

ACCOMPLICE

In First-Degree Kidnapping Trial, Fact that Accomplice on His Own Initiative Arguably Released Victim in Safe Place Did Not Inure to Benefit of Defendant Who Had Not Undertaken to Release Victim in Safe Place

State v. Smith, ___ N.C. App. ___, 669 S.E.2d 8 (2 December 2008).

The defendant was convicted of first-degree kidnapping based on not releasing the victim in a safe place. The court ruled that when an accomplice of the defendant on his own initiative arguably released the victim in a safe place, that event did not inure to the benefit of the defendant who had not undertaken to release the victim in a safe place.

Trial Judge Did Not Err in Prohibiting Defense-Proffered Evidence of Non-Testifying Accomplice's Guilty Plea

State v. Baskin, ___ N.C. App. ___, 660 S.E.2d 566 (6 May 2008).

The court ruled, relying on *State v. McCullough*, 50 N.C. App. 184 (1980) (acquittal of third persons arrested with defendant was not relevant evidence at defendant's trial), and other cases, that the trial judge did not err in prohibiting defense-proffered evidence of a non-testifying accomplice's guilty plea. The evidence was irrelevant to any issue at the defendant's trial.

Felony Murder Does Not Distinguish Between Victims Who Are Innocent and Those Who Are Co-Felons.

State v. Torres 171 N.C. App. 419 (2005).

An instruction on felony murder was proper where defendant shot and killed a person who approached him from out of the headlights during a roadside robbery, and that person turned out to be an accomplice.

Evidence – Testimony – Credibility of Alleged Accomplice

State v. Carmon 169 N.C. App. 750 (2005).

The trial court did not err in a felonious breaking or entering, robbery with a dangerous weapon, and misdemeanor assault inflicting serious injury case by overruling defendant's objection to the admission of testimony of a police captain regarding the credibility of an alleged accomplice, because: 1) defendant's pretrial statement to police implicated a person as an accomplice in the crime; and 2) the captain's testimony regarding his impression of that person's denial of involvement was admissible not as to the alleged accomplice's general credibility and character, but rather as an explanation for why that person was not arrested.

Accomplice's Plea Agreement and Plea Transcript – Agreement to Testify Against Defendant – Relevant to Credibility

State v. McCord, 140 N.C. App. 634 (2000).

The trial court did not err in a prosecution for first-degree murder, first-degree rape, first-degree kidnapping, robbery with a firearm, and first-degree burglary by admitting evidence of an accomplice's plea agreement and plea transcript under N.C.G.S. § 8C-1, Rule 401, because the fact that the accomplice entered into a plea agreement with the State in which she agreed to testify against defendant was relevant to the accomplice's credibility.