

## **Evidence**

### **404(b) Evidence**

[State v. Noble](#), \_\_ N.C. App. \_\_, \_\_ S.E.2d \_\_ (May 14, 2013). In an involuntary manslaughter case where the victim, who was under 21, died from alcohol poisoning, and the defendant was alleged to have aided and abetted the victim in the possession or consumption of alcohol, the trial court did not err by admitting 404(b) evidence that the defendant provided her home as a place for under age individuals, including the victim, to possess and consume alcohol; that the defendant offered the victim and other underage persons alcohol at these parties; that the defendant purchased alcohol at a grocery store while accompanied by the victim; and the defendant was cited for aiding and abetting the victim and other under age persons to possess or consume alcohol one week before the victim's death. The evidence was relevant to prove plan, knowledge, and absence of mistake or accident.

## **Criminal Offenses**

### **Homicide**

[State v. Noble](#), \_\_ N.C. App. \_\_, \_\_ S.E.2d \_\_ (May 14, 2013). The trial court did not err by denying the defendant's motion to dismiss a charge of involuntary manslaughter where a person under 21 years of age died as a result of alcohol poisoning and it was alleged that the defendant aided and abetted the victim in the possession or consumption of an alcoholic in violation of G.S. 18B-302. The victim was found dead in the defendant's house and the evidence showed that on previous occasions the defendant provided and or allowed underage persons to consume alcohol on the premises. The court rejected the defendant's argument that the State was required to prove that the defendant provided the victim with the specific alcohol he drank on the morning of his death. The court concluded, in part, that there was substantial evidence that the defendant knowingly advised, instigated, encouraged, procured, or aided the victim in possessing or consuming the alcohol that caused his death:

The evidence established that defendant frequently hosted parties at her home during which defendant was aware that underage people, including [the victim], consumed alcohol. On at least one occasion, defendant was seen offering alcohol to [the victim], and defendant knew the [the victim] was under the age of 21. The State presented substantial evidence that defendant's actions of allowing [the victim] to consume, and providing [the victim] with, alcohol were part of a plan, scheme, system, or design that created an environment in which [the victim] could possess and consume alcohol and that her actions were to consume, and providing [the victim] with, alcohol were part of a plan, scheme, system, or design that created an environment in which [the victim] could possess and consume alcohol and that her actions were done knowingly and were not a result of mistake or accident. Viewed in the light most favorable to the State, we conclude the evidence was sufficient to allow a reasonable juror to conclude that defendant assisted and encouraged [the victim] to possess and consume the alcohol that caused his death.