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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA26-212

Filed 18 November 2026

Forsyth County, Nos. 21CR055479-330, 21CR055480-330, 21CR055481-330, 21CR055482-330, 21CR055483-330

STATE OF NORTH CAROLINA

v.

DWANE DEREECE STOKES

Appeal by defendant from judgment entered 4 October 2023 by Judge Aaron Jay Berlin in Forsyth County Superior Court. Heard in the Court of Appeals 30 September 2026.

Attorney General Jeff Jackson, by Special Deputy Attorney General Scott Stroud, for the State.

Geeta N. Kapur for defendant-appellant.

ZACHARY, Judge.

Defendant Dwane Dereece Stokes appeals from the trial court's judgment entered upon his guilty plea to two counts of trafficking in opium or heroin, and one count each of possession with the intent to sell or deliver cocaine, possession with the intent to sell or deliver marijuana, possession of drug paraphernalia, possession of marijuana paraphernalia, felony possession of marijuana, possession of a firearm by

a felon, and carrying a concealed gun. Defendant entered into the plea following the trial court's denial of his motion to suppress. On appeal, Defendant asserts that "the trial court erred by denying [his] motion to suppress because the officers did not have reasonable articulable suspicion to conduct the traffic stop." After careful review, we affirm.

I. Background

On 18 June 2021, Sergeant Wagoner and Officer Hooker of the Winston-Salem Police Department were surveilling Pine Valley Apartments, a high-crime, high-drug area, when Defendant drove past them. Officer Hooker entered Defendant's license plate number into the NC DMV system; the system response indicated that Defendant was the registered owner of the vehicle and that Defendant's North Carolina driver's license was inactive. The law enforcement officers mistakenly presumed that possession of an inactive North Carolina driver's license signified a lack of driving privileges in North Carolina, and due to this misapprehension, the officers initiated a traffic stop.

When Sergeant Wagoner approached the vehicle, he detected the odor of marijuana and observed a marijuana roach, which was in plain view in the ashtray. During a subsequent search of the vehicle, officers discovered a large bag of marijuana, marijuana and other drug paraphernalia, a plastic bag containing white and brown powder, and a Smith & Wesson .38 Special revolver. Sergeant Wagoner placed Defendant under arrest.

On 23 August 2021, a Forsyth County grand jury returned indictments charging Defendant with one count each of possession of a firearm by a felon; carrying a concealed gun; trafficking in opium or heroin by possession; trafficking in opium or heroin by transportation; possession with intent to sell or deliver cocaine; possession with intent to sell or deliver marijuana; felony possession of marijuana; possession of drug paraphernalia; and possession of marijuana paraphernalia.

Defendant filed a motion to suppress on 17 July 2023, alleging that the officers lacked reasonable suspicion to conduct the traffic stop. On 25 July 2023, the motion came on for hearing. At the hearing, the State presented a screenshot ("State Exhibit 1") of what Officer Hooker saw when he entered Defendant's license plate on 18 July 2021. On behalf of the defense, Patrick Clancy, Chief Hearing Officer with the North Carolina Division of Motor Vehicles, offered expert testimony that, based on State Exhibit 1, he "couldn't determine if [Defendant] was driving lawfully or unlawfully based on th[e] screenshot." On 27 July 2023, the court entered an order denying Defendant's motion.

On 4 October 2023, Defendant pleaded guilty to all charges pursuant to a plea arrangement and gave notice of his intent to appeal the denial of his motion to suppress. That same day, the trial court entered judgment sentencing Defendant to 70 to 93 months' imprisonment in the custody of the North Carolina Department of Adult Correction.

Defendant entered timely written notice of appeal.

II. Discussion

On appeal, Defendant asserts that "the trial court erred by denying [his] motion to suppress because the officers did not have reasonable articulable suspicion to conduct the traffic stop." Defendant maintains that "the sole basis for [the officers'] reasonable suspicion" was the officers' "mistake of law" in thinking an "inactive" driver's license "meant the person could not legally drive in North Carolina." We disagree.

A. Appellate Jurisdiction

"In North Carolina, a defendant's right to appeal in a criminal proceeding is purely a creation of state statute." *State v. Hannah*, 299 N.C. App. 266, 271, 917 S.E.2d 904, 909 (citation omitted), *disc. review denied*, 388 N.C. 743, 923 S.E.2d 236 (2025). "This statutory right to appeal is conditional and not absolute." *State v. Moua*, 289 N.C. App. 678, 683–84, 891 S.E.2d 14, 19 (2023) (citation omitted), *disc. review denied*, 386 N.C. 280, 900 S.E.2d 671 (2024).

"Generally, a defendant who pleads guilty does not have a statutory right of appeal." *Id.* at 683, 891 S.E.2d at 19. However, a defendant may appeal a pretrial motion to suppress after entry of a guilty plea if the right to appeal is properly preserved. *See id.* at 684, 891 S.E.2d at 19. "[W]hen a defendant intends to appeal from a denial of a motion to suppress pursuant to N.C. Gen. Stat. § 15A-979(b), [the defendant] must give notice of their intent to the prosecutor and the court before plea negotiations are finalized, or [the defendant] will waive the appeal of right provisions

of the statute." *Id.*

Here, Defendant gave proper notice to the State and the trial court of his intent to appeal the denial of his suppression motion before plea negotiations were finalized, as evidenced by the plea transcript. *See State v. Stevens*, 300 N.C. App. 208, 213, 920 S.E.2d 238, 242 (2025) (concluding that the defendant preserved his appeal of the denial of a motion to suppress as he "gave notice of his intention to the prosecutor and to the court before plea negotiations were finalized, demonstrated by [the d]efendant's preservation of his right to appeal in the transcript of the plea" (extraneity omitted)).

Accordingly, Defendant's appeal is properly before us.

B. Standard of Review

Our review of a trial court's denial of a motion to suppress is "strictly limited to determining whether the trial judge's underlying findings of fact are supported by competent evidence, in which event they are conclusively binding on appeal, and whether those factual findings in turn support the judge's ultimate conclusions of law." *State v. Fizovic*, 240 N.C. App. 448, 451, 770 S.E.2d 717, 720 (2015) (extraneity omitted). Under this standard of review, "the trial court's findings of fact are conclusive on appeal if supported by competent evidence, even if the evidence is conflicting." *State v. Goodman*, 165 N.C. App. 865, 867, 600 S.E.2d 28, 30, *disc. review denied*, 359 N.C. 193, 607 S.E.2d 655 (2004). "Unchallenged findings of fact are binding on appeal." *Fizovic*, 240 N.C. App. at 451, 770 S.E.2d at 720 (citation omitted).

"Conclusions of law are reviewed de novo and are subject to full review." *State v. Biber*, 365 N.C. 162, 168, 712 S.E.2d 874, 878 (2011).

C. Challenged Findings of Fact

Defendant asserts that finding of fact 13(f) is not supported by competent evidence, that finding 14 is not supported by any evidence, and that findings of fact 16, 17, 19, 20, and 21 are "actually conclusions of law and must be reviewed by this Court under the de novo standard of review."

The challenged findings of fact are as follows:

> 13(f). Chief Hearing Officer Clancy's opinion was that [Defendant]'s DMV record as shown by Exhibit 1, showed: that even with his level of experience he could not say for certain that Exhibit 1 would allow him to determine whether [Defendant] could lawfully operate a motor vehicle in North Carolina or not.
>
> 14. Defendant did tell the officers he had a driver's license, but there was no evidence that he ever told them he had a GA driver's license, and he did not present a license to the officers to the best of Officer Hooker's recollection.
>
> . . . .
>
> 16. The [o]fficers had a good faith belief that [Defendant] was driving unlawfully at the time of the stop.
>
> 17. That the officers were able to articulate reasonable grounds for the stop of Defendant's vehicle, and that the stop was permissible to allow further investigation into whether criminal activity was being committed.
>
> . . . .
>
> 19. That State's Exhibit 1 was an accurate reflection of [Defendant]'s driving history at the time of the stop, and

> that the officers' reliance thereon was reasonable. Moreover, if even the expert witness could not determine from the review thereof that Defendant's driving was unlawful -or that it was lawful- then it is not unreasonable that the officers, even though trained in accordance with the required standards, would believe that Defendant was not lawfully operating the vehicle.
>
> 20. At this point, based upon the totality of the circumstances then existing, the officers formed the belief that Defendant was operating his vehicle unlawfully, that belief was reasonable, and that further investigation in the form of a vehicle stop was appropriate.
>
> 21. That the officers were properly trained and that, though Officer Hooker had seen the status before, he believed it to reflect that it meant the person whose license was in such status was not able to lawfully operate a motor vehicle on the streets and highways of the state, a belief shared by SGT Wagoner, and that though both had received the level of training in reading and interpreting DMV records required to be licensed as an officer, that such training was basic and, in that even an expert such as Chief Hearing Officer Clancy could not state that the information in Exhibit 1 did not rule out unlawful operation status, the officers training was proper and their belief reasonable.

Finding of Fact 13(f)

Defendant first contends that "[Chief Hearing] Officer Clancy testified that he could not conclude from State's Exhibit 1 that [Defendant] was driving unlawfully which is different from the trial court's finding that Officer Clancy could not say if [Defendant] was driving lawfully" and therefore that finding 13(f) "is contradicted by evidence and should not be binding on appeal."

As Defendant claims, Clancy testified that he "[could]not conclude [Defendant]

was driving unlawfully." However, Clancy later clarified that, based on State's Exhibit 1, he "couldn't determine if [Defendant] was driving lawfully or unlawfully based on th[e] screenshot," which did not indicate the status of any Georgia driver's license. This testimony supports the trial court's finding that Clancy "could not say for certain that Exhibit 1 would allow him to determine whether [Defendant] could lawfully operate a motor vehicle in North Carolina or not." Accordingly, we conclude that competent evidence exists to support finding 13(f), despite the existence of contradictory evidence. *Goodman,* 165 N.C. App. at 867, 600 S.E.2d at 30. Defendant's challenge to this finding is overruled.

Finding of Fact 14

Next, Defendant argues that because "Officer Hooker did not testify about his recollection of whether [Defendant] presented a license," there is no evidence to support the portion of finding 14 that reads: "[Defendant] did not present a license to the officers to the best of Officer Hooker's recollection." Our examination of the transcript reveals no testimony that Defendant presented or failed to present a driver's license to the law enforcement officers. Thus, the portion of finding 14 that states that Defendant "did not present a license to the officers to the best of Officer Hooker's recollection" is not supported by competent evidence and will not be considered in our determination of whether "the trial court's conclusions of law are supported by its factual findings[.]" *Id.*

However, the remainder of finding 14—that Defendant told "the officers he had

a driver's license, but there was no evidence that he ever told them he had a GA driver's license"—is unchallenged and therefore binding on our review. *See Fizovic*, 240 N.C. App. at 451, 770 S.E.2d at 720.

Findings of Fact 16, 17, 19, 20, & 21

Defendant further contests findings of fact 16, 17, 19, 20, and 21 as "requir[ing] [a] court to apply legal principles and/or exercise judgment," rendering them conclusions of law that are "subject to the de novo standard of review."

While some of these "findings" are conclusions of law, others are proper findings of fact or are mixed findings and conclusions of law. However, other than contending that the findings "require[ ] the application of legal principles and/or the exercise of judgment[ ]" and are therefore "subject to the de novo standard of review[,]" Defendant does not challenge these findings, offering no argument or citation to authority. This Court cannot create an argument for Defendant. *See* N.C.R. App. P. 28(a)(6) ("Issues not presented in a party's brief, or in support of which no argument is stated, will be taken as abandoned."). Accordingly, this issue is abandoned.

D. Conclusions of Law

Finally, Defendant challenges conclusions of law 1, 2, 3, and 4. He argues that "the officers did not have reasonable, articulable suspicion to conduct the traffic stop." "Conclusions of law are reviewed de novo." *Biber*, 365 N.C. at 168, 712 S.E.2d at 878.

"Both the United States and North Carolina Constitutions protect against

unreasonable searches and seizures." *State v. Otto*, 366 N.C. 134, 136, 726 S.E.2d 824, 827 (2012); *see* U.S. Const. amend. IV; N.C. Const. art. I, § 20. A traffic stop is a seizure under the Fourth Amendment. *Otto*, 366 N.C. at 136–37, 726 S.E.2d at 827 (citing *Delaware v. Prouse*, 440 U.S. 648, 653, 59 L. Ed. 2d 660, 667 (1979)). Traffic stops are reviewed under the investigatory framework set forth in *Terry v. Ohio*, 392 U.S. 1, 20 L. Ed. 2d 889 (1968). *Id.* at 137, 726 S.E.2d at 827.

"[A] traffic stop is permitted if the officer has a 'reasonable, articulable suspicion that criminal activity is afoot.' " *State v. Styles*, 362 N.C. 412, 414, 665 S.E.2d 438, 439 (2008) (quoting *Illinois v. Wardlow*, 528 U.S. 119, 123, 145 L. Ed. 2d 570, 576 (2000)). "Reasonable suspicion is a less demanding standard than probable cause and requires a showing considerably less than preponderance of the evidence." *Id.* (extraneity omitted). "A court must consider the totality of the circumstances . . . in determining whether a reasonable suspicion to make an investigatory stop exists." *State v. Watkins*, 337 N.C. 437, 441, 446 S.E.2d 67, 70 (1994) (extraneity omitted). A reviewing court should take "a commonsense approach" in making its reasonable suspicion determination and give weight to "the practical experience of officers . . . so as not to indulge in unrealistic second-guessing of the judgment calls law enforcement officials must invariably make." *State v. Johnson*, 246 N.C. App. 677, 688, 689, 783 S.E.2d 753, 762 (2016); *see also Watkins*, 337 N.C. at 441, 446 S.E.2d at 70 (concluding that reasonable suspicion must be "based on specific and articulable facts, as well as the rational inferences from those facts, as viewed through the eyes of a reasonable,

cautious officer, guided by his experience and training").

Defendant argues that Sergeant Wagoner and Officer Hooker's "mistake of law was the sole basis for their reasonable suspicion to conduct the traffic stop." In support of this argument, Defendant cites *Heien v. North Carolina*, 574 U.S. 54, 190 L. Ed. 2d 475 (2014), in which the United States Supreme Court determined that if an officer's reasonable suspicion was solely based on a mistake of law, reasonable suspicion will be upheld only if the mistake was objectively reasonable. This Court has determined that for "an officer's mistake of law while enforcing a statute to be objectively reasonable, the statute at issue must be ambiguous." *State v. Eldridge*, 249 N.C. App. 493, 499, 790 S.E.2d 740, 743 (2016).

Yet, we need not determine whether Sergeant Wagoner and Officer Hooker's belief that an "inactive" license "was similar to a license suspension or revocation" was not objectively reasonable if other criteria existed to support an objective determination of reasonable suspicion. *See State v. Osterhoudt*, 222 N.C. App. 620, 632, 731 S.E.2d 454, 461 (2012) ("[T]he issue becomes whether there is objective criteria to justify stopping [the] defendant other than [the Trooper's] mistaken belief that [the] defendant violated" a statute.).

The trial court made several findings of fact which go unchallenged and are thus binding on appeal. *Fizovic*, 240 N.C. App. at 451, 770 S.E.2d at 720. Sergeant Wagoner and Officer Hooker spotted Defendant leaving Pine Hill Apartments, which was a known high-crime and high-drug area. When Officer Hooker ran the vehicle's

license plate number through the NC DMV database, the system response indicated that the vehicle was registered in North Carolina but that the owner's license was "inactive." An officer could reasonably become suspicious of an individual operating a vehicle registered in North Carolina, in an area known for crime and drugs, where the owner of the vehicle did not have a valid North Carolina driver's license. Indeed, Defendant's own expert testified that he could not determine, based on the NC DMV information provided, whether Defendant was lawfully or unlawfully driving in North Carolina.

We conclude that, based on the totality of the circumstances, the officers had a reasonable suspicion to stop Defendant's vehicle. Accordingly, the trial court did not err in denying Defendant's motion to suppress.

III. Conclusion

For the foregoing reasons, we affirm the trial court's order denying Defendant's motion to suppress.

AFFIRMED.

Judges STROUD and WOOD concur.

Report per Rule 30(e).