NO. COA01-516

NORTH CAROLINA COURT OF APPEALS

Filed: 4 June 2002

STATE OF NORTH CAROLINA

v.

RONALD EDWARD MONTEITH

Mecklenburg County
Nos. 98 CRS 44944-46,
98 CRS 47953-47955
98 CRS 50660-50670
98 CRS 50677-50680
99 CRS 117653-117656
00 CRS 111117
00 CRS 111122
00 CRS 111126
00 CRS 111129

Appeal by defendant from judgments entered 11 October 2000 by Judge Claude S. Sitton in Mecklenburg County Superior Court. Heard in the Court of Appeals 28 May 2002.

Attorney General Roy Cooper, by Assistant Attorney General Susan R. Lundberg, for the State.

The Law Firm of Charles L. Alston, Jr., by Charles L. Alston, Jr., for defendant appellant.

McCULLOUGH, Judge.

On 26 April 1999, defendant was indicted for several drug-related felonies. On 13 March 2000, defendant was indicted on several counts of being an habitual felon. The cases were tried at the 9 October 2000 Criminal Session of Mecklenburg County Superior Court.

The State presented evidence at trial which tended to show the

following: In 1998, Officer Craig M. Conger of the Charlotte-Mecklenburg Police Department was assigned to the Vice and Narcotics Bureau, an undercover unit whose purpose was to investigate and interdict street drug sales. In January 1998, an undercover operation was started in the Lincoln Heights neighborhood. Officer Conger's task was to purchase drugs from anyone selling on the street.

On 9 June 1998, Officer Conger came into contact with defendant. Officer Conger was driving an unmarked, black Nissan Pathfinder, and defendant "yelled" out for him to slow down. Defendant then pointed Officer Conger towards the dead end of a street, walked over to the side door of the car, and asked what Officer Conger wanted. Officer Conger told defendant he wanted "sixty dollars." Defendant walked away, went through some houses, came back about a minute later and sold Officer Conger "three rocks of an off white rock like substance that [Officer Conger] believed to be crack cocaine." Officer Conger gave defendant his name, and defendant identified himself as "Runt."

After purchasing the drugs, Officer Conger called the "cover unit," the uniformed patrol officers who served as backup to Officer Conger, and told them he "purchased from Runt." Officer Conger was given the name of defendant, Ronald Monteith. A short time later, Officer Conger looked at photographs and was able to identify defendant as the same person who sold him the drugs. Officer Conger also identified defendant in court as the person who sold him drugs.

Officer Conger purchased drugs from defendant again on 10, 18, and 30 June 1998, and also on 2, 27 and 28 July 1998. After each purchase, Officer Conger took the alleged crack cocaine to the property control bureau of the police department, filled out a property sheet and evidence envelope detailing the complaint number, the date and time of the transaction, the name "Ronald Monteith, Runt" as the name of the case, and then signed and dated it. The contents of the envelopes were later submitted for chemical analysis and determined to contain cocaine.

Defendant was convicted of twenty-five different drug-related felonies and four counts of being an habitual felon and sentenced to four consecutive terms of 116 to 149 months' imprisonment. Defendant appeals.

Defendant's sole argument on appeal is that there was insufficient evidence to support the verdicts. Specifically, defendant contends that the evidence is lacking because the State did not produce any corroborative evidence which supported Officer Conger's identification of defendant as the drug dealer in the crimes charged.

In ruling on a motion to dismiss, "the trial court must view all of the evidence, whether competent or incompetent, in the light most favorable to the State, giving the State the benefit of every reasonable inference and resolving any contradictions in its favor." *State v Cross*, 345 N.C. 713, 717, 483 S.E.2d 432, 434 (1997)(quoting *State v. McCullers*, 341 N.C. 19, 28-29, 460 S.E.2d 163, 168 (1995)). The trial court is to determine that a

"reasonable inference of defendant's guilt may be drawn from the evidence," then the jury decides whether "'the facts satisfy them beyond a reasonable doubt that defendant is actually guilty.'" *Id.* (quoting *State v. Murphy*, 342 N.C. 813, 819, 467 S.E.2d 428, 432 (1996)).

After careful review of the record, briefs and contentions of the parties, we find no error. "In prosecuting a criminal charge it is the State's burden to establish the following two propositions: '(1) that a crime has been committed; and (2) that it was committed by the person charged.'" *State v. Lively*, 83 N.C. App. 639, 642, 351 S.E.2d 111, 114 (1986) (quoting *State v. Chapman*, 293 N.C. 585, 587, 238 S.E.2d 784, 786 (1977)), *disc. review denied*, 319 N.C. 461, 356 S.E.2d 10 (1987). Here, defendant does not dispute that crimes were committed, but contends that there was insufficient evidence identifying him as the perpetrator of the crimes. However, Officer Conger clearly identified defendant as the perpetrator, and defendant presented no evidence to contradict or explain Officer Conger's identification. *See id.* Thus, in the light most favorable to the State, a reasonable mind could conclude from the evidence that defendant was the perpetrator of the drug offenses. Accordingly, we hold the trial court did not err in denying defendant's motion to dismiss the charges.

No error.

Chief Judge EAGLES and Judge TIMMONS-GOODSON concur.

Report per Rule 30(e).