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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA23-207

Filed 6 February 2024

Alamance County, Nos. 20 CRS 51128, 20 CRS 587

STATE OF NORTH CAROLINA, Plaintiff,

v.

LORENZO MARCEL INGRAM, Defendant.

Appeal by defendant from order entered 18 August 2022 and judgment entered 27 July 2022 by Judge D. Thomas Lambeth, Jr., in Alamance County Superior Court. Heard in the Court of Appeals 14 November 2023.

*Attorney General Joshua H. Stein, by Special Deputy Attorney General J. Aldean Webster III, for the State.*

*Stephen G. Driggers, for defendant-appellant.*

DILLON, Chief Judge.

I. Background

Defendant Lorenzo Marcel Ingram was charged with trafficking in cocaine, altering criminal evidence, and obtaining habitual felon status arising from an encounter he had with police during a traffic stop. On the day in question, law enforcement observed what appeared to be a drug transaction at a truck stop off I-40

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between someone in the car Defendant was driving and a known drug dealer who had arrived in another vehicle. Following the encounter, officers followed Defendant and observed him speeding on I-40. They stopped Defendant. During the encounter, Defendant appeared quite nervous, and officers learned that Defendant had a criminal history of assaults and drugs. Officers extended the stop longer than necessary to investigate the speeding violation. During the extension, Defendant was placed in a patrol car, and officers subsequently found cocaine in the car door adjacent to where Defendant was sitting.

Defendant filed a motion to suppress on the grounds that the traffic stop (in which the cocaine was seized) was unlawfully extended. The motion was denied. Defendant entered an *Alford* plea to the substantive charges and stipulated to obtaining habitual felon status.

II. Appellate Jurisdiction

Defendant petitioned our Court for a writ of *certiorari*. In our discretion, we grant *certiorari* to consider the merits of Defendant's appeal.

III. Analysis

Defendant argues the trial court erred by denying his motion to suppress.

“The standard of review in evaluating the denial of a motion to suppress is whether competent evidence supports the trial court's findings of fact and whether the findings of fact support the conclusions of law.” *State v. Biber*, 365 N.C. 162, 167-68, 712 S.E.2d 874, 878 (2011).

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Reasonable suspicion of criminal activity is required to justify an investigatory stop. *State v. Summey*, 150 N.C. App. 662, 667, 564 S.E.2d 624, 628 (2002). In *Summey*, our Court held there was reasonable suspicion to conduct an investigatory stop when officers had knowledge (relayed to them by other officers working on drug surveillance) that the defendant's truck had been involved in a drug transaction. *Id.* at 664-67, 564 S.E.2d at 626-28.

Here, Defendant contends that certain findings in the order denying his motion to suppress were not supported by competent evidence. After careful review, we conclude that there are adequate findings supported by competent evidence or otherwise unchallenged by Defendant to support the conclusions.

Further, we disagree with Defendant's argument that the traffic stop was unlawfully extended. Defendant's argument is based on the incorrect assumption that officers only stopped Defendant because he was speeding. If speeding was the *only* cause for the traffic stop, then the officers would have needed reasonable suspicion or consent to extend the stop. *State v. Williams*, 366 N.C. 110, 116, 726 S.E.2d 161, 166 (2012) ("To detain a driver beyond the scope of the traffic stop, the officer must have the driver's consent or reasonable articulable suspicion that illegal activity is afoot.").

The present case is similar to the case described above in *Summey*. Here, law enforcement officers were surveilling a known drug dealer and saw the drug dealer engage in a drug transaction with someone in a black BMW (which Defendant was

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driving). The surveillance team communicated this information with the local police. After receiving this information, local officers saw the black BMW speeding and conducted a traffic stop. Due to the officers' knowledge that the car was likely involved in a drug transaction and contained illegal drugs, the officers had reasonable suspicion for an investigatory stop apart from the speeding. Further, if at the time of the traffic stop the officer lacked reasonable suspicion to extend the stop, Defendant's extreme nervousness and record provided additional grounds to give rise to reasonable suspicion by the time the stop was extended.

IV. Conclusion

For the reasons stated herein, we affirm the lower court's denial of Defendant's motion to suppress.

AFFIRMED.

Judge ZACHARY concurs.

Judge STROUD concurs in result only.

Report per Rule 30(e).