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IN THE COURT OF APPEALS OF NORTH CAROLINA

2022-NCCOA-822

No. COA22-328

Filed 6 December 2022

Martin County, No. 19 CRS 50239

STATE OF NORTH CAROLINA

v.

JAIME MARTINEZ JUAREZ, Defendant.

Appeal by Defendant from judgment entered 12 August 2021 by Judge Thomas H. Lock in Martin County Superior Court. Heard in the Court of Appeals 18 October 2022.

Attorney General Joshua H. Stein, by Special Deputy Attorney General Carl Newman, for the State.

Appellate Defender Glenn Gerding, by Assistant Public Defender Max E. Ashworth III, for the Defendant.

GRIFFIN, Judge.

¶ 1

Defendant Jaime Martinez Juarez appeals from a judgment entered upon a jury's verdict finding him guilty of one count of indecent liberties with a child after he had been brought to trial on the charges of attempted first degree rape, statutory rape of a child by an adult, and indecent liberties with a child. Defendant argues that

the trial court erred in excluding alleged false accusations of Defendant's sexual activity with the State's witness, Nicole.¹ We hold that Defendant received a fair trial, free from error.

I. Factual and Procedural Background

¶ 2 On 19 March 2019, Sheriff's Deputy Holliday, who was at Nicole's school, heard that Nicole had been cutting her wrists and talked to her. Deputy Holliday took Nicole to the school counselor and school nurse. When Deputy Holliday interviewed Nicole, he wrote down that she said Defendant had raped her in Mexico a few years prior. The school counselor and nurse were present during the interview. Deputy Holliday contacted Investigator Whitehurst, also with the Sheriff's Office, and told him about Nicole's situation and provided him his notes.

¶ 3 Prior to trial, the State moved to exclude the evidence of Nicole's claim about the Mexico incident. Defendant moved for an in-camera hearing pursuant to North Carolina Rules of Evidence 412(d), and the trial court granted the hearing. During the in-camera hearing, Deputy Holliday testified that he may have been mistaken in writing down that Nicole said Defendant was the perpetrator of the Mexico incident. Additionally, neither the school counselor nor the school nurse—who were both present when Nicole mentioned the Mexico incident to Deputy Holliday—wrote

¹ Pseudonyms are used to protect minor children's identities. See N.C. R. App. P. 42(b).

anything about Defendant's involvement. On the contrary, both wrote down that another individual was the perpetrator of the Mexico incident. Finally, Nicole's older sister testified that Nicole had never met Defendant until she came to the United States, and the Mexico incident occurred before she would have met Defendant.

¶ 4 The trial court determined that it was "more likely than not" that Deputy Holliday was mistaken in what he wrote down and that Nicole never accused Defendant of perpetrating the incident in Mexico. The trial court ruled that Nicole's false accusation likely did not happen and was inadmissible under Rule 403.

¶ 5 On 12 August 2021, Defendant was found guilty of one count of indecent liberties with a child. Defendant was sentenced to an active prison sentence. Defendant timely appeals.

II. Analysis

¶ 6 Defendant contends that Nicole's alleged false accusation against Defendant should have been admissible at trial, and the trial court erred in excluding it. We must examine several evidentiary rules to complete the analysis in this case.

¶ 7 We examine the trial court's decision to exclude evidence pursuant to North Carolina Rule of Evidence 403 under the abuse of discretion standard. *State v. Beckelheimer*, 366 N.C. 127, 130, 726 S.E.2d 156, 159 (2012). Abuse of discretion occurs when the trial court's decision "could not have been the result of a reasoned decision." *State v. Hennis*, 323 N.C. 279, 285, 372 S.E.2d 523, 526 (1988) (citation

omitted).

¶ 8

North Carolina Rule of Evidence 412 excludes all prior sexual activity of an alleged victim that is not at issue in the trial, with some exceptions. N.C. R. Evid. 412(a); *see* N.C. R. Evid. 412(b) (allowing four exceptions). However, a false accusation of a complainant’s prior sexual activity is not governed by Rule 412. *State v. Bass*, 121 N.C. App. 306, 310, 465 S.E.2d 334, 336 (1996); *see* N.C. R. Evid. 412(a) (providing protection from prior sexual activity). We have held that prior accusations of sexual abuse fall under Rule 412, but we have also held that prior *false* accusations do not. *Bass*, 121 N.C. App. at 310, 465 S.E.2d at 336. Without Rule 412 as a barrier, the general threshold inquiry for this kind of evidence is relevance. *State v. Griffin*, 136 N.C. App. 531, 550, 525 S.E.2d 793, 806 (2000) (citation omitted); *see* N.C. R. Evid. 401, 402. However, even if evidence is relevant, it must funnel through Rule 403, which excludes evidence when “its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury, or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence.” N.C. R. Evid. 403.

¶ 9

Nonetheless, when used for impeachment purposes, false accusations can elevate their probative value and overcome Rule 403 exclusion. *State v. Goins*, 244 N.C. App. 499, 525–26, 781 S.E.2d 45, 61 (2015). For example, in *Goins*, a victim of the defendant’s alleged sexual abuse told his wife of the defendant’s abuse after she

found out the victim was having an extramarital affair. *Id.* at 520, 781 S.E.2d at 59. The Court held that the victim’s statements could be introduced to impeach him, over Rule 403 exclusion, because they showed the victim “had a reason to fabricate his allegations against [the defendant]—to mitigate things with his wife. . . .” *Id.* at 526, 781 S.E.2d at 62.

¶ 10 Here, Defendant does not make an argument that Nicole’s accusation falls under Rule 412. Instead, Defendant argues that Nicole’s accusation constituted false accusations and should have been admitted over any Rule 403 concerns because they could have been used to impeach Nicole, Deputy Holliday, or Investigator Whitehurst. We disagree.

¶ 11 The trial court held an in-camera hearing to decide the matter of admissibility and did not abuse its discretion in excluding the evidence pursuant to Rule 403. The only evidence that Nicole had accused Defendant of perpetrating the Mexico incident was Deputy Holliday’s note, and he testified he may have incorrectly written down the alleged false accusation. The other individuals who spoke with Nicole, and noted the Mexico incident, said she accused someone other than Defendant. Finally, the testimony showed it to be impossible that Nicole knew or interacted with Defendant at the time of the Mexico incident because she never met Defendant until she came to the United States.

¶ 12 This case is distinct from *Goins* because the issue is not the value of the

impeachment evidence against an accusing victim but against a witness who probably misreported what the accusing victim said. The impeachment value of this evidence lies solely against Deputy Holliday because it attacks his recollection and veracity of his note taking skills.

¶ 13 We hold the trial court did not abuse its discretion in finding that allowing Deputy Holliday's probable mistake to be introduced likely would have misled the jury, especially given that the trial court found it was unlikely the false accusation was even made.

III. Conclusion

¶ 14 For the foregoing reasons, we conclude that Defendant received a fair trial, free from error.

NO ERROR.

Judges INMAN and JACKSON concur.

Report per Rule 30(e).