

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority. Citation is disfavored, but may be permitted in accordance with the provisions of Rule 30(e) (3) of the North Carolina Rules of Appellate Procedure.

NO. COA06-159

NORTH CAROLINA COURT OF APPEALS

Filed: 3 October 2006

STATE OF NORTH CAROLINA

v.

Wake County
No. 05 CRS 11155

JOHN ANTHONY CAMERON

Appeal by defendant from judgment entered 29 November 2005 by Judge Carl R. Fox in Wake County Superior Court. Heard in the Court of Appeals 2 October 2006.

Attorney General Roy Cooper, by Assistant Attorney General Rudy Renfer, for the State.

Irving Joyner, for defendant-appellant.

TYSON, Judge.

John Anthony Cameron ("defendant") appeals from judgment entered after a jury found him to be guilty of trafficking in cocaine by possession of not less than twenty-eight grams nor more than 200 grams of cocaine. We dismiss defendant's appeal.

I. Background

The State's evidence tended to show that on 10 February 2005 Raleigh Police Sergeant Steve Previtali ("Sergeant Previtali") arrested James Farrell ("Farrell") for possession of crack cocaine with intent to sell and deliver. Farrell offered to assist police in the apprehension of other drug offenders.

The next day, Farrell provided Sergeant Previtali with information about a "Jamaican-looking" guy who drove a green Lexus or a white minivan. Sergeant Previtali asked Farrell to contact this person and arrange to purchase cocaine from him. As Sergeant Previtali eavesdropped on the telephone conversation, Farrell called a man and asked to purchase nine ounces of cocaine. The man, who spoke with a Jamaican accent, responded that it would take some time to "put it together." This conversation ended.

Farrell subsequently received a telephone call from a man who also spoke with a Jamaican accent and whose telephone number was the same number Farrell had dialed earlier. Farrell arranged to meet this man at a gasoline station located on Poole Road in Raleigh to discuss further details in arranging the purchase of the substance.

Sergeant Previtali drove to this location and observed Farrell engage in a conversation with a man who drove a green Lexus. Farrell reported back to Sergeant Previtali that the cocaine was to be delivered at another location in the Worthdale community. Farrell got into a vehicle driven by his wife and occupied by two other police officers. They followed the green Lexus until they lost sight of it. However, Sergeant Previtali, who had been distantly following Farrell's vehicle, located a green Lexus stopped on the side of the road.

Sergeant Previtali stopped his vehicle one-half block ahead of the green Lexus, called Farrell, and directed Farrell to the location of the green Lexus. Sergeant Previtali also instructed

Farrell to walk slowly to the green Lexus. As Farrell walked within fifteen feet of the vehicle, Raleigh Police Detective Hodge approached the vehicle from behind and Sergeant Previtali approached it from the front.

Sergeant Previtali observed defendant sitting in the vehicle with a package of a substance suspected to be cocaine lying on his lap in plain view. The officers arrested defendant and seized the package. Subsequent laboratory analysis disclosed the substance to be 63.06 grams of cocaine. Defendant did not present any evidence.

A jury found defendant to be guilty of trafficking in cocaine by possession of not less than twenty-eight grams nor more than 200 grams of cocaine. Defendant appeals.

II. Issues

Defendant argues the trial court erred by: (1) allowing the State's witnesses to testify regarding hearsay statements made by Farrell and (2) denying his motion to suppress admission of the cocaine into evidence.

Defendant's other assignments of error not brought forward and argued are deemed abandoned. N.C.R. App. P. 28(a) (2006).

III. Hearsay

Defendant contends the trial court erred by allowing the State's witnesses to testify regarding hearsay statements made by Farrell. Defendant argues a number of exceptions in the record on appeal to instances where such testimony was allegedly erroneously admitted. None of these exceptions are supported by an objection in the trial court.

"In order to preserve a question for appellate review, a party must have presented the trial court with a timely request, objection or motion, stating the specific grounds for the ruling sought if the specific grounds are not apparent." *State v. Eason*, 328 N.C. 409, 420, 402 S.E.2d 809, 814 (1991). In the absence of an objection at trial to the admission of evidence, we review under the plain error standard. *State v. Black*, 308 N.C. 736, 741, 303 S.E.2d 804, 807 (1983).

For an appellant to obtain review under this standard, he must specifically and distinctly assign plain error to the admission of the evidence. *State v. Gainey*, 355 N.C. 73, 100, 558 S.E.2d 463, 480, *cert. denied*, 537 U.S. 896, 154 L. Ed. 2d 165 (2002). Defendant has failed to assign or argue plain error. This assignment of error is dismissed due to defendant's failure to properly preserve and present it. *State v. Washington*, 134 N.C. App. 479, 485, 518 S.E.2d 14, 17 (1999).

IV. Motion to Suppress

Defendant contends the court erred by denying his motion to suppress the admission of the cocaine into evidence. Defendant failed to object to the admission of this evidence at the time it was offered at trial. The trial court expressly offered defendant an opportunity to object and defendant responded, "No objection."

By failing to object and not assigning or arguing plain error on appeal, defendant is not entitled to appellate review of the order denying his motion to suppress. This assignment of error is dismissed due to defendant's failure to present it properly.

Washington, 134 N.C. App. at 485, 518 S.E.2d at 17.

V. Conclusion

Defendant's failure to properly preserve and argue alleged errors subjects his appeal to dismissal. This appeal is dismissed.

Dismissed.

Judges BRYANT and LEVINSON concur.

Report per Rule 30(e).