 194 (2009), *cert. denied*, 559 U.S. 1074, 176 L. Ed. 2d 734 (2010). “A defendant is prejudiced by evidentiary error when there is a reasonable possibility that, had the error in question not been committed, a different result would have been reached at the trial out of which the appeal arises.” *Id.* (cleaned up).

At trial, Trooper Hanline testified that Defendant was involved in a single-vehicle accident in which he was the sole occupant of a vehicle that hit a tree, resulting in “[h]eavy front-end damage [to] the vehicle” and significant physical injuries to Defendant. Defendant had been “speeding on a wet road”; Trooper Hanline estimated his speed at the point of impact to have been 70 miles per hour in a 55-miles-per-hour zone. In the vehicle, Trooper Hanline discovered a bottle containing dozens of pills and two baggies containing “a white crystalline substance,” which were determined at the State Crime Laboratory to be, respectively, amphetamines and methamphetamines.

In addition, Trooper Hanline testified to his opinion regarding Defendant’s

impairment:

[THE STATE:] . . . [I]n light of your training and experience, in the time you spent with . . . [D]efendant, . . . were you able to form an opinion satisfactory to yourself as to whether [Defendant] had consumed a sufficient quantity of some impairing substance so as to appreciably impair [his] mental and/or physical faculties?

[TROOPER HANLINE:] Yes, sir, I did.

[THE STATE:] And what's that opinion?

[TROOPER HANLINE:] It is my opinion that . . . *[D]efendant had consumed a sufficient quantity of some impairing substance such that his mental and/or physical faculties were appreciably impaired.*

[THE STATE:] Do you have an opinion as to the source of that impairment?

[TROOPER HANLINE:] Yes, sir.

[THE STATE:] And what's that opinion?

[TROOPER HANLINE:] *Methamphetamine.*

(Emphases added).

The State presented ample evidence from which a jury could reasonably find that Defendant was driving under the influence of an impairing substance. Therefore, Defendant has not shown prejudice—that is, that “a different result would have been reached at the trial” if Ms. Deeds’s testimony had not been admitted. *Id.* (citation omitted).

C. Clerical Error

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Lastly, we note a clerical error in the calculation of Defendant's prior record level. In calculating Defendant's prior record level, Defendant was assigned six points based on his prior convictions. According to our thorough review of the prior record level worksheet and the transcript from the sentencing hearing, it appears that the trial court also assessed Defendant one point each based on its findings 1) that "all the elements of the present offense are included in any prior offense whether or not the prior offenses were used in determining [the defendant's] prior record level"; and 2) that "the offense was committed while the offender was: on supervised or unsupervised probation, parole, or post-release supervision." However, the final total tallied in both the prior record level worksheet and the judgment entered in file number 18CRS051102 does not reflect these two additional points.

We recognize that this miscalculation does not affect Defendant's prior record level or the sentence that he received in this case, as he remains a Level III felony offender; nevertheless, we remand to the trial court for correction of this clerical error. *See State v. Everett*, 237 N.C. App. 35, 44, 764 S.E.2d 634, 640 (2014) ("When, on appeal, a clerical error is discovered in the trial court's judgment or order, it is appropriate to remand the case to the trial court for correction because of the importance that the record speak the truth." (citation omitted)). In light of the clerical error in the prior record level worksheet and the judgment entered in file number 18CRS051102, we remand to the trial court for the limited purpose of correcting the clerical error as indicated herein.

III. Conclusion

Accordingly, we conclude that the trial court did not abuse its discretion by admitting Ms. Deeds's testimony but remand for the limited purpose of correcting the clerical error found in Defendant's prior record level worksheet and the judgment entered in file number 18CRS051102. *Id.*

NO ERROR; REMANDED FOR CORRECTION OF A CLERICAL ERROR.

Judges STROUD and COLLINS concur.

Report per Rule 30(e).