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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA25-983

Filed 16 September 2026

Wake County, No. 21CR204429-910

STATE OF NORTH CAROLINA

v.

QUAMELL SAUNDERS, Defendant.

Appeal by defendant from judgments entered 9 January 2025 and 10 January 2025 by Judge Bryan Collins in Wake County Superior Court. Heard in the Court of Appeals 27 August 2026.

Attorney General Jeff Jackson, by Deputy Solicitor General James W. Doggett, for the State.

Joseph P. Lattimore for defendant-appellant.

GORE, Judge.

Defendant Quamell Saunders appeals from judgments entered after a jury found him guilty of second-degree forcible sexual offense and first-degree kidnapping. The trial court arrested judgment on first-degree kidnapping and entered judgment for second-degree kidnapping. On appeal, defendant argues the trial court erred by admitting the non-testifying complainant's statements to two hospital providers

under the hearsay exception for medical diagnosis or treatment; that admission of the same statements violated the Confrontation Clause; and that the court erred by refusing to instruct the jury on false imprisonment as a lesser-included offense of kidnapping.

We conclude the hospital statements were admissible under Rule 803(4) and, assuming their admission violated the Confrontation Clause, any constitutional error was harmless beyond a reasonable doubt. We further conclude that, although the evidence supported defendant's requested false-imprisonment instruction, he has not demonstrated a reasonable possibility that the omission affected the verdict. Accordingly, we discern no prejudicial error.

I. Factual and Procedural Background

On 7 February 2022, a Wake County grand jury returned a superseding indictment charging defendant Quamell Saunders with first-degree forcible sexual offense and first-degree kidnapping. The matter came on for trial beginning 6 January 2025 in Wake County Superior Court.

DR was seventy-eight years old at the time of trial and had experienced homelessness, schizophrenia, and cirrhosis. DR did not testify. Authorities had difficulty communicating with her, and she was described as "mentally unwell" during her last conversation with law-enforcement and prosecutorial personnel.

The State's evidence tended to show that, during the early morning of 20 March 2021, DR was seated at a bus stop outside a Walmart on New Bern Avenue in

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Raleigh. Surveillance footage showed a man approach DR, grab her by the arm, and drag her by her upper body from the bus stop toward a wooded area while her lower body remained on the ground. An officer who investigated the scene observed two drag marks extending from the sidewalk through the mulch and into the bushes.

After the incident, DR asked a bus driver to call 911. Paramedics found her at the bus stop with dirt in her hair and mulch on her clothing. Although DR was calm, alert, and oriented, she complained of chest and rectal pain. DR told one paramedic that she had been dragged into the bushes and “anally raped.” She made substantially the same statement to a second paramedic. Defendant objected to this testimony at trial, but he does not challenge its admission on appeal.

DR was transported to the emergency department at WakeMed, where she was seen by Nurse Lindsay Fussell and Dr. Miha Lucas. An emergency-department record entered at approximately 8:04 a.m. documented that DR reported an assault and chest pain. Dr. Lucas developed a plan to monitor her chest discomfort, shortness of breath, and possible arrhythmia.

Fussell testified that she was a member of DR’s treatment team but was also responsible for collecting a sexual-assault evidence kit. Fussell explained that, after a patient reports a sexual assault, she and the physician obtain the patient’s account before following the remaining steps of the evidence-collection process. During that process, DR stated that a man had dragged her into the bushes near the bus stop and “anally penetrated her against her will.”

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Fussell testified that knowing the cause and onset of a patient's symptoms could affect the treatment provided. When asked specifically about penetration, however, she testified that the type of penetration determined which swabs were collected, but she did not believe the existence of penetration otherwise changed the patient's medical treatment. Fussell collected rectal and other swabs, took pubic combings, and photographed DR and abrasions on her buttocks. The resulting sexual-assault documentation identified the Raleigh Police Department and its case number, and DR was photographed with a placard containing that information.

Dr. Lucas testified that obtaining a patient's history, including the events causing the reported symptoms, helped him determine the appropriate examination and treatment. DR told Lucas that a man dragged her by her left arm into the bushes, placed her on her abdomen, and penetrated her anus with his penis. Lucas observed abrasions on DR's hips and buttocks but no injury to her rectal area. DR received cardiac monitoring, blood testing, antibiotics intended to prevent sexually transmitted infection, and a tetanus vaccination. After the physical examination, Lucas, Fussell, and DR discussed whether DR wanted them to collect a rape kit, and DR signed a separate consent form for that collection. The records indicate that the evidence-collection process continued after 11:00 a.m.

Defendant objected to the admission of DR's statements to Fussell and Lucas, and to the portions of the medical records documenting those statements, on hearsay and Confrontation Clause grounds. The trial court overruled the objections after

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determining that the statements were made for purposes of medical diagnosis or treatment and were nontestimonial.

A forensic scientist subsequently analyzed the rectal swab collected from DR. The scientist obtained a single-source DNA profile and concluded that the profile was approximately 1.58 nonillion times more likely to have originated from defendant than from an unknown, unrelated person.

Defendant testified in his own defense. He stated that he had known DR for approximately six months and that they had used crack cocaine and engaged in consensual sex without a condom at a motel during the night preceding the incident. When defendant awoke, DR was gone, and \$350 from a recently cashed stimulus check was missing. Defendant believed DR had taken the money.

Defendant encountered DR at the Walmart bus stop later that morning and confronted her about the missing money. Defendant admitted that he grabbed DR, handled her roughly, and dragged her into the bushes while she kicked and fought against him. According to defendant, his purpose was to search DR for the \$350 and take the money back if he found it. Defendant did not find the money and denied engaging in any sexual activity with DR at the bus stop.

During the charge conference, defendant requested an instruction on false imprisonment as a lesser-included offense of kidnapping. The State opposed the request, arguing that defendant's own testimony established that he dragged DR into the bushes to facilitate a common-law robbery. Defendant responded that the

evidence did not establish an intent to deprive DR permanently of the money. The trial court denied the request and instructed the jury on first- and second-degree kidnapping.

The court instructed that, to find defendant guilty of kidnapping, the jury was required to find that he restrained or removed DR for at least one of three purposes: facilitating a second-degree forcible sexual offense, facilitating a common-law robbery, or terrorizing DR. The court separately instructed the jury on second-degree forcible sexual offense.

During deliberations, the jury asked whether it was required to agree unanimously on a particular kidnapping purpose. The trial court instructed that the jury had to agree unanimously on at least one of the three submitted purposes and identify the purpose or purposes upon which it agreed.

On 9 January 2025, the jury found defendant guilty of second-degree forcible sexual offense and first-degree kidnapping. The jury specified that defendant kidnapped DR for the purpose of facilitating the second-degree forcible sexual offense. The trial court arrested judgment on first-degree kidnapping, entered judgment for second-degree kidnapping, and imposed consecutive presumptive-range sentences of 110 to 192 months for the sexual offense and 38 to 58 months for kidnapping. Defendant gave oral notice of appeal.

II. Standard of Review

We review de novo a trial court's determination whether an out-of-court

statement is admissible under Rule 803(4). *State v. Corbett*, 376 N.C. 799, 811 (2021). We likewise review de novo alleged violations of the Confrontation Clause, *State v. Garner*, 252 N.C. App. 393, 400 (2017), and a trial court’s refusal to give a requested instruction on a lesser-included offense, *State v. Matsoake*, 243 N.C. App. 651, 657 (2015). “Under a de novo review, the court considers the matter anew and freely substitutes its own judgment for that of the lower tribunal.” *State v. Biber*, 365 N.C. 162, 168 (2011) (cleaned up). We address the prejudice standard applicable to each alleged error in the corresponding section below.

III. Analysis

A. Admission of DR’s Statements Under Rule 803(4)

Defendant first argues the trial court erred by admitting DR’s statements to Nurse Fussell and Dr. Lucas, together with the portions of the medical records documenting those statements, under the hearsay exception for statements made for purposes of medical diagnosis or treatment. Defendant contends the detailed statements were elicited as part of a forensic evidence-collection process rather than for medical care. He further argues that, without those statements, the State could not establish that defendant penetrated DR’s anus with his penis by force and against her will.

“Hearsay is not admissible except as provided by statute” or the Rules of Evidence. N.C.G.S. § 8C-1, Rule 802 (2025). Rule 803(4) permits the admission of statements “made for purposes of medical diagnosis or treatment” that describe a

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patient's medical history, symptoms, pain, sensations, or "the inception or general character of the cause or external source thereof insofar as reasonably pertinent to diagnosis or treatment." N.C.G.S. § 8C-1, Rule 803(4) (2025).

A statement is admissible under Rule 803(4) when two requirements are satisfied: (1) the declarant made the statement for the purpose of obtaining medical diagnosis or treatment; and (2) the statement was reasonably pertinent to diagnosis or treatment. *State v. Hinnant*, 351 N.C. 277, 284 (2000). The proponent must affirmatively establish that the declarant made the statement with an understanding that it would lead to medical diagnosis or treatment. *Id.* at 287. In determining the declarant's intent, the court considers "all objective circumstances of record surrounding [the] declarant's statements." *Id.* at 288. A statement may qualify under Rule 803(4) even when the examination serves the dual purposes of providing medical care and collecting evidence for a future prosecution. *State v. Isenberg*, 148 N.C. App. 29, 38 (2001).

The objective circumstances here establish that DR made the challenged statements while seeking medical diagnosis and treatment. Immediately after the incident, DR asked a bus driver to call 911, complained to responding paramedics of chest and rectal pain, and was transported by ambulance to a hospital emergency department. At the hospital, DR provided the challenged accounts to an emergency-department nurse and physician who were treating those complaints. Unlike the child declarant in *Hinnant*, who was interviewed by a psychologist approximately two

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weeks after her initial medical examination in a nonmedical setting, DR was an adult patient describing the source of her symptoms to medical professionals during the same emergency-department encounter in which she was examined and treated.

The record also establishes that DR's description of the assault was reasonably pertinent to her care. Dr. Lucas testified that a patient's account of the events causing her symptoms guided his examination and treatment decisions. After learning that DR reported anal penetration, Lucas performed a physical examination that included an examination of her rectal area. DR also received medication intended to prevent sexually transmitted infection, a tetanus vaccination for her abrasions, cardiac monitoring, and blood testing. The nature of the reported contact and the location of the alleged penetration were therefore pertinent to determining the areas to be examined and the treatment to be offered.

We recognize that the emergency-department encounter also served a forensic purpose. Fussell testified that she had been asked to collect a sexual-assault evidence kit, the resulting documentation identified the Raleigh Police Department, and DR separately consented to the evidence collection. Fussell also testified that the type of penetration determined which swabs she collected, but she did not believe penetration otherwise changed the medical treatment provided. Those circumstances demonstrate that evidence collection was one purpose of the encounter. They do not negate the contemporaneous medical purpose demonstrated by DR's complaints, the emergency-department setting, Lucas's testimony, and the examination and

treatment DR received. Rule 803(4) does not require that medical diagnosis or treatment be the exclusive purpose of the statement. *See Isenberg*, 148 N.C. App. at 38.

Considering the objective circumstances surrounding the statements, we conclude DR made them for purposes of obtaining medical diagnosis or treatment and that they were reasonably pertinent to that care. The trial court therefore did not err by admitting the statements under Rule 803(4).

Even assuming the challenged statements fell outside Rule 803(4), defendant has not demonstrated prejudice. A nonconstitutional evidentiary error is prejudicial only 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.” N.C.G.S. § 15A-1443(a) (2025). Defendant bears the burden of establishing that reasonable possibility. *Id.* When substantially identical statements are properly before the jury through other witnesses, the erroneous admission of cumulative hearsay ordinarily does not satisfy that burden. *See State v. Blankenship*, 259 N.C. App. 102, 122 (2018).

Before the jury heard the challenged hospital statements, two paramedics testified that DR reported she had been dragged into the bushes and “anally raped.” Although defendant objected to that testimony at trial, he does not challenge its admission on appeal. The statements to Fussell and Lucas provided additional detail by specifying that the penetration was accomplished with a penis and occurred

against DR's will, but they conveyed the same central accusation already before the jury.

The remaining evidence supplied substantial corroboration. Surveillance footage showed defendant forcibly dragging DR from the bus stop into the bushes. Defendant admitted that he dragged DR while she kicked and fought against him. DR immediately complained of rectal pain, and a rectal swab yielded a single-source DNA profile overwhelmingly attributable to defendant. Although defendant testified that he and DR had engaged in consensual sex during the preceding night, the jury was able to consider that explanation together with DR's immediate reports, the surveillance footage, the physical evidence, and defendant's own account of the forcible encounter.

Accordingly, even if the trial court erred by admitting the challenged hospital statements, defendant has not demonstrated a reasonable possibility that their exclusion would have produced a different result. Defendant is not entitled to a new trial on this issue.

B. Confrontation Clause

Defendant next argues that admission of the same statements violated his Sixth Amendment right to confront the witnesses against him. He contends DR's detailed statements were testimonial because they were obtained after any emergency had ended and as part of a process intended to collect evidence for a future prosecution. DR did not testify, and defendant had no prior opportunity to cross-

examine her.

The Confrontation Clause prohibits the admission of an unavailable declarant's testimonial statements unless the defendant previously had an opportunity for cross-examination. *Crawford v. Washington*, 541 U.S. 36, 68 (2004). A statement is testimonial when, viewed objectively, its "primary purpose" is "to establish or prove past events potentially relevant to later criminal prosecution." *Davis v. Washington*, 547 U.S. 813, 822 (2006). Courts determine a statement's primary purpose by considering all relevant circumstances and the statements and actions of both the declarant and the person obtaining the statement. *Michigan v. Bryant*, 562 U.S. 344, 369–70 (2011).

Statements to persons other than law-enforcement officers are generally "much less likely to be testimonial" than statements made to law enforcement. *Ohio v. Clark*, 576 U.S. 237, 249 (2015) (declining to categorically exclude statements to non-law-enforcement persons from the Confrontation Clause but recognizing that such statements are substantially less likely to have the primary purpose of creating evidence for prosecution). The relevant inquiry is whether, viewed objectively and in light of all the circumstances, the primary purpose of the interaction was to provide medical care or to create "an out-of-court substitute for trial testimony." *State v. McLaughlin*, 246 N.C. App. 306, 322 (2016).

The circumstances here reflect both purposes. DR made the statements in an emergency department to medical professionals while receiving an examination and

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treatment. At the same time, Fussell was collecting a sexual-assault kit, the resulting documents identified the investigating police agency and case number, and the collected evidence was intended for delivery to law enforcement. Because the constitutional issue is unnecessary to our disposition, we assume without deciding that the challenged statements were testimonial and that their admission violated defendant's confrontation rights.

A Confrontation Clause violation is prejudicial unless the State proves that it was harmless beyond a reasonable doubt. N.C.G.S. § 15A-1443(b) (2025); *State v. Lewis*, 361 N.C. 541, 549 (2007). A constitutional error is harmless when "the jury verdict would have been the same absent the error." *State v. Lawrence*, 365 N.C. 506, 513 (2012) (quoting *Neder v. United States*, 527 U.S. 1, 17 (1999)). In determining whether the State has made that showing, relevant considerations include the importance of the challenged statements to the State's case, whether the statements were cumulative, the presence or absence of evidence corroborating or contradicting the statements on material points, and the overall strength of the State's case. *Delaware v. Van Arsdall*, 475 U.S. 673, 684 (1986).

We conclude the State has carried its burden. Two paramedics testified that DR reported being dragged into the bushes and anally raped. Those statements were admitted substantively and are not challenged in this appeal. Thus, excluding the hospital statements would not have removed DR's account of the material events from the jury's consideration.

The hospital statements were also corroborated by evidence independent of DR's out-of-court accounts. The surveillance footage showed defendant dragging DR from the public bus stop into the bushes. Officers observed corresponding drag marks at the scene. Defendant admitted dragging DR into the bushes while she resisted. DR complained of rectal pain immediately after the encounter, and defendant's DNA was recovered from a rectal swab.

We do not rely on Detective Yarina's testimony concerning DR's statement because that testimony was admitted only for corroborative purposes. Even without Yarina's testimony, the unchallenged paramedic statements and the physical, forensic, and surveillance evidence establish beyond a reasonable doubt that the challenged hospital statements did not contribute to the verdicts.

Accordingly, assuming admission of the statements violated the Confrontation Clause, the error was harmless beyond a reasonable doubt.

C. False Imprisonment Instruction

Defendant finally argues the trial court erred by refusing his requested instruction on false imprisonment as a lesser-included offense of kidnapping. Defendant contends his testimony created a factual dispute concerning the purpose of the restraint because he testified that he dragged DR into the bushes only to search for the \$350 he believed she had stolen. The State responds that defendant's own account established a kidnapping undertaken to facilitate common-law robbery.

A trial court must instruct on a lesser-included offense when the evidence,

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viewed in the light most favorable to the defendant, would permit a rational jury to acquit the defendant of the greater offense and convict him of the lesser. *State v. Brichikov*, 383 N.C. 543, 553–54 (2022). The instruction is required when evidence tends to negate the element distinguishing the greater offense from the lesser. *Id.*

“The crime of false imprisonment is a lesser included offense of kidnapping.” *State v. Whitaker*, 316 N.C. 515, 520 (1986). “The difference between kidnapping and the lesser included offense of false imprisonment is the purpose of the confinement, restraint, or removal of another person.” *State v. Pigott*, 331 N.C. 199, 210 (1992). If the restraint was imposed to accomplish a purpose enumerated in N.C.G.S. § 14-39, the offense is kidnapping; if the unlawful restraint occurred without an enumerated purpose, the offense is false imprisonment. *See id.* at 210–11. Here, the trial court submitted three statutory purposes to the jury: facilitating a second-degree forcible sexual offense, facilitating common-law robbery, and terrorizing DR.

Viewed in the light most favorable to defendant, his testimony permitted the jury to find that he unlawfully restrained DR without acting for any of the statutory purposes submitted by the trial court. Defendant admitted forcibly dragging DR into the bushes, thereby supplying evidence of the restraint common to kidnapping and false imprisonment. He denied committing a sexual offense and testified that his sole purpose in restraining DR was to search her for the specific \$350 he believed she had taken from him.

That testimony did not compel a finding that defendant restrained DR to

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facilitate common-law robbery. Felonious intent is an essential element of robbery. A defendant who forcibly takes property under a bona fide claim of right or title lacks the felonious intent necessary for that offense. *State v. Spratt*, 265 N.C. 524, 526–27 (1965). Defendant claimed a right to the specific \$350 for which he searched and testified that he intended only to recover his own missing money. If credited, that testimony permitted the jury to find that defendant lacked the felonious intent necessary to commit common-law robbery.

Defendant’s evidence likewise permitted the jury to reject terrorizing as the purpose of the restraint. Although the manner in which defendant restrained DR supported an inference that he intended to terrorize her, his testimony supported the competing inference that his purpose was limited to locating and recovering the missing money. Determining which inference to draw was a factual matter for the jury.

Because defendant’s evidence permitted the jury to find that he unlawfully restrained DR while rejecting each of the submitted kidnapping purposes, the evidence supported an instruction on the lesser-included offense of false imprisonment. The trial court therefore erred by refusing to give the requested instruction.

That conclusion does not end our inquiry. The failure to give a supported lesser-included-offense instruction requires a new trial only if defendant establishes “a reasonable possibility that, had the error in question not been committed, a

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different result would have been reached at the trial out of which the appeal arises.” § 15A-1443(a). Although this is a “non-exacting inquiry,” relevant considerations include the strength of the State’s evidence and whether the jury’s deliberations suggest that it might have reached a different result had the omitted option been available. *Brichikov*, 383 N.C. at 557.

Here, the jury was instructed on first-degree kidnapping, second-degree kidnapping, and the option of acquittal. Both degrees of kidnapping required the jury to find an enumerated statutory purpose. The second-degree instruction therefore did not provide an alternative verdict if the jury found an unlawful restraint without such a purpose. The jury’s deliberations and express findings, however, demonstrate that the omission of false imprisonment did not affect its verdict.

The jury separately found defendant guilty of second-degree forcible sexual offense. During its deliberations on kidnapping, the jury asked whether it was required to agree unanimously upon one of the three submitted purposes. The trial court instructed the jury that it must agree unanimously upon at least one particular purpose and identify the purpose upon which it agreed. The jury then expressly found that defendant kidnapped DR for the purpose of facilitating the second-degree forcible sexual offense.

That finding directly resolved the factual issue distinguishing kidnapping from false imprisonment. This is not a case in which we must infer from a general verdict how the jury resolved the disputed element. The jury’s question demonstrates that

it focused specifically on the purpose of the restraint, and its completed verdict sheet identifies the statutory purpose it unanimously found. The separate sexual-offense verdict further demonstrates that the jury rejected defendant's testimony that he dragged DR into the bushes solely to search for his missing money.

Under these circumstances, defendant has not demonstrated a reasonable possibility that the jury would have convicted him of false imprisonment had that option been submitted. Accordingly, although the trial court erred by refusing the requested instruction, defendant has not established prejudicial error.

IV. Conclusion

For the foregoing reasons, we conclude the trial court did not err by admitting DR's statements to Nurse Fussell and Dr. Lucas under Rule 803(4). Assuming without deciding that admission of those statements violated the Confrontation Clause, any constitutional error was harmless beyond a reasonable doubt. Although the evidence supported defendant's requested instruction on false imprisonment, defendant has not demonstrated a reasonable possibility that the jury would have reached a different result had the instruction been given. Defendant therefore received a trial free from prejudicial error.

NO PREJUDICIAL ERROR.

Judges ARROWOOD and FLOOD concur.

Report per Rule 30(e).