

PERJURY

(1) Sufficient Evidence Existed to Support Perjury Conviction—Ruling of Court of Appeals Is Reversed

State v. Denny, 361 N.C. 662, 652 S.E.2d 212 (9 November 2007), reversing in part and affirming in part, 179 N.C. App. 822, 635 S.E.2d 438 (17 October 2006).

The defendant completed an affidavit of indigency to obtain court-appointed counsel. The evidence tended to show that he wrote “0” under the category of assets titled “real estate” although he was record co-owner of real property. (1) The court ruled, reversing the court of appeals ruling, that there was sufficient evidence to support the defendant’s conviction of perjury under G.S. 14-209. (See the court’s discussion of the facts supporting the conviction.)

1) Perjury-Indigency Affidavit-Evidence Not Sufficient

State v Denny 179 N.C. App. 822 (2006)

In North Carolina, perjury must be established by at least two witnesses, or by one witness with corroborating circumstances. Here, the State produced only one witness to testify directly to the falsity of defendant's statements on an affidavit of indigency in a child support case, and there was no independent corroborating evidence.

Perjury 12 (NCI4th) - Grand Jury Testimony - Hedging Of False Statements - Materiality

State v. Basden, 110 N.C. App. 449 (1993) 429 S.E.2d 740

Defendant's answers of "No sir" to questions concerning a conversation about cocaine during testimony before the grand jury constituted "false statements" within the definition of perjury even though he hedged his answers when given second opportunities to give truthful answers by stating "I don't think so" or "I don't recall saying that." Furthermore, defendant's answers met the materiality element of perjury where the grand jury was investigating the proliferation of drugs and drug offenses in the county and defendant's answers were capable of misleading or deceiving the grand jury as to whether a substance shown to defendant by another person was in fact cocaine and, if so, the amount thereof.