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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA24-720

Filed 7 May 2025

Buncombe County, No. 21 CRS 80374

STATE OF NORTH CAROLINA

v.

RONALD LONNIE HAYNES, SR., Defendant.

Appeal by Defendant from judgment entered 16 August 2023 by Judge David H. Strickland in Buncombe County Superior Court. Heard in the Court of Appeals 18 March 2025.

Attorney General Jeff Jackson, by Special Deputy Attorney General Matthew Tulchin, for the State.

Law Office of Lisa Miles, by Lisa Miles, for Defendant-Appellant.

CARPENTER, Judge.

Ronald Lonnie Haynes, Sr. (“Defendant”) appeals from judgment entered after a jury found him guilty of first-degree murder, and the trial court sentenced him to life in prison without the possibility of parole. On appeal, Defendant argues his sentence is cruel and unusual in violation of the United States and North Carolina Constitutions. After careful review, we dismiss Defendant’s appeal because his

argument is not preserved.

I. Factual & Procedural Background

On 12 January 2021, officers with the Buncombe County Sheriff's Office arrested Defendant after investigating the fatal shooting of Sally Smeltzer. On 1 February 2021, a Buncombe County grand jury indicted Defendant for one count of first-degree murder. Defendant's case proceeded to trial on 7 August 2023 and the evidence tended to show the following.

On 12 January 2021, Smeltzer called 911 crying and said a male had a gun and that "[h]e's going to kill me." After hearing Smeltzer speak, the 911 operator heard a loud "pop" followed by a long silence and Smeltzer stopped responding to the operator's questions. The 911 operator dispatched officers to Smeltzer's address.

Deputy Eugene Ipox, with the Buncombe County Sheriff's Office, responded to the call. Upon his arrival, Deputy Ipox walked toward the residence and encountered William Howard in the driveway. Howard lived in the basement of the residence. Howard told Deputy Ipox that he heard a gunshot from within the residence.

After speaking with Howard, Deputy Ipox approached the residence and knocked. When Deputy Ipox entered the residence, he located Smeltzer, who was laying on a bed with a gunshot wound to the head. At the time of her death, Smeltzer was in the late stage of cirrhosis of the liver and her blood alcohol concentration was .30. Prior to her death, Smeltzer's health had declined to the point where she struggled to eat and walk. Defendant was Smeltzer's caregiver and brother-in-law.

While Deputy Ipox was in the residence, other officers went to the back of the residence and encountered Defendant as he was exiting the residence. Officers observed Defendant holding a drink and when asked by the officers to put the glass down, Defendant finished the drink and asked the officers for another. Defendant told officers that his sister-in-law, Smeltzer, was in the residence and that “[he] shot her.” Officers then placed Defendant in a patrol car in handcuffs. Officers testified that Defendant appeared to understand what was going on and that he was cooperative with the remainder of the investigation.

On 16 August 2023, the jury found Defendant guilty of first-degree murder. That same day, the trial court entered judgment and sentenced Defendant to life imprisonment without the possibility of parole. Defendant gave notice of appeal in open court.

II. Jurisdiction

This Court has jurisdiction under N.C. Gen. Stat. §§ 7A-27(b)(1) and 15A-1444(a)(1) (2023).

III. Issue

The sole issue is whether the trial court erred by sentencing Defendant to life imprisonment without the possibility of parole in violation of the Eighth Amendment of the United States Constitution and Article I, Section 27 of the North Carolina Constitution.

IV. Analysis

Defendant argues the trial court erred by sentencing him to life imprisonment without the possibility of parole because the sentence is cruel and unusual punishment in violation of the Eighth Amendment of the United States Constitution and Article I, Section 27 of the North Carolina Constitution.

As an initial matter, we consider whether this issue is properly preserved for our review. Defendant's argument raises a constitutional issue which will not be considered for the first time on appeal absent an objection at trial. *See State v. Wiley*, 355 N.C. 592, 615, 565 S.E.2d 22, 39 (2002) ("It is well settled that an error, even one of constitutional magnitude, that defendant does not bring to the trial court's attention is waived and will not be considered on appeal.").

To preserve an issue for appellate review, a party must make a timely objection. *See* N.C. R. App. P. 10(a)(1). The objection must state "the specific grounds for the ruling the party desired the court to make." *Id.* The party must also obtain a ruling from the trial court regarding the objection. *See id.*

Here, Defendant concedes that he did not object to his sentence or raise his constitutional argument before the trial court. Therefore, Defendant waived his constitutional argument. *See In re J.N.*, 381 N.C. 131, 133 871 S.E.2d 495, 497 (2002). Consequently, Defendant asks this Court to invoke Rule 2 of the North Carolina Rules of Appellate Procedure to address his argument and "prevent manifest injustice."

Rule 2 allows us “to consider, *in exceptional circumstances*, significant issues of importance in the public interest or to prevent injustice which appears manifest to the Court *and only in such instances*.” *State v. Campbell*, 369 N.C. 599, 603, 799 S.E.2d 600, 602 (2017) (quoting *Steingress v. Steingress*, 350 N.C. 64, 66, 511 S.E.2d 298, 299–300 (1999)) (emphasis in original). “Whether an appellant has demonstrated that his matter is the rare case meriting suspension of our appellate rules is always a discretionary determination to be made on a case-by-case basis.” *Id.* at 603, 799 S.E.2d at 603 (citations omitted).

Defendant has failed to persuade us that this is the “rare case” warranting the suspension of our appellate rules. *See id.* at 603, 799 S.E.2d at 602–03; *see also State v. Hart*, 361 N.C. 309, 316–17, 644 S.E.2d 201, 205–06 (2007). In the exercise of our discretion, we decline to invoke Rule 2. Accordingly, we dismiss Defendant’s appeal as unpreserved.

V. Conclusion

Defendant’s constitutional argument is not preserved and we decline to invoke Rule 2 to address the merits of his appeal. Accordingly, we dismiss.

DISMISSED.

Chief Judge DILLON and Judge GRIFFIN concur.

Report per Rule 30(e).