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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA24-201

Filed 7 May 2025

Vance County, No. 19CRS051925-900

STATE OF NORTH CAROLINA

v.

PATRICK WATSON, Defendant.

Appeal by defendant from judgment entered 23 September 2022 and order entered 13 December 2022 by Judge Cindy King Sturges in Vance County Superior Court. Heard in the Court of Appeals 18 March 2025.

Attorney General Jeff Jackson, by Special Deputy Attorney General Thomas H. Moore, for the State.

Kimberly P. Hoppin for defendant-appellant.

DILLON, Chief Judge.

Defendant Patrick Watson was convicted by a jury of first-degree murder after the body of the victim, Brittany Pruitt, was found in Defendant's bed, with a single gunshot wound to the head. During trial, Defendant's defense was that the victim had committed suicide. On appeal, Defendant argues the trial court reversibly erred in denying his motion to dismiss for insufficiency of the evidence and by denying his

motion to continue his sentencing hearing. We conclude Defendant received a fair trial, free of reversible error.

I. Background

The evidence at trial tended to show as follows: Emergency responders and law enforcement arrived at Defendant's residence after receiving a 911 call on the morning of 10 June 2019 reporting a possible shooting. Responders noticed the following: Defendant was first seen coming out of the residence and appeared to have freshly showered. Inside the house, two small kids were sitting in the living room. Blood was smeared on some of the doors and door frames of the house, but Defendant did not have blood on him.

The victim was found without a radial pulse, lying on Defendant's bed, slumped towards the nightstand, with a gunshot wound on the left side of her head.

Investigators collected photographic evidence, DNA evidence, ballistic evidence, handguns, Defendant's clothing, samples of blood in the house, the victim's phone, and a black holster found on the floor near the bathroom, among other evidence. Officers did not find any bullet holes in the walls, floor or furniture.

An investigator recorded an interview with Defendant. In the interview, Defendant made these claims: The victim was his girlfriend. She had been suffering from depression due to losing custody of her oldest daughter. The previous night, they argued. After the argument, he grabbed his gun and went alone to the pond in the woods and fired 50 to 100 rounds to release some anger. The next morning, after

she tried to put her arm around him, he pushed her off and went to the bathroom. He then heard four to five gunshots. When he re-entered his bedroom, he found that the victim had shot herself. So, he called 911. While waiting for law enforcement to arrive, he washed his hands and went outside to smoke.

Three shell casings were found at the scene. Forensic examination of the ballistic evidence was thorough but produced essentially inconclusive results regarding the cause of death—whether by suicide or homicide.

The examiner who conducted an autopsy on the victim's body discovered that the victim had several bruises on her left arm, her legs, and both sides of her neck. As for the gunshot wound, the examiner stated that the wound was made from close range but not from a gun in direct contact with her head, given the soot and stippling around it. The examiner opined that the gunshot which killed the victim travelled from left to right, from the front of the head to the back, and slightly downward. In the examiner's opinion, homicide and suicide were equally likely.

The victim's mother confirmed that the victim was right-handed. Her mother also confirmed that her daughter had been experiencing depression for a while, but in her opinion, "it didn't make it to the point that she would want to kill herself." She testified that apparently her daughter and Defendant had a volatile relationship.

An acquaintance of Defendant testified that she visited Defendant sometime in 2019. During one visit, she recalled that the victim had been upset and crying and told the acquaintance that Defendant had pulled a gun on her during an argument.

A search of the victim's text messages between herself and Defendant showed explicit, derogatory messages directed at the victim from Defendant during the month of the shooting.

The victim's minor daughter had been present at the time of the shooting. A recording of her statements was played for the jury.¹ She told her interviewer, "I heard a boom sound like a gun. And first thing he know her head was shot." She saw blood on Defendant's hands. Just before the boom, she heard the victim talking "like maybe on the phone," and said it was like the victim was crying. When the child was asked directly how many loud noises she heard, she said one. The interviewer asked, "Just one?" and the child then said, "Maybe four or five."

An investigator played portions of a recorded jail phone call between Defendant and another male. Defendant told this person, "Look, when I get out, I'll tell you everything that really happened." He also said, "I'm pretty sure everybody knows I'm not telling the whole truth."

II. Analysis

On appeal, Defendant makes two arguments, which we address in turn.

¹ Defendant agreed that the testimonial hearsay statement the minor child made to an interviewer with the child advocacy center on the date of the shooting could be played for the jury. Defendant waived his right to cross-examine her.

A. Motion to Dismiss

First, Defendant argues the trial court reversibly erred by denying his motion to dismiss the charge of first-degree murder for insufficiency of the evidence. Defendant preserved his motion to dismiss at trial.

We review *de novo* the denial of a motion to dismiss for insufficiency of the evidence. *State v. Barnett*, 368 N.C. 710, 713 (2016).

To survive a motion to dismiss, there must be substantial evidence of each essential element of the crime and that the defendant is the perpetrator. *State v. Winkler*, 368 N.C. 572, 574 (2015). Substantial evidence is that which “a reasonable mind might accept as adequate to support a conclusion.” *State v. Smith*, 300 N.C. 71, 78–79 (1980). When reviewing the evidence to determine whether the evidence is sufficient to survive a motion to dismiss, it must be considered in the light most favorable to the State; and the State is entitled to every reasonable inference from the evidence. *Winkler*, 368 N.C. at 574.

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 (1978) (citations omitted). *See also* N.C.G.S. § 14-17.

Here, Defendant argues that the State failed to present sufficient evidence of the elements premeditation and deliberation. The element of premeditation requires that the defendant formed the intent to kill the victim some period of time—however short—before the killing. *State v. Weathers*, 339 N.C. 441, 451 (1994). The element

of deliberation requires that the defendant formed the intent to kill in “a cool state of blood, without legal provocation, and in furtherance of a fixed design to gratify a feeling of revenge, or to accomplish some unlawful purpose.” *State v. Corn*, 303 N.C. 293, 297 (1981) (citation and quotation marks omitted).

We conclude the evidence when viewed in the light most favorable to the State demonstrates premeditation and deliberation. The evidence shows that Defendant was angry with the victim on the night the shooting occurred, that he had previously threatened her with a gun during their relationship, that his communications towards her had become aggressive and vulgar, and that the victim’s autopsy showed signs of possible prior physical abuse. In sum, we conclude the evidence was sufficient to submit the charge of first-degree murder to the jury.

B. Motion to Delay Sentencing

Second, Defendant argues the trial court committed reversible error by denying his motion to delay his sentencing hearing until after his motion for appropriate relief was resolved.

Whether to allow a continuance is within the discretion of the trial judge. *State v. Abernathy*, 295 N.C. 147, 159 (1978). We review for abuse of discretion. *Id.*

Here, late in the afternoon on the day the jury returned its guilty verdict, the trial court granted Defendant’s first request to delay sentencing until the next day. The next morning, Defendant’s counsel announced he had filed a motion for appropriate relief, raising six issues. His counsel followed this announcement by

requesting that sentencing be delayed further until that motion could first be ruled upon. The State responded that it was unprepared to respond to the motion for appropriate relief that same day and requested to proceed with sentencing. Both parties acknowledged that entering judgment that same day would not affect Defendant's ability to have the motion for appropriate relief heard. The court proceeded with sentencing.

North Carolina General Statutes 15A-1334(a) (2022) provided that "[e]ither the defendant or the State may, upon a showing which the judge determines to be good cause, obtain a continuance of the sentencing hearing."²

Here, Defendant only argues that once judgment was entered, Defendant's transferal to a correction facility would inhibit his ability to assist his trial counsel in reviewing and discussing the evidence and preparing to litigate the pending motion for appropriate relief. We cannot say that the trial court abused its discretion in denying Defendant's request to delay sentencing.

III. Conclusion

We hold that Defendant received a fair trial free from reversible error.

NO ERROR.

Judges CARPENTER and GRIFFIN concur.

Report per Rule 30(e).

² Since the trial occurred in 2022, we refer to the statute from the same year.