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NO. COA01-520

NORTH CAROLINA COURT OF APPEALS

Filed: 5 February 2002

STATE OF NORTH CAROLINA

v.

Robeson County  
No. 99CRS10572

EDDIE HATCHER

Appeal by defendant from judgment entered 27 October 2000 by Judge Jerry Cash Martin in Robeson County Superior Court. Heard in the Court of Appeals 31 December 2001.

*Attorney General Roy A. Cooper, III, by Associate Attorney General Sonya M. Allen, for the State.*

*Sue Berry for defendant-appellant.*

EAGLES, Chief Judge.

Defendant Eddie Hatcher was charged with assault with a deadly weapon inflicting serious injury. The State's evidence tended to show that on or about 19 May 1999, defendant was at a neighborhood grocery store in Maxton, North Carolina when he saw Michael Anthony Locklear. The two men did not speak. After completing his shopping, Locklear left the grocery store. Defendant followed, armed with a shotgun. Defendant shot once in the direction of Locklear, who was in the store's parking lot. Locklear turned to run, then turned back around, and raised his arm. Defendant fired

a second shot, and at that time, Locklear turned away and ran around the side of the building. Defendant gave chase, and shot at Locklear again. Locklear, wounded in the legs, fell to the ground. Defendant then got into his truck and fled the scene.

Defendant hid in a swamp for two weeks, where he lost the shotgun he used to shoot Locklear. Thereafter, defendant was arrested and made admissions to law enforcement officers regarding his involvement in the shooting of Locklear. Defendant had been looking for Locklear because defendant suspected that Locklear had burglarized his house. Just two days before the grocery store shooting, defendant had gone to the residence where Locklear was living with friends, and threatened to kill "everything in the house," if they did not put Locklear out of the house. While awaiting trial, defendant wrote a letter to Robeson County District Attorney Luther Johnson Britt, III, in which he admitted that he shot Locklear because he believed that Locklear had burglarized his home.

At trial, defendant presented evidence that Locklear had a reputation of being a frequent drug user, and had on occasion, displayed a gun and threatened the lives of others, including defendant. Defendant testified that on 19 May 1999, Locklear approached him in the grocery store parking lot with the handle of what appeared to be a handgun showing from his pants pocket. Defendant stated that he retrieved his shotgun from his truck and fired towards the ground in front of Locklear in self-defense. Defendant testified that he subsequently ran around the opposite

side of the grocery store, watched Locklear run toward the woods, and fired two more shots in the air to be sure that Locklear did not return.

During cross-examination, over the objection of defense counsel, the State questioned defendant about the contents of the letter written to District Attorney Britt, in which he admitted to shooting Locklear. Defendant admitted that he wrote the letter in which he stated, "I mean, come on Mr. Britt, Little Mike (Locklear) is not exactly a pillar (sic) of the community. No home has escaped his sticky fingers. And he was carrying a pistol around threatening people. I was only trying to teach him a lesson."

The jury found defendant guilty of assault with a deadly weapon. The trial court sentenced defendant to seventy-five days in the county jail. Defendant appeals.

On appeal, defendant argues that the trial court erred in overruling his objections to the State's cross-examination of him with a letter written by him to the district attorney, in which he admitted to shooting Michael Locklear. Defendant contends that cross-examination through the use of this document was precluded by G.S. § 15A-1025.

Plea negotiations in North Carolina superior courts are governed by G.S. §§ 15A-1021 through 15A-1027. G.S. § 15A-1025 provides,

The fact that the defendant or his counsel and the prosecutor engaged in plea discussions or made a plea arrangement may not be received in evidence against or in favor of the defendant in any criminal or civil action or administrative proceedings.

This section was designed to encourage plea discussions and agreements by protecting defendants and prosecuting officials from being "penalized for engaging in practices which are consistent with the objectives of the criminal justice system.'" *State v. Wooten*, 86 N.C. App. 481, 482, 358 S.E.2d 78, 78 (1987) (citations omitted).

Here, however, there were no plea negotiations underway when defendant wrote the letter to the local District Attorney admitting that he shot the victim and personally offering to enter into a plea agreement. This letter was an unsolicited admission of guilt by defendant and was not protected by the provisions of G.S. § 15A-1025. There was no evidence offered to show that the District Attorney ever responded to defendant's letter or ever entered into plea negotiations with defendant as a result of receiving that letter. Despite the subjective desires of defendant, the letter was no more than a gratuitous admission-- admissible as a voluntary and knowing confession. *See State v. Richardson*, 316 N.C. 594, 342 S.E.2d 823 (1986) (finding that the defendant's taped-recorded confession to police officers was knowing and voluntary since the defendant, a mature adult with knowledge of the criminal justice system, had earlier initiated the discussion regarding the effects of his cooperation and police officers told him that they did not have any authority to negotiate a plea bargain). Accordingly, we conclude that the trial court did not err in allowing the State to cross-examine defendant in this regard.

Even *assuming arguendo* that the trial court erred in allowing the State to cross-examine defendant about certain contents of his letter to the local District Attorney, we note that defendant cannot show prejudice so as to be entitled to relief here. The State presented plenary evidence, other than the admissions made in the subject letter, to show that defendant shot Michael Locklear in retaliation for Locklear breaking into his residence. Special Agent Larry Gatrell, of the North Carolina State Bureau of Investigation, testified that defendant told him that he shot Locklear and joked about how Locklear hopped and squealed when he shot him in the legs. Defendant noted that he could have killed Locklear but stated that he just "wanted to hurt him to teach him a lesson that you don't break into other people's homes and steal their things." In addition, Keshia Chavis testified that defendant came to her home looking for Locklear on 17 May 1999 -- just two days before the shooting -- and threatened everyone in the residence because he believed that Locklear had burglarized his home. Since defendant can show no prejudice in the trial court's decision to allow the State to cross-examine him regarding the admissions in his letter to the local District Attorney, this argument fails.

Accordingly, we hold that defendant received a fair trial, free from prejudicial error.

No error.

Judges TIMMONS-GOODSON and McCULLOUGH concur.

Report per Rule 30(e).