

## **Evidence**

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

[\*State v. McKnight\*](#), \_\_\_ N.C. App. \_\_\_, \_\_\_ S.E.2d \_\_\_ (Jan. 20, 2015). In this drug trafficking case in which the defendant was prosecuted for possessing and transporting drugs in his car, the trial court erred by admitting evidence of drug contraband found in a home. The defendant picked up two boxes from suspected drug trafficker Travion Stokes, put them in his car, was stopped by officers and was charged with drug crimes in connection with controlled substances found in the boxes. The defendant claimed that he did not know what was in the boxes and that he was simply doing a favor for Stokes by bringing them to a home on Shellburne Drive. The police got a warrant for the home at Shellburne Drive and found drug contraband there. The State successfully admitted this evidence over the defendant's objection at trial under Rule 404(b) to show the defendant's knowledge that the boxes he was transporting contained controlled substances. Relying on *State v. Moctezuma*, 141 N.C. App. 90 (2000), the court held this was error, finding that no evidence connected the *defendant* to the contraband found in the Shellburne Drive home.

## **Arrest, Search and Investigation**

### **Vehicle Stops**

[\*State v. McKnight\*](#), \_\_\_ N.C. App. \_\_\_, \_\_\_ S.E.2d \_\_\_ (Jan. 20, 2015). In this drug trafficking case, the trial court did not commit plain error by finding that officers had reasonable suspicion to stop the defendant's vehicle. The court began by rejecting the State's argument that the defendant's evasive action while being followed by the police provided reasonable suspicion for the stop. The court reasoned that there was no evidence showing that the defendant was aware of the police presence when he engaged in the allegedly evasive action (backing into a driveway and then driving away without exiting his vehicle). The court noted that for a suspect's action to be evasive, there must be a nexus between the defendant's action and the police presence; this nexus was absent here. Nevertheless, the court found that other evidence supported a finding that reasonable suspicion existed. Immediately before the stop and while preparing to execute a search warrant for drug trafficking at the home of the defendant's friend, Travion Stokes, the defendant pulled up to Stokes' house, accepted 2 large boxes from Stokes, put them in his car, and drove away. The court noted that the warrant to search Stokes' home allowed officers to search any containers in the home that might contain marijuana, including the boxes in question.

## **Criminal Offenses**

### **Sex Offenders**

[\*State v. Barnett\*](#), \_\_\_ N.C. App. \_\_\_, \_\_\_ S.E.2d \_\_\_ (Jan. 20, 2015). In a failure to register case, there was insufficient evidence that the defendant changed his address. The indictment alleged that the defendant failed to notify the sheriff's office within three business days of his change of address; it did not allege that he failed to update his registration information upon release from a penal institution. The court rejected the State's argument that when the defendant was incarcerated after his initial registration, his

subsequent release from incarceration required him to register a change of address, concluding that the statutory provisions regarding registration upon release from a penal institution applied to such situations.