IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA14-1300

Filed: 17 November 2015

Wake County, Nos. 12 CRS 220593, 12 CRS 220594

STATE OF NORTH CAROLINA,

v.

DEMETRIUS BRYANT, Defendant.

Appeal by defendant from judgments entered 6 June 2014 by Judge Carl R. Fox in Wake County Superior Court. Heard in the Court of Appeals 23 April 2015.

Attorney General Roy Cooper, by Special Deputy Attorney General David N. Kirkman, for the State.

Edward Eldred, Attorney at Law, PLLC, by Edward Eldred, for defendant-appellant.

GEER, Judge.

Defendant Demetrius Bryant appeals from his convictions of rape, assault on a female, assault by strangulation, and communicating threats. On appeal, defendant primarily argues that the State did not properly authenticate recordings of certain conversations the State claimed involved the mother of defendant's child. Defendant relies on the fact that the woman in those conversations was not explicitly identified before the State offered those conversations into evidence. However, under Rule 901(a) of the Rules of Evidence, evidence is adequately authenticated if there is

"evidence sufficient to support a finding that the matter in question is what its proponent claims." Because defense counsel acknowledged the identity of the woman, and the State presented other evidence supporting the inference that the unidentified woman was in fact the mother of defendant's child, we find no error.

Facts

The State's evidence tended to show the following facts. Brenda Jackson runs Plant A Seed, a ministry in Wake County, North Carolina, that tries to help homeless persons and recent parolees by providing them with a residence and a job and connecting them with social services. In securing jobs for clients, Mrs. Jackson sometimes employed her clients to work on contracts her ministry entered into with other businesses. In addition, Mrs. Jackson's ministry allowed some clients to live in houses she and her family owned. The ministry also owned a building at 909 Rock Quarry Road in east Raleigh that it used as a meeting place and a thrift store.

Defendant became a client of the ministry around May or June 2012. Although he initially lived at one of Mrs. Jackson's houses, Mrs. Jackson allowed defendant to live at the Rock Quarry Road building beginning in September 2012. However, Mrs. Jackson began to grow uncomfortable with defendant because he displayed a "Jekyll and Hyde-type personality," showed off his body to her, and flirted with her and other women in the neighborhood. Defendant also texted pictures of himself to Mrs. Jackson's phone even though Mrs. Jackson repeatedly told defendant that she was

happily married. One time, while Mrs. Jackson was driving defendant to a job, defendant tried to touch Mrs. Jackson's crotch. Mrs. Jackson then asked her husband to start driving defendant, although she never explained to her husband why.

On 9 September 2012, Mrs. Jackson had to mow the grass for a customer and needed to retrieve the mower from the Rock Quarry Road building. Mrs. Jackson called defendant to see if he was at the building and, after he told her that he was away, she drove over to pick up the mower in her truck. When Mrs. Jackson arrived, however, defendant was in fact at the building, so she took him along to mow the yard. After finishing the mowing job, Mrs. Jackson took defendant and another client, David, to help with a job emptying garbage receptacles at around 8:30 p.m. She told her husband, Michael Jackson, that she would be out with defendant at the garbage job.

On the way to the job, Mrs. Jackson stopped at a gas station where, in the presence of others, she yelled at defendant for having a bad attitude about working. After finishing the garbage job, defendant insisted that Mrs. Jackson cook him food, and Mrs. Jackson stopped at a grocery store on the way home. Mrs. Jackson sometimes cooked food for clients at the Jacksons' house. When Mrs. Jackson, David, and defendant got back to the Jacksons' house at around 1:30 a.m. on 10 September 2012, David went home, and Mrs. Jackson cooked defendant some chicken for his

lunch the next day. Defendant and Mrs. Jackson left around 1:30 or 2:00 a.m. to take defendant back to the Rock Quarry Road building.

Once Mrs. Jackson and defendant arrived at the Rock Quarry Road building, defendant "began to bring up it seemed like everything that he was ever mad about . . . and he just exploded" while they were still in the truck. Defendant claimed Mrs. Jackson had disrespected him earlier that evening in public. He began hitting the truck and exclaimed, "I will kill you, I will kill you, I will MF kill you, B. You don't disrespect me and talk to me, you know, the way you talking [sic] to me[.]" Defendant then launched himself at Mrs. Jackson and began choking her while banging her head against the inside of the truck.

Defendant overpowered Mrs. Jackson, and, while she tried to apologize, defendant kept strangling her and exclaiming that he was going to kill her. He also told Mrs. Jackson that he had been stalking her and her family and that he had stood over Mrs. Jackson while she was sleeping at her house. He told her that he had a machete and was going to kill her and her whole family. Defendant expressed further frustration with not being able to "get a real job," but when Mrs. Jackson reminded defendant that she had been helping him compile a resume and transporting him to and from various jobs, defendant relented and apologized. However, shortly after the first assault, defendant again started choking Mrs. Jackson, although he stopped and

again apologized. However, he threatened to hurt Mrs. Jackson or her family if she told anyone what he had just done.

After the assaults, defendant told Mrs. Jackson to help him bring some water jugs into the building that were in the back of the truck. After she and defendant were inside the building, defendant apologized to Mrs. Jackson and said that if she forgave him she should give him a hug. Defendant told Mrs. Jackson, "I love you. Do you love me?" Mrs. Jackson replied she did. After that, defendant took off his pants and Mrs. Jackson's pants, pulled her toward the bed, and made her lie down. Defendant then had intercourse with Mrs. Jackson without her consent. Defendant had non-consensual intercourse with Mrs. Jackson three other times that evening.

At 5:20 a.m., after Mrs. Jackson had not returned home, Mr. Jackson woke up and suspected that his wife's absence might be related to defendant. He drove to the Rock Quarry Road building where he saw Mrs. Jackson's truck and knocked on the door of the building repeatedly. Defendant and Mrs. Jackson heard Mr. Jackson knocking. Defendant made up a story for Mrs. Jackson to tell Mr. Jackson about why she was at the Rock Quarry Road building instead of her home, and defendant left the room. After Mr. Jackson left because he could not get into the building, defendant returned and told Mrs. Jackson, "they're gone," and defendant left again. Mrs. Jackson got into her truck and drove to the nearest police substation, but it was closed. She then called her home and spoke with her daughter. Shortly thereafter,

Mr. Jackson and the Jacksons' daughter met Mrs. Jackson at the Rock Quarry Road building. When the police arrived, Mrs. Jackson immediately told them that defendant had assaulted and raped her. Defendant was arrested later in the day. Following defendant's arrest, a magistrate entered an order prohibiting defendant from attempting to communicate with Mrs. Jackson, directly or indirectly.

The next day, on 11 September 2012, while defendant was in jail, defendant telephoned Mrs. Jackson and pleaded with her to tell the judge she would drop the charges and not testify as a prosecuting witness. After making that phone call, defendant appeared in court, where the charges and possible sentences defendant faced were read to him. The following day, 12 September 2012, defendant again telephoned Mrs. Jackson to try to persuade her to drop the charges. On 8 October 2012, defendant was indicted for four counts of second degree rape, two counts of assaulting a female, two counts of strangulation of a female, and one count of communicating threats.

About a year later, defendant attempted to arrange for Gigetta Grimes, the mother of his daughter, to approach Mrs. Jackson and persuade her not to testify against defendant. Ms. Grimes met with Mrs. Jackson on 10 September 2013 under the pretext of donating items to Plant A Seed's thrift store. During their conversation, Ms. Grimes asked Mrs. Jackson for her side of the story of defendant's assault on her. The following day, on 11 September 2013, defendant called Ms.

Grimes from jail and asked whether Mrs. Jackson was going to testify against him. Mrs. Jackson told the police about this conversation, and defendant and Ms. Grimes were charged with conspiracy to intimidate a witness.

At trial, in addition to calling witnesses, the State introduced recordings of the phone conversations between defendant and Mrs. Jackson and between defendant and Ms. Grimes while defendant was in jail. The State also introduced a recording of the conversation between Ms. Grimes and Mrs. Jackson. Defendant did not present any evidence. Defendant was convicted of two counts of felony assault by strangulation, two counts of assault on a female, one count of second degree rape, and one count of communicating threats. The trial court consolidated the rape conviction, the two assault on a female convictions, and the communicating threats conviction into one judgment. The two assault by strangulation convictions were consolidated into a second judgment. Defendant was then sentenced to a presumptive-range term of 110 to 192 months imprisonment and a consecutive presumptive-range term of 11 to 23 months imprisonment. Defendant timely appealed to this Court.

I

We first address defendant's challenge to Exhibit 25. Exhibit 25 contains three recordings of phone calls made by defendant to Mrs. Jackson while he was in jail. The audio time stamps indicate that two of the recordings were created on 11 September 2012, the day after defendant was arrested and the third was created the

following day. Defendant contends that Exhibit 25 was inadmissible because statements Mrs. Jackson made in the recording were not corroborative of any testimony introduced at trial. "The abuse of discretion standard applies to decisions by a trial court that a statement is admissible for corroboration." *State v. Tellez*, 200 N.C. App. 517, 526, 684 S.E.2d 733, 739 (2009).

Defendant primarily challenges the admissibility of this exhibit based on the first conversation on the recording.[1] Defendant objects to the following portion of the recording:

> Mrs. Jackson: Demetrius, you really need help. . . . You almost killed me.
>
> . . . .
>
> Mrs. Jackson: . . . [T]hey tell me that you had done this to many others, Demetrius.
>
> Defendant: No, I -- I haven't. I have been -- I have had . . . a couple assault on a female cases, but a lot of times if you check my family you'd find the truth. A lot of times I've been hit in the eye, I've been heartbroken. And there's been . . . .
>
> Mrs. Jackson: . . . [T]hey told me that you tried to strangle several other people.
>
> Defendant: No, that's a lie. There was, uh, uh, there was one other girl that said that, and lied on me, but then later on she came and told the truth, and stuff like that.

[1]Defendant also argues that Exhibit 25 was inadmissible because Mrs. Jackson testified that she spoke twice with defendant, while Exhibit 25 included recordings of three conversations. However, we agree with the State that the first two recordings were part of the same conversation. Defendant had to call Mrs. Jackson back in the middle of the conversation.

Defendant argues that Mrs. Jackson's statements contained in the first conversation in Exhibit 25 -- specifically, "[t]hey tell me that you had done this to many others" and "[t]hey told me that you tried to strangle several other people" -- rendered the entire recording inadmissible as corroborative evidence because the statements did not corroborate any aspect of Mrs. Jackson's trial testimony. The State, however, points out that defendant did not object on this basis below.

At trial, defense counsel specifically objected to the admission of Exhibit 25 on the grounds that the State did not timely provide a copy of the conversations contained in the exhibit for defendant to review. As defendant did not object to the introduction of Exhibit 25 on grounds that it did not corroborate Mrs. Jackson's testimony, or for any reason other than the defense not timely receiving it, defendant has failed to preserve this issue for review. *See* N.C.R. App. P. 10(a)(1) ("In order to preserve an issue for appellate review, a party must have presented to the trial court a timely request, objection, or motion, *stating the specific grounds* for the ruling the party desired the court to make if the specific grounds were not apparent from the context." (emphasis added)).

Further, defendant has not specifically contended on appeal that the admission of Exhibit 25 amounted to plain error. Defendant has, therefore, waived plain error review. *State v. Beatty*, 189 N.C. App. 464, 468, 658 S.E.2d 508, 510 (2008) (" 'Where a defendant fails to properly object at trial, he may argue plain error on appeal. . . .

However, [where a] defendant has not asserted plain error . . . [he] has waived plain error review.' " (quoting *State v. Johnson*, 181 N.C. App. 287, 290, 639 S.E.2d 78, 80 (2007))). *See also State v. Curry*, 203 N.C. App. 375, 387, 692 S.E.2d 129, 139 (2010) (overruling argument regarding admissibility of testimony where defendant failed to preserve argument at trial and failed to argue plain error in brief though raised plain error in assignment of error). We, therefore, conclude that defendant has failed to show that the trial court erred in admitting Exhibit 25.

II

Defendant next challenges the admissibility of Exhibits 14 and 20. Exhibit 14 was identified as a digital video recording of a conversation between Mrs. Jackson and another woman that occurred on 10 September 2013. The whole recording is 21 minutes long, although the conversation starts about 14 minutes into the recording. While the whole recording is audible, only the first few seconds and a few seconds at the beginning of the conversation contain any images. Exhibit 20 is a recording of two conversations in which defendant, while in jail, is talking to a woman. One conversation took place on 7 September 2013, three days before the Exhibit 14 meeting, and the second conversation took place on 11 September 2013, the day after the Exhibit 14 meeting.

In the 7 September 2013 conversation, included in Exhibit 20, the woman begins by saying that she "got an appointment to see Ms. Darrow Monday." Ms.

Darrow was defendant's trial counsel. Defendant then asks the woman whether she is "still planning, trying to get up with Mrs. Jackson . . . this week." The woman replies that she is, but that "I got my days mixed up. I was thinking the 10th was Wednesday but it's actually Tuesday. So Tuesday." Defendant tells the woman to approach Mrs. Jackson by saying, "Basically, you come in peace, you ain't trying to be prejudiced against her, you know," and "the main thing . . . you can say is that, uh, whatever happened, I'm sure behind closed doors, in God's sight, neither one of y'all are innocent, you know, but I'm not here to judge you[.]"

Defendant also told the woman to bring up inconsistencies that the two of them together had found in Mrs. Jackson's police statement and "to contradict anything she might try to bring up." Defendant further explained that Mrs. Jackson "knows the truth, and me and God knows the truth, her and I and God knows the truth. . . . I'm just hoping that if she got any type of whatever you want to call it, . . . just a little bit, towards doing the right thing, or whatever, . . . because like I said she knows the truth, and she ain't no saint behind none of this. . . . We both are guilty, . . . in God's sight I'm talking about, you feel me, right?"

The 10 September 2013 conversation (Exhibit 14) began with Mrs. Jackson thanking the other woman for giving some items to her. Then, the woman asked Mrs. Jackson what happened between her and defendant on 9 September 2012. The woman stated that she was concerned about defendant because she is the mother of

defendant's child. Mrs. Jackson told the woman that on 9 September 2012, defendant "became aggressive" towards her, and she asked the woman if she knew whether defendant strangled "the other girls" in the same way he strangled Mrs. Jackson. Mrs. Jackson also told the woman that defendant "abducted" her to which the woman expressed surprise. The recording ends with the woman asking Mrs. Jackson, "Are you still going to go to trial," and then telling Mrs. Jackson, "I'll see you in court, sweetie."

In the 11 September 2013 telephone conversation included in Exhibit 20, the woman began by telling defendant that she could not meet with Ms. Darrow on Monday. The woman then told defendant that she set up a meeting with "that lady" using her mother's phone. The woman explained that she started the conversation by telling "the lady" that she is defendant's "baby's mom." The woman also reported to defendant that she gave the lady some coats for her ministry and "got everything caught on tape." Defendant asked what the lady said had happened after "she cooked me some food and then took me back to the building." The woman stated that the lady said, "y'all got there at 909 Rock Quarry Road . . . and then all of a sudden you became aggressive and just tried to strangle her. . . . And then, 'Actually he abducted me,' and I said, 'Abducted you?!' " The woman also told defendant that the lady stated that defendant had strangled other women and that the woman should go talk to the other victims.

Defendant became frustrated that the woman asked the lady for her side of the story, said he had "repeated [it] a thousand times" that, if the lady tried to take control of the conversation, the woman was to say, "Look, ma'am, you know, I'm sure neither one of y'all [is] innocent behind the scene, I'm not here to judge you or him[.]" Defendant then demanded to know whether the lady was going to drop the charges or testify against him, and the woman replied, "No, I didn't have time to do that."

Outside the presence of the jury, the State sought a ruling on the admissibility of the recordings contained in Exhibits 14 and 20. In support of the State's contention that Exhibit 14 reflected a conversation between Mrs. Jackson and Ms. Grimes and Exhibit 20 involved conversations between defendant and Ms. Grimes, Officer Kovach testified that she learned that defendant dialed the same phone number for the two conversations comprising Exhibit 20, and this number belonged to either Ms. Grimes or her mother Phyllis Grimes. Officer Kovach then stated that in the Exhibit 20 conversations, "the female voice from my experience was a younger voice. Then throughout some of the conversations . . . the female on the phone that was talking actually said I used my mother's car, I used my mother's phone, so I automatically knew that was the daughter, Gigetta, speaking." In the recording of the 11 September 2013 conversation, Officer Kovach was "able to hear a discussion between Ms. Grimes and the defendant about what had transpired" during the meeting between Mrs. Jackson and Ms. Grimes.

The trial court overruled defendant's objections to the admission of Exhibits 14 and 20, including defendant's objection that the State did not properly authenticate the exhibits, and agreed with the State that the exhibits were admissible. The trial court determined that the conversations in Exhibits 14 and 20 were evidence of other wrongs relevant to the issue whether the sexual intercourse between defendant and Mrs. Jackson was consensual. It also determined that these conversations evidenced (1) a conspiracy between defendant and Ms. Grimes to intimidate Mrs. Jackson to not testify and to drop the rape charges and (2) an attempt by defendant to circumvent the magistrate's protective order by indirectly communicating with Mrs. Jackson. The trial court further determined that the probative value of those conversations substantially outweighed any prejudicial value. Finally, the trial court agreed with the State that the statements by Ms. Grimes in the Exhibits 14 and 20 conversations were exceptions to the rule prohibiting hearsay under Rule 801 of the Rules of Evidence in that they contained statements made by co-conspirators in furtherance of a conspiracy.

We first address defendant's contention that the State did not lay a proper foundation for admission of the conversations in Exhibits 14 and 20 because it did not properly authenticate them. " 'The touchstone for admissibility of all exhibits is proper authentication.' " *State v. Patterson*, 103 N.C. App. 195, 202, 405 S.E.2d 200, 205 (1991) (quoting *State v. Rogers*, 316 N.C. 203, 223, 341 S.E.2d 713, 725 (1986),

overruled on other grounds, *State v. Vandiver*, 321 N.C. 570, 364 S.E.2d 373 (1988)), *aff'd*, 332 N.C. 409, 420 S.E.2d 98 (1992).

Rule 901 of the Rules of Evidence provides:

> (a) **General provision**. -- The requirement of authentication or identification as a condition precedent to admissibility is satisfied by evidence sufficient to support a finding that the matter in question is what its proponent claims.
>
> (b) **Illustrations**. -- By way of illustration only, and not by way of limitation, the following are examples of authentication or identification conforming with the requirements of this rule:
>
> (1) **Testimony of Witness with Knowledge**. -- Testimony that a matter is what it is claimed to be.
>
> . . . .
>
> (4) **Distinctive Characteristics and the Like**. -- Appearance, contents, substance, internal patterns, or other distinctive characteristics, taken in conjunction with circumstances.

This Court has reviewed questions of authentication de novo. *See State v. Watlington*, ___ N.C. App. ___, ___, 759 S.E.2d 116, 124 (2014) (reviewing de novo trial court's determination that text messages properly authenticated).

The State presented the testimony of Officer Margaret Bell of the Wake County Sheriff's Office's Criminal Intelligence Unit. She oversaw the PayTel inmate phone system used in the Wake County Jail when defendant made his telephone calls. She

explained how that system automatically recorded every call placed by a particular inmate, together with the number called, and how it documented the date, time, and length of each call. This testimony supported the admission of Exhibit 20.

Defendant, however, specifically contends that the conversations included in both exhibits were not properly authenticated because (1) the woman who confronted Mrs. Jackson and who was on the telephone call with defendant was not explicitly identified in any of the conversations, (2) Mrs. Jackson did not identify the woman who confronted her by name in her trial testimony, and (3) Officer Kovach's statement that she " 'automatically knew' " the female voice belonged to Ms. Grimes was insufficient identification. "[W]hen there is no other evidence to authenticate the identity of [a] speaker . . . except that he states his name, the evidence is inadmissible as hearsay." *Santora, McKay & Ranieri v. Franklin*, 79 N.C. App. 585, 587, 339 S.E.2d 799, 801 (1986). However, the identity of a speaker "may be established by direct or circumstantial evidence, anytime throughout the development of the case[.]" *Id.* (internal citation omitted).

Here, defendant's trial counsel admitted that the woman speaking to defendant in Exhibit 20 is Ms. Grimes. In addition, the phone number that defendant called for the phone conversations comprising Exhibit 20 belonged to either Ms. Grimes or her mother Phyllis Grimes. The woman talking in Exhibit 20 mentioned that she was using her mother's phone and car. Phyllis Grimes' car was a Buick. The

video portion of Exhibit 14 showed that the car being driven by the woman who spoke with Mrs. Jackson was a Buick. In addition, the content of the conversations between defendant and Ms. Grimes, before and after the meeting between the woman and Mrs. Jackson recorded in Exhibit 14, provided circumstantial evidence that Ms. Grimes was the woman who met with Mrs. Jackson. Although defendant argues that Mrs. Jackson was never identified by name in the Exhibit 14 recording, Mrs. Jackson herself confirmed that Exhibit 14 accurately reflected her meeting with the woman on 11 September 2013. We hold that the State presented sufficient evidence, under Rule 901, to authenticate Exhibits 14 and 20.

We next address whether the trial court erred in admitting Exhibit 14 because it contained statements about events not at issue in his trial that defendant contends were irrelevant and barred by Rule 404(b) of the Rules of Evidence. As our Supreme Court has explained, "We review de novo the legal conclusion that the evidence is, or is not, within the coverage of Rule 404(b)." *State v. Beckelheimer*, 366 N.C. 127, 130, 726 S.E.2d 156, 159 (2012).

Rule 404(b) allows "[e]vidence of other crimes, wrongs, or acts" to be admitted for "purposes, such as proof of motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake, entrapment or accident" so long as the evidence is not only offered to prove the "character of a person in order to show that he acted in conformity therewith." *See also State v. Morgan*, 315 N.C. 626, 636, 340

S.E.2d 84, 91 (1986) (" '[T]he prosecution may not introduce evidence of other criminal acts of the accused unless the evidence is introduced for some purpose other than to suggest that because the defendant is a person of criminal character, it is more probable that he committed the crime for which he is on trial.' " (quoting McCormick on Evidence § 190, at 557-58 (3d ed. 1984))).

Defendant specifically argues that Mrs. Jackson's statements regarding defendant strangling other women was only relevant to defendant's bad character and rendered the whole of Exhibit 14 inadmissible. The State contends here, as it did below, that Exhibit 14 was relevant to the issue of consent to intercourse because it was evidence of defendant's attempt to induce Mrs. Jackson not to testify and, therefore, defendant's recognition of his guilt. However, although the Supreme Court has explained that " '[a]n attempt by a defendant to intimidate a witness in an effort to prevent the witness from testifying or to induce the witness to testify falsely in his favor is relevant to show the defendant's awareness of his guilt[,]' " *State v. Mason*, 337 N.C. 165, 171, 446 S.E.2d 58, 61 (1994) (quoting *State v. Hicks*, 333 N.C. 467, 485, 428 S.E.2d 167, 177 (1993), *abrogated in part on other grounds by State v. Buchanan*, 353 N.C. 332, 543 S.E.2d 823 (2001)), Mrs. Jackson's statement in Exhibit 14 that defendant strangled other women was evidence that was not relevant to whether defendant attempted to induce her not to testify or, as the trial court also found, that defendant intended to violate his protective order.

Nonetheless, while these statements were not relevant to a proper purpose under Rule 404(b), defendant cannot show that he was prejudiced by them, since we have concluded that Exhibit 25 was properly admitted, and the jury heard similar statements about defendant strangling other women in Exhibit 25. *See State v. Trull*, 349 N.C. 428, 456, 509 S.E.2d 178, 197 (1998) ("Defendant can show no prejudice where evidence of a similar import has also been admitted without objection and has not been made the subject of an assignment of error on appeal."). Because of this lack of prejudice from the admission of Exhibit 14, we need not address defendant's arguments that these statements in Exhibit 14 constituted inadmissible hearsay and did not amount to corroborative evidence.

With respect to Exhibit 20, defendant argues that the statements made by Ms. Grimes were inadmissible hearsay because the State failed to establish that, under Rule 801(d), they were statements of a co-conspirator in furtherance of a conspiracy. Defendant recognizes that his own statements during the conversations reflected in Exhibit 20 acknowledged his guilt since they show he was trying to intimidate Mrs. Jackson into dropping the charges. He makes no argument that his own statements are inadmissible. Defendant has not provided any basis for holding that defendant's admissions reflected in Exhibit 20 are somehow rendered inadmissible if Ms. Grimes' statements amount to hearsay. Nor can we conceive of one. Defendant has not, therefore, established that Exhibit 20 should have been excluded in its entirety.

Even assuming, without deciding, that Ms. Grimes' responses to defendant's statements constituted hearsay, defendant was not prejudiced by their admission. Although defendant argues that Mrs. Jackson's credibility was impermissibly bolstered by Ms. Grimes' reports to defendant that Mrs. Jackson had told her that defendant strangled her, strangled other women, and was a danger to women, the State presented substantial evidence that defendant strangled Mrs. Jackson. Furthermore, defendant's own conversations with Mrs. Jackson and the statements he made to Ms. Grimes did far more to bolster Mrs. Jackson's credibility than did Ms. Grimes repeating what Mrs. Jackson had told her. We do not believe, given the entirety of the evidence, including defendant's own admissions, that there is any reasonable possibility that exclusion of Ms. Grimes' statements regarding what Mrs. Jackson told her would have resulted in a different verdict. *See* N.C. Gen. Stat. § 15A-1443(a) (2013).

Defendant has, therefore, failed to show that he was unfairly prejudiced by the admission of Exhibit 20. Consequently, we hold that defendant received a trial free of prejudicial error.

NO ERROR.

Judges ELMORE and DILLON concur.

Report per Rule 30(e).