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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA25-11

Filed 19 August 2026

Vance County, Nos. 13CR052640-900, 13CR052641-900, 13CR052642-900,
13CR052643-900

STATE OF NORTH CAROLINA

v.

DWAYNE G. DAVIS

Appeal by defendant from order entered 13 September 2024 by Judge Josephine Kerr-Davis in Vance County Superior Court. Heard in the Court of Appeals 23 September 2025.

Attorney General Jeff Jackson, by Special Deputy Attorney General Benjamin O. Zellinger and Assistant Attorney General Eric J. Meehan, for the State.

Arnold & Smith, PLLC, by Paul A. Tharp, for defendant.

FREEMAN, Judge.

Defendant appeals from the trial court's order denying his motion for appropriate relief. On appeal, defendant argues that the trial court should have granted his motion for appropriate relief because his previous motion to suppress was erroneously denied. Defendant also argues that the trial court erred in concluding

that defendant's conviction for first-degree robbery in New Jersey was substantially similar to the North Carolina statute for robbery with firearms or other dangerous weapons. After careful review, we affirm.

I. Factual and Procedural Background

The evidence presented at trial tended to show the following. Around 18 September 2013, Trikiya Whiteside, Corey Brown, Whitney Kornegay, and defendant stayed at defendant's grandmother's home. Defendant and Kornegay made a trip to New Jersey and returned on 20 September 2013. On that day, they entered the grandmother's home with defendant carrying a duffel bag.

Later, Whiteside noticed the open duffel bag and a white powdery substance on the counter and told Brown, "I'm leaving, I can't be around this. I have kids, it's too much going on." Defendant responded, "you're not going anywhere," and smacked Whiteside in the face. Whiteside protested, and defendant smacked her several more times. After defendant told Whiteside to leave the house, she left with her belongings and called 911.

An officer with the Henderson Police Department (Officer) responded and observed that Whiteside looked injured "as though she had just been in a fight." Whiteside told the Officer that her injuries were caused by defendant.

Additional officers arrived and knocked on the door of defendant's grandmother's home. Defendant's uncle, who lived there, consented for the officers to enter the home. By the time law enforcement entered the home, defendant was

STATE V. DAVIS

Opinion of the Court

gone. In the home, officers found evidence of heroin, drug paraphernalia, and two firearms—one of which had the serial number scratched off. The Officer contacted the drug unit to conduct further investigation.

During the investigation, an anonymous caller reported that defendant was walking into a house around the corner. The officers located defendant and Brown. A Sergeant (Sergeant) arrested defendant and Brown, putting them in the back of his patrol car.

The Sergeant drove back to defendant's grandmother's house to see what had been found. Emergency responders also arrived and assisted defendant's grandmother who was having a "medical event." From within the patrol car, defendant saw his grandmother being treated by medical professionals.

Once notified that drugs had been discovered in the home, the Sergeant transported defendant, Brown, and Kornegay to the Henderson Police Department for further investigation. Defendant was placed in a separate room to be interviewed. During the interview, defendant stated that everything found at defendant's grandmother's house was his and that Brown and Kornegay had nothing to do with the items found in the home. Defendant wrote and signed the following statement:

I, Dwayne Davis, hereby acknowledge under oath that Whitney Kornegay and Corey Brown had no knowledge or understanding of what was recovered from my grandparents residence. I, Dwayne Davis take full responsibility for what was found in the house. I am stating this statement in front of . . . Detective Morris and Detective Collier. Thank you very much. Signed, Dwayne

STATE V. DAVIS

Opinion of the Court

Davis.

The Sergeant asked defendant to specifically list the items he was taking responsibility for, and defendant added at the bottom of his statement, “The paraphernalia the 50 grams heroin and 2gunz where mine.” Following defendant’s confession, Brown and Kornegay were released from custody.

On 21 April 2014, defendant was indicted for trafficking in opium or heroin, possession of a firearm by felon, and possessing a firearm with an altered serial number.

On 11 December 2015, defendant filed a motion to suppress all evidence seized as result of the search of defendant’s grandmother’s home, which the trial court denied on 13 January 2016.

On 11 December 2018, defendant filed a motion to suppress his statements made to the Sergeant on the grounds of denying a speedy trial and due process violations.

Before the trial began, and outside the presence of the jury, there was a pre-trial hearing on the motion to suppress. During the hearing, defendant argued that the statement should be suppressed because the Sergeant “coerced” defendant into making the statement by threatening to arrest his grandmother if he did not confess to the crime.

At the hearing, the Sergeant testified that no promises were made with respect to arresting defendant’s grandmother unless defendant took responsibility for the

STATE V. DAVIS

Opinion of the Court

drugs and firearms found inside the home. The Sergeant stated that he advised defendant of his *Miranda* rights and that defendant signed a written release form waiving those rights before he made his confession. The Sergeant also testified that defendant's demeanor was laid back and calm and at no point did defendant ask about his grandmother when he was making his statement.

On 20 February 2019, the trial court orally denied the motion to suppress and entered the written order on 25 February 2019.

The trial then commenced; defendant was not present. On 27 February 2019, the jury found defendant guilty of trafficking heroin, possession of a firearm by felon, and possession of a firearm with an altered serial number.

On 11 July 2019, the trial court held a sentencing hearing at which defendant was not present. The State presented a record showing defendant's New Jersey conviction for first-degree armed robbery to the trial court and argued that this New Jersey conviction would make the defendant "a Level 3 for sentencing purposes on the conviction for his possession of firearm by a felon and possession of a gun with an altered serial number." The trial court agreed and sentenced defendant as a prior record level 3 having received six points from the prior New Jersey conviction. Defendant was sentenced to consecutive sentences: 225–282 months' imprisonment for trafficking, opium or heroin; 17–30 months' imprisonment for possession of firearm by felon; and 10–21 months' imprisonment for possession of a firearm with an altered serial number.

Defendant filed a motion for appropriate relief on 18 July 2019, seeking to vacate the judgment and dismiss the case. Defendant then filed an amended motion for appropriate relief on 27 January 2021 arguing, as relevant here, that the trial court erred in declining to suppress his written statement. The trial court heard the motion on 14 February 2022 and denied the motion by order filed on 8 February 2023.

Defendant appealed on 17 February 2023. On appeal, defendant argued “the trial court erred by (A) denying his motion for appropriate relief because he received ineffective assistance of counsel, and his motion to suppress should have been granted; and (B) concluding a New Jersey robbery offense was substantially similar to the North Carolina robbery offense.” In an unpublished opinion, this Court affirmed the trial court’s order in part, concluding that defendant did not receive ineffective assistance of counsel. We reversed in part and remanded for the trial court to consider whether the 2018 motion to suppress was properly denied, for resentencing, and to determine whether the New Jersey and North Carolina statutes were sufficiently similar, with instructions for the State to provide the trial court with a copy of the New Jersey statute. *State v. Davis*, No. COA23-557, 292 N.C. App. 550, 2024 WL 687037 (2024) (unpublished).

On 30 July 2024, the trial court reconsidered the motion to suppress. Defendant testified that during the interview, the Sergeant asked him, “Well, who’s going to take these drugs?” Defendant stated that he had “nothing to do with the drugs.” Defendant testified that the Sergeant told him that if he did not take

responsibility for the drugs, then the Sergeant would “go back and arrest everybody in the house,” which included defendant’s grandmother and uncle. Defendant testified that he said, “I’ll just take responsibility for it because I’m not going to let my grandmother . . . be arrested.” Defendant then wrote a statement taking “responsibility for everything in the house.” Defendant testified that the Sergeant left the room, came back, and told defendant to add what he was taking responsibility for, and specifically told defendant to add “fifty grams, two guns, and paraphernalia.” Defendant testified that he was read his *Miranda* rights only after writing the statement.

The State presented a copy of the New Jersey armed robbery statute to the trial court. On 3 September 2024, the trial court entered its written order denying the motion to reconsider out-of-state conviction, concluding that New Jersey’s armed robbery statute and North Carolina’s armed robbery statute were “substantially similar,” and entered an amended judgment consolidating the sentences on defendant’s two firearm convictions. In another order entered on 13 September 2024, the trial court denied defendant’s motion to suppress and motion for appropriate relief. Defendant timely appealed.

II. Jurisdiction

This Court has jurisdiction to review “any final judgment of a superior court, other than one based on a plea of *nolo contendere*” N.C.G.S. § 7A-27(b)(1) (2025).

III. Standard of Review

When reviewing the denial of a motion to suppress we consider whether competent evidence supports the trial court's findings of fact and whether those findings of fact support conclusions of law. *State v. Highsmith*, 285 N.C. App. 198, 205 (2022). "Findings of fact are upheld if supported by competent evidence, and conclusions of law are reviewed de novo." *Id.* "The court's findings are conclusive on appeal if supported by competent evidence, even if the evidence is conflicting." *State v. Wiles*, 270 N.C. App. 592, 595 (2020). We review motions for appropriate relief under the same standard. *See State v. Lutz*, 177 N.C. App. 140, 142 (2006).

Determining whether an out-of-state offense is substantially similar to a North Carolina offense is a question of law, which we review de novo. *See State v. Fortney*, 201 N.C. App. 662, 669 (2010).

IV. Discussion

Defendant argues that the trial court erred by (1) denying his motion for appropriate relief and (2) determining that the New Jersey statute for first-degree robbery was substantially similar to the North Carolina statute for robbery with firearms or other dangerous weapons. We address each argument in turn.

A. Motion for Appropriate Relief

Defendant argues the trial court erred by denying his motion for appropriate relief because his confession statement was involuntary. Specifically, defendant argues that certain findings of fact are unsupported by competent evidence and do not support the conclusions of law.

1. Defendant's Confession

Defendant argues that the trial court erred in concluding that his confession was voluntary because (1) certain findings of fact contain conflicting evidence—specifically circumstances surrounding defendant's confession and when he was advised of his *Miranda* rights and signed his waiver—and (2) the trial court misstated and applied the incorrect legal standard when assessing the voluntariness of his confession.

a. Voluntariness

The Fifth Amendment of the United States Constitution, applied to the States through the Due Process Clause of the Fourteenth Amendment, provides a criminal defendant with the right against self-incrimination. U.S. Const. amend. V. The constitutional right against self-incrimination requires a criminal defendant's confessions to be made voluntarily. *See Malloy v. Hogan*, 378 U.S. 1, 7 (1964).

“At common law a confession obtained through inducements, promises, or threats of violence lacked the presumption of reliability ordinarily afforded such statements, and therefore, was not admissible at trial.” *State v. Johnson*, 371 N.C. 870, 873 (2018).

Whether statements are voluntary is analyzed under “the totality of the circumstances.” *State v. Payne*, 327 N.C. 194, 209 (1990). Our Supreme Court has explained:

If, looking to the totality of the circumstances, the

STATE V. DAVIS

Opinion of the Court

confession is the product of an essentially free and unconstrained choice by its maker, then he has willed to confess and it may be used against him; where, however his will has been overborne and his capacity for self-determination critically impaired, the use of his confession offends due process.

Johnson, 371 N.C. at 874 (cleaned up). Because the custodial interrogation of a criminal suspect without proper safeguards “contains inherently compelling pressures,” *Miranda v. Ariz.*, 384 U.S. 436, 467 (1966), suspects must first be read their *Miranda* rights as “a threshold requirement for admissibility of such statements when made as a result of custodial interrogation,” *Johnson*, 371 N.C. at 873–74. When a defendant who has been read his *Miranda* rights claims that his confession was involuntary, the court must determine “whether, under the totality of the circumstances, the warnings so given could function effectively to apprise the suspect that he had a real choice to either give an admissible statement or stop talking.” *Id.* at 876. In the trial court’s review of the totality of the circumstances, it should consider:

(1) circumstances under which the interrogation was conducted, for example the location, the presence or absence of restraints, and the suspect’s opportunity to communicate with family or an attorney; (2) treatment of the suspect, for example . . . the use of actual physical violence or psychologically strenuous interrogation tactics; (3) appearance and demeanor of the officers, for example . . . whether they used raised voices or made shows of violence; (4) statements made by the officers, including threats or promises or attempts to coerce a confession through trickery or deception; and (5) characteristics of the defendant himself, including . . . demeanor during

questioning.

Id. at 878–79. None of these factors standing alone is dispositive. *Id.* at 879.

If there are material conflicts within the evidence presented—“one[s] that potentially affect[] the outcome of the suppression motion”—the court must resolve these conflicts by written order consisting of “explicit factual findings that show the basis for the trial court’s ruling.” *State v. Bartlett*, 368 N.C. 309, 312 (2015).

Here, defendant contends that his confession was involuntary and should have been suppressed, asserting that “mental or psychological pressure applied against him during and shortly after his arrest overcame his will,” causing him to sign the *Miranda* waiver and provide a written confession stating that everything found within his grandmother’s home was his.

Defendant challenges findings of fact 41, 47, 49, and 51, which relate to the circumstances surrounding defendant’s confession. Finding 41 states that defendant was taken to his grandmother’s house to determine what was found at the scene and what charges were appropriate. Findings 47 and 49 state that defendant was transported to the police station, where he waived his *Miranda* rights, appeared laid back and calm, and gave both oral and written confessions to the Sergeant stating that everything found at his grandmother’s house belonged to him. As stated in finding 51, when asked to clarify the statement, the Sergeant was unaware of the precise weight of the alleged drugs found in the home.

STATE V. DAVIS

Opinion of the Court

Defendant contends these findings reflect material conflicts in evidence and maintains that he was taken to his grandmother's house because the Sergeant wanted him to see that she was in medical distress and threatened to arrest her unless defendant accepted responsibility for the items found there. He further asserts that his *Miranda* rights were read only after he confessed and that the Sergeant dictated the content of the written statement.

However, competent evidence supports the trial court's findings. The Sergeant testified at both the suppression hearing and trial that defendant was calm and laid back during the interrogation, *Miranda* warnings were administered before defendant's confession, and defendant signed a written waiver before confessing. He further testified that no promises were made regarding arresting defendant's grandmother and uncle, or letting defendant's girlfriend and cousin go if defendant took responsibility for the drugs and firearms found inside the home. Another officer's investigation report corroborates that defendant received and signed the *Miranda* waiver prior to questioning. Moreover, at the new trial hearing for the motion to suppress, defendant acknowledged that the signature on the waiver was his.

These factual findings support the trial court's conclusion that defendant's confession was voluntary and not coerced. Though defendant maintains that officers coerced him into confessing by threatening to arrest his uncle and his grandmother, "it is not duress to threaten to do what one has a legal right to do." *State v. Paschal*,

35 N.C. App. 239, 241 (1978). Officers had lawful authority to arrest either individual because drugs were found in their home.

Therefore, under the totality of the circumstances, the trial court did not err by concluding defendant's confession was voluntary.

b. Misstatement of the Legal Standard

Defendant challenges conclusion of law 57, which states:

There is no evidence that the Defendant was promised or [threatened] in any manner to create a hope or fear that would result in a coerced confession, there must be a showing that "... all the evidence tends to show that ... [the defendant's] confession is the product of hope or fear generated by such promises or threats will a confession be ruled involuntary[.]" State v. Payne, 327 N.C. 194, 209, 394 S.E.2d 158, 166 (1990)[.]

In this conclusion of law, the trial court listed the standard as "all the evidence tends to show." However, as explained above, the voluntariness of a defendant's confession should be evaluated by the totality of the circumstances. *See Payne*, 327 N.C. at 209; *Johnson*, 371 N.C. at 874. Therefore, the trial court articulated the incorrect standard in conclusion of law 57.

However, the trial court's analysis was based on whether defendant's confession was voluntary under the totality of the circumstances, and not whether "all" evidence must show that the confession was the product of bad promises or threats. The trial court's conclusion focused on whether the threat to arrest a family member was improper coercion. It considered defendant's purported coercion and

found no improper coercion.

Additionally, during the hearing, the trial court stated in its entry order that “[i]n considering that previous motion [to suppress] that was before the Court, *the totality of the circumstances*, the evidence and the arguments and the case law submitted to the Court on this day . . . this court does not find sufficient evidence to show that the statements . . . provided to law-enforcement officers were coerced in any manner.” (emphasis added). Therefore, despite conclusion of law 57 stating the wrong standard, the trial court’s analysis considered the totality of the circumstances.

2. Recitations of Testimony

Defendant also maintains that findings of fact 28–34 are merely recitations of testimony that materially conflict with his own evidence and asserts that the trial court did not “determine credibility or weigh and resolve conflicts in the evidence.”

These findings provide:

28. The days prior to September 20, 2013, the couples stayed together at 1319 Lehman Street, except for a trip that Ms. Kornegay and the Defendant took to New Jersey.

29. On the morning of September 20, 2013, when the Defendant and Ms. Kornegay returned to 1319 Lehman Street, Ms. Whiteside indicated that she opened the door and noticed that the Defendant was carrying a duffel bag.

30. Ms. Whiteside *indicated* that she and Ms. Korengay were sitting in the car when the Defendant came outside and asked Ms. Kornegay if she was going through his phone, the Defendant then smacked Ms. Kornegay in the face.

STATE V. DAVIS

Opinion of the Court

31. Ms. Whiteside went into the home and noticed the open duffel and noticed a white powdery substance on the counter, which she believed was cocaine.

32. Ms. Whiteside *indicated* that white substance was not in the house prior to the Defendant's trip from New Jersey.

33. Ms. Whiteside saw the Defendant and Mr. Brown chopping what appeared to be a white-like substance.

34. Ms. Whiteside expressed her discomfort and told Mr. Brown that she “couldn't be around this...I have kids, it's too much going on.” The Defendant then said to Ms. Whiteside, “you’re not going anywhere, where do you think you’re going?” Ms. Whiteside responded, “I’m grown, I can go where I want and I’m not staying here, I’m going home. The Defendant then hit Ms. Whiteside with his fist. Ms. Whiteside *indicated* that she fell back, and the Defendant continued to hit her until she could no longer feel her face.

(emphasis added). Recitations of testimony occur when a trial court merely describes a witness’ testimony or other evidence presented at trial to explain what the evidence tended to show, rather than making an independent factual determination. *See Shomette ex rel. T.N. v. Needham*, 298 N.C. App. 400, 406 (2025). “Although . . . recitations of testimony may properly be included in an order denying suppression, they cannot substitute for findings of fact resolving material conflicts.” *State v. Lang*, 309 N.C. 512, 520 (1983). Such recitations are not findings of fact unless the trial court makes an explicit credibility determination or otherwise indicates whether it deemed the relevant portion of the testimony credible. *Shomette*, N.C. App. at 406.

The following are recitations of testimony because they state what the witness tended to show or “indicated” to the trial court rather than the trial court’s

independent factual determination: finding 30; finding 32; the portion of finding 29 stating, “Ms. Whiteside indicated that she opened the door and noticed that the Defendant was carrying a duffel bag”; and the portion of finding 34 stating, “Ms. Whiteside indicated that she fell back, and the defendant continued to hit her until she could no longer feel her face.”

However, the remaining findings and remaining portions of findings 29 and 34 are not recitations of testimony. They show the trial court’s determination based on the evidence before it that: defendant and Kornegay stayed at the residence prior to the day of the incident; Whiteside saw the duffel bag and white powdery substance on the counter in defendant’s grandmother’s home; she saw defendant chopping up the white-like substance; and defendant struck Whiteside when she attempted to leave. These findings are supported by competent evidence including Whiteside’s statements in the Officer’s report, her testimony, defendant’s own affidavit, and defendant’s admission that he struck Whiteside.

Therefore, the findings of fact that are not recitations—portions of findings 29 and 34 and findings 28, 31, 33, and 34—are binding on appeal.

3. Conclusions of Law

As discussed above, the trial court’s findings of fact—supported by competent evidence—support the conclusions that: the court applied the totality of the circumstances test when assessing the voluntariness of defendant’s statement; no evidence showed that any promise, threat, hope, or fear influenced defendant when

he wrote his confession and signed the *Miranda* waiver; and defendant's confession was voluntary.

Thus, we hold that the trial court's findings of fact are supported by competent evidence and the trial court's conclusions of law are supported by sufficient findings of fact. Accordingly, the trial court did not err in denying defendant's motion for appropriate relief.

B. North Carolina and New Jersey Statutes

Defendant next argues that the assignment of "conviction points in his sentencing based on a New Jersey conviction" was in error because the "finding or conclusion that the State showed by a preponderance of the evidence that the statutes were similar was not supported by competent evidence."

When calculating a defendant's prior record level for sentencing purposes, "a trial court must determine whether the statute under which a defendant was convicted in another state is substantially similar to a statute of a particular felony in North Carolina." *State v. Graham*, 379 N.C. 75, 79 (2021).

Section 15A-1340.14 of the North Carolina General Statutes states in pertinent part:

If the State proves by the preponderance of the evidence that an offense classified as . . . a felony in the other jurisdiction is substantially similar to an offense in North Carolina that is classified as a Class I felony or higher, the conviction is treated as that class of felony for assigning prior record level points.

N.C.G.S. § 15A-1340.14(e) (2025). This does not require “that the statutory wording precisely match, but rather that the offense be ‘substantially similar.’” *Graham*, 379 N.C. at 80 (quoting *State v. Sapp*, 190 N.C. App. 698 (2008)). Even if the statutes do not contain all the same provisions, the court cannot ignore the “obvious essential pertinent parallels” between the two statutes that “would withhold a recognition that the two statutes are substantially similar.” *Id.* at 82–83.

To determine whether an out-of-state conviction is substantially similar to a North Carolina offense, courts compare “the elements of a defendant’s prior convictions under the statutes of foreign jurisdictions with the elements of crimes under [North Carolina] statutes.” *State v. Hanton*, 175 N.C. App. 250, 254 (2006) (alteration in original). The State may “establish the elements of an out-of-state offense by providing ‘evidence of the statute of such state.’” *State v. Sanders*, 367 N.C. 716, 718 (2014) (quoting *State v. Rich*, 130 N.C. App. 113, 117 (1988)). If the “evidence of the applicable law is not presented to the trial court, the party seeking a determination of substantial similarity has failed to meet its burden of establishing substantial similarity by a preponderance of the evidence.” *Id.* (citing *State v. Burgess*, 216 N.C. App. 54, 57–58 (2011)).

In *State v. Graham*, our Supreme Court compared Georgia’s statutory rape statute with North Carolina’s Class B1 statutory rape statute to calculate defendant’s prior record level sentencing. 379 N.C. 75, 78–80 (2021). The Court parsed the Georgia statute into its elements—sexual intercourse with a person under sixteen

who is not the defendant's spouse—and then compared those elements to North Carolina's requirement of vaginal intercourse with a person fifteen or younger who is not the defendant's spouse, with specified age-difference thresholds. *Id.* Although the statutes differ in age-difference gradations and the precise age cutoff, both statutes criminalized the same conduct: intercourse with a minor below the age of consent who was not married to the defendant, using “nearly identical language” to define the prohibited act. *Id.* at 80–81. Because a defendant who is convicted under the North Carolina statute necessarily would have satisfied the elements of the Georgia statute, we held that the statutes were substantially similar. *Id.* at 80–81, 85.

However, in *State v. Hogan*, we declined to find substantial similarity. 234 N.C. App. 218 (2014). There, we compared New Jersey's third-degree theft statute with North Carolina's misdemeanor larceny statute to determine whether the out-of-state conviction should reduce the defendant's prior record classification. *Id.* at 229–31. The New Jersey statute could be violated in multiple ways, including: theft from the person, theft of firearms, theft by threat, theft of research materials, and other categories. *Id.* at 229–30. Many of these contain elements that were not included in North Carolina's misdemeanor larceny statute, which only required the taking and carrying away of property “valued less than \$1,000 with the intent to permanently deprive the rightful owner of it. . . .” *Id.* at 230. Because the New Jersey statute encompassed a significant amount of conduct that would not be considered

misdemeanor larceny in North Carolina, the two statutes were not substantially similar for sentencing purposes. *Id.* at 230–31.

Here, as it appeared at the date of defendant’s conviction, Section 2C:15-1 of the New Jersey Statutes Annotated provided:

a. Robbery defined. A person is guilty of robbery if, in the course of committing a theft, he:

(1) Inflicts bodily injury or uses force upon another; or

(2) Threatens another with or purposely puts him in fear of immediate bodily injury; or

(3) Commits or threatens immediately to commit any crime of the first or second degree.

b. Grading. Robbery is a crime of the second degree, except that it is a crime of the first degree if in the course of committing the theft the actor attempts to kill anyone, or purposely inflicts or attempts to inflict serious bodily injury, or is armed with, or uses or threatens the immediate use of a deadly weapon.

N.J. Stat. Ann. § 2C:15-1 (2000).

Comparably, as it appeared at the date of sentencing, section 14-87(a) of our General Statutes provided:

Any person who, having in possession or with the use or threatened use of any firearms or other dangerous weapon, implement or means, whereby the life of a person is endangered or threatened, unlawfully takes or attempts to take personal property from another or from any place of business, residence or banking institution or any other place where there is a person or persons in the commission of such crime, shall be guilty of a Class D felony.

N.C.G.S. § 14-87 (2019).

Defendant was convicted of first-degree robbery in New Jersey. In New Jersey, a conviction for first-degree robbery requires that the defendant commits robbery while he attempts to kill, inflicts or attempts to inflict serious bodily injury, or is armed with, or uses and threatens to use a deadly weapon. N.J. Stat. Ann. § 2C:15-1. In North Carolina, a conviction for armed robbery requires that the defendant commit a robbery through the use of threatened use of a dangerous weapon, thereby endangering the life of a person. *State v. Williams*, 319 N.C. 73, 79 (1987).

Though the above statutory language does not “precisely match,” there are “obviously essential pertinent parallels” that make the two statutes substantially similar for sentencing purposes. *See Graham*, 379 N.C. at 82. Both statutes treat armed robbery as theft accomplished through the possession, use, or threatened use of a deadly or dangerous weapon that endangers life. The only difference is that in New Jersey someone may be convicted of robbery if, during the robbery, they attempt to kill, attempt to inflict serious injury, or purposely inflict serious injury without use or threatened use of a deadly weapon. Like *Graham*, if the North Carolina elements of armed robbery are satisfied, then it is necessarily within the meaning of the New Jersey statute.

Accordingly, the trial court did not err when it concluded that New Jersey’s robbery statute and North Carolina’s robbery with firearms or other dangerous weapons statute were substantially similar.

V. Conclusion

STATE V. DAVIS

Opinion of the Court

We conclude that the trial court properly denied defendant's motion for appropriate relief because competent evidence supported its findings that defendant's confession statement was voluntary. The trial court also properly held that New Jersey's robbery statute and North Carolina's robbery with firearms or other dangerous weapons statute were substantially similar for sentencing purposes. For the foregoing reasons, we affirm the trial court's orders.

AFFIRMED.

Judges GORE and FLOOD concur.

Report per Rule 30(e).