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NO. COA01-1149

NORTH CAROLINA COURT OF APPEALS

Filed: 21 May 2002

STATE OF NORTH CAROLINA

v.

Guilford County  
Nos. 97CRS 65568-71

TELVIN GARTH HAGWOOD

Appeal by defendant from judgments entered 22 July 1998 by Judge Julius A. Rousseau, Jr. in Guilford County Superior Court. Heard in the Court of Appeals 13 May 2002.

*Attorney General Roy A. Cooper, III, by Special Deputy Attorney General W. Richard Moore, for the State.*

*Assistant Public Defender Wayne T. Baucino for defendant-appellant.*

HUNTER, Judge.

A jury found Telvin Garth Hagwood ("defendant") guilty of four counts of robbery with a dangerous weapon. After consolidating two of the offenses for judgment, the trial court sentenced defendant to three consecutive terms totaling 225 to 297 months' imprisonment. On 8 September 2000, we issued a writ of certiorari to review these judgments.

The prosecution's evidence at trial tended to show the following: Shortly after midnight on 17 July 1997, James White and Sandy Arrington were assaulted by three masked gunmen while using an ATM machine at a First Union Bank on Randleman Road in

Greensboro. White gave the robbers a gold chain and medallion, a ring bearing his nickname "Twon," and a gold watch; Arrington relinquished \$600.00 in cash, a wedding band and a bracelet. Later that morning, at approximately 2:20 a.m., Mark Smith was approached by two men while waiting in his car near a pawn shop on High Point Road. One of the men produced a gun and demanded his money. Smith gave the gunman \$700.00 from his wallet. On 25 July 1997, Linda Campbell was robbed by two masked men at the First Union ATM machine on Randleman Road. After one of the men pointed a handgun at her head and asked for her money, Campbell gave them \$230.00.

Jesse Hernandez testified that he, defendant, Ivan Staton and Alonzo Kendall were driving around in Kendall's car on 17 July 1997. When they arrived at an apartment building on Randleman Road, Kendall stopped the car. Defendant, Kendall, and Staton covered their faces with masks or t-shirts and "ran off somewhere." Kendall had a gun. When the three men returned ten to fifteen minutes later, defendant had a gold chain, a medallion, and a gold ring bearing the name "Twon," and announced: "'We pulled that off smooth.'"

Kendall testified pursuant to a plea agreement with the State. He acknowledged that a pump shotgun used in the robberies was his. He confirmed that he, defendant, and Staton had committed the White and Arrington robberies on 17 July 1997. Later that morning, he, defendant, and Staton robbed a cab driver on High Point Road. Kendall could not recall if it had been defendant or Staton who had

assisted him in this robbery. Finally, Kendall claimed that he and Staton committed the robbery at First Union on 25 July 1997, and that defendant "had nothing to do with that."

Like Kendall, Staton implicated defendant as a participant in all three of the 17 July 1997 robberies. Contrary to Kendall's testimony, however, Staton further averred that defendant and Kendall committed the second First Union robbery on 25 July 1997, while Staton waited in the car. Greensboro Police Detective Gerald Franklin Stephens corroborated the testimony of Staton and Hernandez.

In his sole argument on appeal, defendant claims the trial court erred in denying his motion to dismiss due to the lack of evidence that he participated in the robberies. Defendant asserts that "the only evidence linking [him] to any of these offenses is the testimony of his three co-defendants," and that no rational finder of fact could have found these witnesses to be credible. Moreover, concerning the Campbell robbery, defendant notes that Kendall cleared him of any involvement in the offense, while Staton implicated him. Defendant contends that "no rational finder of fact could conclude that Mr. Staton was more credible than Mr. Kendall."

We find no merit to defendant's position. Hernandez, Kendall, and Staton identified defendant as a participant in the 17 July 1997 robberies. Staton, who pled guilty to the offense, further testified that defendant joined with Kendall in robbing Campbell on 27 July 1997 while Staton waited in the car. "It is well settled

in North Carolina that uncorroborated accomplice testimony is sufficient to sustain a conviction." *State v. Wallace*, 104 N.C. App. 498, 503, 410 S.E.2d 226, 229 (1991) (citing *State v. Brooks*, 49 N.C. App. 14, 20, 270 S.E.2d 592, 597 (1980), *disc. review denied*, 301 N.C. 723, 276 S.E.2d 285 (1981)), *appeal dismissed and disc. review denied*, 331 N.C. 290, 416 S.E.2d 398, *cert. denied*, 506 U.S. 915, 121 L. Ed. 2d 241 (1992); accord *State v. Garcia*, 111 N.C. App. 636, 638, 433 S.E.2d 187, 188 (1993). Although defendant shows a disagreement between Staton and Kendall as to his role in one of the offenses, the assessment of witnesses' credibility and the resolution of conflicts or contradictions among competing testimonies are the exclusive province of the jury. See *State v. Lucas*, 353 N.C. 568, 581, 548 S.E.2d 712, 721 (2001).

We find defendant received a fair trial free from prejudicial error.

No error.

Judges MARTIN and BRYANT concur.

Report per Rule 30(e).