

IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA24-731

Filed 16 July 2025

Guilford County, No. 22CRS028595

STATE OF NORTH CAROLINA

v.

LAMONTE LAMOORE JACKSON

Appeal by defendant from order entered 9 November 2023 by Judge Tonia Cutchin in Guilford County Superior Court. Heard in the Court of Appeals 11 June 2025.

Appellate Defender's Office, by Appellate Defender Glenn Gerding and Assistant Appellate Defender Aaron Thomas Johnson, for the defendant-appellant.

Attorney General Jeff Jackson, by Assistant Attorney General Reginaldo E. Williams, Jr., for the State.

TYSON, Judge.

Lamonte Lamoore Jackson ("Defendant") appeals from a superior court's order requiring him to register with the North Carolina sex offender registry. We affirm.

I. Background

Defendant, then thirteen or fourteen years old, engaged in sexual acts with his younger sister, then five or six years old, and was adjudicated as delinquent for rape in the first degree by the Kent County Family Court in Dover, Delaware, in April 2008. Even though Defendant was a juvenile, he was placed on Delaware's sex

offender registry per Delaware's statutes on 30 July 2008.

Defendant subsequently moved to North Carolina and was notified in March 2022 to register with North Carolina's sex offender registry. Defendant filed a Petition for Judicial Determination of Sex Offender Registration Requirement the same month.

At the hearing, Defendant argued his juvenile adjudication from Delaware, which required registration on Delaware's sex offender registry, did not qualify as a "reportable conviction" under N.C. Gen. Stat. §§ 14-208.7 and 14-208.6(4)(b) (2023). The trial court found the crime Defendant had committed in Delaware was substantially similar to North Carolina's first-degree statutory sexual offense, N.C. Gen. Stat. § 14-27.29 (2023). The court checked the requisite substantial similarity finding box on the "Petition and Order for Judicial Determination of Sex Offender Registration Requirement" form.

The trial court also checked a finding box labeled "Other." Beside this box, the trial court found, "Defendant is also required to register in Delaware and would be required to register pursuant to N.C.G.S. 14-208.26."

Defendant filed timely notice of appeal.

II. Jurisdiction

This Court possesses jurisdiction pursuant to N.C. Gen. Stat. § 7A-27(b) (2023).

III. Issue

The issue is whether the trial court erred in finding Defendant was required to register in this state as a sex offender upon his change of residency to North Carolina for sexual offenses he committed in Delaware while a juvenile. N.C. Gen. Stat. §§ 14-208.6(4)(b) and 14-208.7(a) (2023).

A. Standard of Review

“Statutory interpretation properly begins with an examination of the plain words of the statute.” *Correll v. Div. of Soc. Servs.*, 332 N.C. 141, 144, 418 S.E.2d 232, 235 (1992) (citation omitted). “If the statutory language is clear and unambiguous, the court eschews statutory construction in favor of giving the words their plain and definite meaning.” *State v. Beck*, 359 N.C. 611, 614, 614 S.E.2d 274, 277 (2005) (citation omitted).

“The maxim *ejusdem generis* . . . is founded upon the obvious reason that if the legislative body had intended the general words to be used in their unrestricted sense the specific words would have been omitted.” *Meyer v. Walls*, 347 N.C. 97, 106, 489 S.E.2d 880, 885 (1997). “Where one of two statutes might apply to the same situation, the statute which deals more directly and specifically with the situation controls over the statute of more general applicability.” *Trustees of Rowan Tech. v. Hammond Assoc.*, 313 N.C. 230, 238, 328 S.E.2d 274, 279 (1985). Matters of statutory interpretation are reviewed *de novo*. *State v. Fritsche*, 385 N.C. 446, 449, 895 S.E.2d 347, 349 (2023).

B. Analysis

North Carolina requires an out-of-state person with a reportable conviction, who enters this state, to register as a sex offender within three business days of establishing residency or within fifteen days of being present in the State, whichever comes first. N.C. Gen. Stat. § 14-208.7(a) (2023).

N.C. Gen. Stat. § 14-208.6(4) (2023) provides a list of reportable convictions. Subsection (b) is contained in that list, and it has two parts. N.C. Gen. Stat. § 14-208.6(4)(b) (2023). Under the second part of that subsection, an out-of-state conviction is reportable if it is “a final conviction in another state of an offense that requires registration under the sex offender registration statutes *of that state*.” N.C. Gen. Stat. § 14-208.6(4)(b) (2023) (emphasis supplied).

Defendant argues his Delaware juvenile adjudication does not qualify as a final conviction and asserts a juvenile adjudication is explicitly excluded from the definition of a criminal conviction in North Carolina. *See* N.C. Gen. Stat. § 7B-2412 (2023) (“An adjudication that a juvenile is delinquent . . . shall neither be considered [a] conviction of any criminal offense nor cause the juvenile to forfeit any citizenship rights.”). Defendant asserts he would not be required to register as a sex offender if he had committed the same offense in North Carolina.

The State asserts the relevant factor for whether a “final conviction [committed] in another state” is a reportable conviction in North Carolina depends upon whether the adjudication qualifies as a reportable conviction and requires subsequent registration within the jurisdiction that issued it. N.C. Gen. Stat. § 14-

208.6(4)(b) (2023).

While Defendant’s argument and the State’s response focus more on the first part of N.C. Gen. Stat. § 14-208.6(4)(b), the second part of the statute requires Defendant to register on North Carolina’s sex offender registry.

N.C. Gen. Stat. § 14-208.6(4)(b) provides “a final conviction in another state of an offense that *requires registration under the sex offender registration statutes of that state*” is a reportable conviction in North Carolina. *Id.* (emphasis supplied). This statutory text indicates the General Assembly designated the applicable law to be the law of the jurisdiction where the offense was adjudicated. *See id.* Here, the applicable law is that of the State of Delaware.

“When the language of a statute is clear and without ambiguity, it is the duty of this Court to give effect to the plain meaning of the statute, and judicial construction of legislative intent is not required.” *Diaz v. Div. of Soc. Servs.*, 360 N.C. 384, 387, 628 S.E.2d 1, 3 (2006). The plain text of the statute directs the application of Delaware law, as the statute specifies an out-of-state offense is a reportable conviction in North Carolina if the offense required registration under the “registration statutes of *that state*.” N.C. Gen. Stat. § 14-208.6(4)(b) (2023) (emphasis supplied).

Additionally, “a statute must be considered as a whole and construed, if possible, so that none of its provisions shall be rendered useless or redundant. It is presumed [] the legislature intended each portion to be given full effect and did not

intend any provision to be mere surplusage.” *Porsh Builders, Inc. v. City of Winston-Salem*, 302 N.C. 550, 556, 276 S.E.2d 443, 447 (1981). Defendant’s asserted construction and reading of the statute fails to give effect to the second subpart of § 14-208.6(4)(b), which specifies the relevant inquiry is whether the other state where the offense occurred requires registration according to the statutes of that state. *See* N.C. Gen. Stat. § 14-208.6(4)(b) (2023).

Delaware law applies in this case. Pursuant to Delaware’s Sex Offender Management and Public Safety statutes, the term “‘conviction’” includes “adjudications of delinquency.” 11 Del. C. § 4121(a)(2) (2024) (“‘Conviction’ and ‘convicted’ shall include, in addition to their ordinary meanings, adjudications of delinquency . . .”).

Defendant claims Delaware law is unsettled on this point and its courts only sometimes consider an adjudication as a conviction, pointing to 10 Del. C. § 1002(a) (2024), which is codified in the Procedure subchapter of Delaware’s Family Court Chapter. That statute provides “no child shall be deemed a criminal by virtue of an allegation or adjudication of delinquency[.]” 10 Del. C. § 1002(a). Defendant argues it would be inappropriate to apply Delaware law without a firmer definition of “final conviction.”

Despite Defendant’s contentions, no ambiguity exists as to whether Defendant was required to register as a sex offender pursuant to Delaware law, even though he committed the offense as a juvenile. Defendant was adjudicated delinquent of first-

degree rape of a minor in Delaware pursuant to then-effective 11 Del. C. § 773(a)(6) (2008). 11 Del. C. § 4123(c)(1) (2024) specifies if a “juvenile was at least 14 years old on the date of the sex offense, and was adjudicated delinquent” of certain enumerated offenses, including 11 Del. C. § 773, “the juvenile shall be immediately registered as a sex offender as prescribed by § 4120 of this title[.]” “If the juvenile does not fit the criteria set forth in paragraph (c)(1) of this section above, the Family Court shall have the discretion to relieve the juvenile of registration and community notification requirements” if the court determines the “juvenile is not likely to pose a threat to public safety” and considers a list of statutory factors. 11 Del. C. § 4123(c)(2).

11 Del. C. § 4120(b)(1) (2024) generally requires sex offenders, as defined by § 4121(a)(4), to register, “unless pursuant to § 4123 of this title, the Family Court has not required a juvenile adjudicated delinquent of a sex offense to register.” 11 Del. C. § 4120(a) also provides “the definitions set forth in § 4121(a) of this title shall apply to this section.” Importantly, 11 Del. C. § 4121(a)(2) specifically provides “‘conviction’” shall include “adjudications of delinquency.”

Delaware’s Sex Offender Management and Public Safety statutes consider Defendant’s adjudication of delinquency to be a final conviction requiring registration. 11 Del. C. §§ 773(a)(6), 4120(a) and (b)(1), 4121(a)(2) and (a)(4), 4123(c)(1)-(2). While 10 Del. C. § 1002(a) bears on the criminal status of the delinquent, it does not speak to the status of and requirements arising from the resulting adjudication. Nothing in 10 Del. C. § 1002(a) prevents a delinquency

adjudication from being treated as a final conviction requiring sex offender registration, which 11 Del. C. § 4121(a)(2) unmistakably requires in the context of sex offender registration. “Where one of two statutes might apply to the same situation, the statute which deals more directly and specifically with the situation controls over the statute of more general applicability.” *Trustees of Rowan*, 313 N.C. at 238, 328 S.E.2d at 279.

Defendant has a “final conviction in another state,” Delaware, and “that state” required Defendant to register as a sex offender. N.C. Gen. Stat. § 14-208.6(4)(b) (2023). Defendant has a reportable conviction and was required to register as a sex offender in North Carolina pursuant to the second subpart of N.C. Gen. Stat. § 14-208.6(4)(b) (2023). Defendant’s argument is without merit and overruled.

1. State v. Melton

Defendant also contends it is inappropriate to rely upon Delaware law because our Supreme Court has rejected reliance on out-of-state frameworks that deviate materially from North Carolina’s laws. He cites *State v. Melton*, 371 N.C. 750, 758, 821 S.E.2d 424, 429 (2018), as support. In *Melton*, this Court relied upon precedents of other jurisdictions to determine whether the defendant had committed an overt act to support an attempted murder charge. *Id.* at 756-58, 821 S.E.2d at 428-29. Our Supreme Court rejected the analysis because those jurisdictions derived their law on attempted crimes from a statutory framework materially different from North Carolina’s attempt crimes. *Id.*

The present case is distinguishable from *Melton* because it involves applying a North Carolina statute, which specifically incorporates the law of other jurisdictions into our rules of decisions. The disparity between the law of North Carolina and another jurisdiction is irrelevant when our General Assembly chose to apply the law of the other jurisdiction under public safety. See N.C. Gen. Stat. § 14-208.6(4)(b) (2023).

2. Rule of Lenity

Finally, Defendant invokes the rule of lenity to argue the statute should be construed most favorably to him. The rule of lenity is only applicable to text that is ambiguous. “Our Supreme Court has declined to apply the rule of lenity to interpret a criminal statute when the statute only has one plausible reading that comports with the legislative purpose of enacting the statute.” *State v. Heavner*, 227 N.C. App. 139, 144, 741 S.E.2d 897, 902 (2013) (citations and internal quotations omitted).

“The rule of lenity is reserved for cases where, after seizing everything from which aid can be derived, the Court is left with an ambiguous statute.” *In re Pellicciotti*, 285 N.C. App. 451, 459, 878 S.E.2d 155, 162 (2022) (quotations omitted). Clarity and principles of statutory interpretation overwhelmingly support no ambiguity is present in N.C. Gen. Stat. § 14-208.6(4) (2023). The rule of lenity is inapplicable to this case. *Id.*

IV. Conclusion

The text of N.C. Gen. Stat. § 14-208.7(a) requires an individual “who is a State

STATE V. JACKSON

Opinion of the Court

resident and who has a reportable conviction” to register as a sex offender. N.C. Gen. Stat. § 14-208.6(4) provides a list of reportable convictions, and the second part of subsection (b) requires Defendant to register on the sex offender registry in North Carolina. N.C. Gen. Stat. § 14-208.6(4)(b) (2023). *See* N.C. Gen. Stat. § 14-208.7(a) (2023); 11 Del. C. §§ 773(a)(6), 4120(a) and (b)(1), 4121(a)(2) and (a)(4), 4123(c)(1)-(2). Defendant’s argument is without merit. We affirm the trial court’s order requiring Defendant to register as an adult sex offender. *It is so ordered.*

AFFIRMED.

Judges ZACHARY and COLLINS concur.