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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA26-114

Filed 18 November 2026

Mecklenburg County, Nos. 19CR236926-590, 19CR236928-590, 19CR236930-590

STATE OF NORTH CAROLINA

v.

TRAVONTE JAMARCUS HOUSE, Defendant.

Appeal by defendant from judgment entered 19 September 2024 by Judge W. Robert Bell in Mecklenburg County Superior Court. Heard in the Court of Appeals 13 October 2026.

Attorney General Jeff Jackson, by Special Deputy Attorney General Caden William Hayes, for the State.

Lockamy Law Firm, by C. Scott Holmes, for defendant-appellant.

DILLON, Chief Judge.

Defendant Travonte Jamarcus House appeals from a judgment entered upon a jury verdict finding him guilty of attempted robbery with a dangerous weapon, possession of a firearm by a felon, and first-degree murder. On appeal, Defendant argues the trial court erred by misstating certain jury instructions, admitting

recordings of jail calls, and excluding certain defense witness statements. For the reasons below, we conclude Defendant received a fair trial, free from reversible error.

I. Background

The evidence at trial tended to show as follows: In April 2019, Defendant and three acquaintances went to a Charlotte apartment to rob an individual of drugs and money. Defendant and a female acquaintance went to the back door while the two others (Malik Benson and Diyondre Wilson) went to the front door.

Victim Derrick Chambers was shot with a shotgun and killed. Victim's body was found in the kitchen area of the apartment, the area accessible via the back door.

In September 2019, Defendant was arrested in connection with the murder of Victim. At Defendant's trial, Benson testified for the State, stating Defendant carried a shotgun to the back of the apartment and shot and killed Victim. Defendant has previously stated to detectives him and Benson do not get along.

At trial, Wilson testified for the defense, stating Defendant was not at the apartment that night. Wilson is Defendant's cousin and is also related to Benson.

The jury found Defendant guilty of attempted robbery with a dangerous weapon, possession of a firearm by a felon, and first-degree felony murder. The trial court arrested judgment on the attempted armed robbery charge and sentenced Defendant to the mandatory life sentence of imprisonment without possibility of parole for the murder conviction and sentenced him to nineteen to thirty-two months for possessing a firearm by a felon. Defendant appealed in open court.

II. Analysis

Defendant presents three arguments on appeal and alternatively moves for appropriate relief ("MAR"). We address each below.

A. Stipulated Jury Instruction

Defendant argues the trial court violated his right to a jury trial and due process by misstating an agreed upon jury instruction. For the reasons below, we decline to address Defendant's argument.

The State and Defendant entered a written stipulation that Defendant was a felon and that he knew (based on his felon status) he could not possess a firearm on the date of the alleged incident relevant to this appeal. The italicized language is the verbiage from the trial court's instruction regarding the stipulation with which Defendant takes issue:

> The Defendant has also been charged with possessing a firearm after having been convicted of a felony. For you to find Defendant guilty of the offense . . . the State must prove two things beyond a reasonable doubt. First, that the Defendant was a convicted felon on April the 6th of 2019. The State and the Defendant . . . have agreed or stipulated that certain facts shall be accepted by you as true without further proof.
>
> The agreed facts in this case are as follows: That Defendant was convicted of a felony on April 6th, 2019, and that on [the date of the instant offense], he knew that he could not legally possess a firearm. *And second, that on April 6th,*

2019, the Defendant possessed a firearm.

(Emphasis added).

The actual stipulation Defendant and the State entered, however, stated as follows: "Defendant was convicted of a felony on December 1, 2009, and on April 6, 2019, knew that he could not legally possess a firearm."

Here, we decline to address Defendant's argument because he failed to object to the trial court's misstatement at trial. N.C. R. App. P. 10(a)(1); *see State v. Ashe*, 314 N.C. 28, 39 (1985) (citations omitted) ("As a general rule, [a] defendant's failure to object to alleged errors by the trial court operates to preclude raising the error on appeal."); *see also State v. Hunter*, 305 N.C. 106, 112 (1982) (citations omitted) (stating constitutional questions not presented to the trial court will not be considered on appeal).

Further, Defendant fails to argue plain error. Thus, we will not review for plain error. *See State v. Reber*, 386 N.C. 153, 158 (2024) ("Plain error exists for the rare cases where the harshness of this preservation rule outweighs its benefits.") *See also* N.C. R. App. P. 28(a) ("Issues not presented and discussed in a party's brief are deemed abandoned.").

Additionally, we decline to invoke Rule 2 to review Defendant's unpreserved argument. *See also* N.C. R. App. P. 2 (stating the appellate rules may be suspended "[t]o prevent manifest injustice . . . or expedite a decision in the public interest[]").

In any event, it appears Defendant's argument lacks merit. It appears the trial

court was merely outlining the first two elements of felon possession of a firearm—*not* stating that Defendant was stipulating to possessing a firearm. *See State v. Wilson*, 176 N.C. 751, 754–55 (1918) (citation modified) ("The charge of the court must be read as a whole, in the same connected way that the judge is supposed to have intended it and the jury to have considered it[.]"). The court prefaces the first element with "First, that the Defendant was a convicted felon on April the 6th of 2019[,]" *then* states the agreed facts as stipulated to and then concludes by stating the second element of the charge by stating "And second, that on April 6th, 2019, the Defendant possessed a firearm." Thus, we conclude the trial court did not misstate the jury instruction.

B. Jail Calls

Defendant next argues the trial court erred by admitting two statements of an unidentified female and two of his statements which occurred during jail calls. For the reasons below, we conclude there was no prejudicial error.

Evidentiary rulings by the trial court are reviewed for an abuse of discretion. *State v. Blake*, 317 N.C. 632, 637–38 (1986). The trial court's rulings on Rule 401 (relevancy) are not reviewed under an abuse of discretion standard but instead are given "great deference" on appellate review. *State v. Wallace*, 104 N.C. App. 498, 502 (1991) (citation omitted).

As an initial matter, the unidentified female's statements were not hearsay because the State explained they were not being admitted for the truth of the matters

asserted. Hearsay is an out-of-court statement offered "to prove the truth of the matter asserted." N.C.G.S. § 8C-1, Rule 801(c). Statements offered for another purpose are not hearsay. *See State v. Reid*, 335 N.C. 647, 661 (1994). In recorded conversations, a speaker's statements can be admissible to place the defendant's responses in context and make the conversation intelligible to the jury. *See State v. Coffey*, 326 N.C. 268, 282 (1990); *State v. Saddler*, 294 N.C. App. 496, 500 (2024).

Here, the State offered the unidentified female caller's statements for that limited purpose. Her remarks provided context for Defendant's responses and enabled the jury to understand the meaning of his statements concerning the investigation, surveillance footage, and efforts to establish an alibi. Because the statements were not admitted for their truth, they were not hearsay.

Defendant specifically challenges the unidentified female caller's statement that he had committed "a violent, violent crime." Even assuming this statement carried some potential for prejudice, Defendant's response was itself probative. Rather than denying involvement in the charged offenses, Defendant replied that he "hate[d] being lied to." The challenged statement therefore supplied context for Defendant's response and was admissible for that non-hearsay purpose.

Next, regarding Defendant's own statements, he argues they lack relevance and are likewise unfairly prejudicial under Rule 403.

Defendant challenges the following statements he made during those calls: "The only thing I got in the system is I think it's a larceny s**t[,]" and miscellaneous references to "court" "lawyer" and "grand jury[.]"

Regarding Defendant's relevancy argument on these statements, we defer to the trial court's ruling because "[it] is better situated to evaluate whether a particular piece of evidence tends to make the existence of a fact of consequence more or less probable[.]" *State v. Tadeja*, 191 N.C. App. 439, 444 (2008) (citation omitted).

Concerning Defendant's Rule 403 challenge, Defendant argues the statements undermine his credibility. We conclude the trial court did not abuse its discretion in admitting these statements because "[c]redibility and weight are for determination by the jury unassisted by the judge." *State v. Walker*, 266 N.C. 269, 273 (1966).

However, even if the admission of the jail statements—by the unidentified female and Defendant—were error, we conclude there is not a "reasonable possibility" the result of the trial would have been different absent admission of these statements. *See State v. Wilkerson*, 363 N.C. 382, 415 (2009) (stating evidentiary error requires a showing of prejudice which means there must be a "reasonable possibility" that without the alleged error a different result would have been reached at trial). This is because Benson inculpated Defendant in the instant criminal acts. Thus, we conclude there is no prejudicial error in the admission of the four evidentiary statements.

C. Defense Exhibit 8

Third, Defendant argues the trial court erred by excluding an investigator's report including statements by Wilson stating Defendant was not at the apartment on the night of Victim's death. We conclude there is no prejudicial error.

In *Wilkerson*, our Supreme Court stated "[a] defendant is prejudiced by evidentiary error 'when there is a reasonable possibility that, had the error in question not been committed, a different result would have been reached at [] trial[.]" 363 N.C. at 415.

Here, even if we assume the trial court erred in its failure to admit defense exhibit 8, we conclude Defendant was not prejudiced by this error. We reach this conclusion because at various other times during Defendant's trial Wilson testified favorably for Defendant to the substance of the omitted investigator's report—i.e., the witness's belief that Defendant was innocent. Thus, we conclude any error by the trial court did not prejudice Defendant because there is not a reasonable possibility, given other evidence presented at trial, a different result would have occurred with the exhibit's admission.

D. Motion for Appropriate Relief

Finally, we address Defendant's MAR, in which he argues police and detectives provided Benson with the hope of leniency on his sentences for criminal acts in connection with Victim's death, and in exchange, Benson would testify against Defendant at trial. According to Defendant, this tacit and unwritten agreement violated both *Brady v. Maryland* and *Naupe v. Illinois*. *See* 373 U.S. 83 (1963); 360

U.S. 264 (1959).

A MAR must be decided based on the materials before the Court, or remanded when necessary for an evidentiary hearing. N.C.G.S. § 15A-1418(b).

We decline to reach Defendant's MAR. Defendant alleges the existence of an implied agreement between Benson and detectives. While the record contains a transcript of the conversation between Benson and detectives, the record lacks any *additional* conversations between the district attorney and Benson's attorney, the parties to which the detectives indicated Benson would have to speak to regarding any leniency on his sentence. *See State v. Dorton*, 182 N.C. App. 34, 44 (2007) (remanding for an evidentiary hearing because the record failed to contain agreement Defendant alleged existed). Accordingly, we dismiss Defendant's MAR without prejudice as to any right Defendant may have to seek an MAR in the trial court. *See id.* (citing *State v. Thornton*, 158 N.C. App. 645, 654 (2003)).

III. Conclusion

We conclude Defendant failed to preserve his jury instruction argument; that Defendant has failed to meet his burden of showing prejudice by the admission of the jail call statements nor by the failed attempt to admit defense exhibit 8. And we dismiss Defendant's MAR without prejudice.

NO ERROR IN PART, DISMISSED IN PART.

Judges COLLINS and FREEMAN concur.

Report per Rule 30(e).