

State v. Messer, Uncorroborated Confessions & the Corpus Delicti Rule

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A few years ago, I wrote a blog post ([here](#)) about the corpus delicti rule. That rule popped up in a recent court of appeals case, [State v. Messer](#). Here's a refresher and an update on the new case.

Under the corpus delicti rule, the State may not rely solely on the extrajudicial confession of a defendant to obtain a conviction; rather, the State must produce substantial independent corroborative evidence that supports the facts underlying the confession. As originally interpreted in North Carolina, the rule required some independent evidence of the crime itself—the body of the crime. However, in *State v. Parker*, 315 N.C. 222 (1985), the North Carolina Supreme Court relaxed that rule. In *Parker*, the court adopted a new, broader standard providing that the evidence could *either* prove commission of the crime *or* corroborate the confession itself, establishing its trustworthiness. For now, let's call this second way of satisfying the rule “the trustworthiness prong.”

Here's how the corpus delicti issue played out in *Messer*. After the defendant was arrested on warrants for first-degree murder and robbery of victim Billy, he admitted the following to the police:

I told him to take me to Benson and uh, before we got to Benson, I told him I needed to get out and pee and when I got out, I acted like I peed, pulled a gun out of my pants, opened my door back up and shot him in the head.

The defendant also said that he took the murder weapon from Billy's home and that he stole \$104 from Billy's wallet, dragged Billy out of the car, and left to go to “the crackman's house.”

The defendant was convicted of first-degree felony murder, with the robbery as the underlying felony. On appeal, the defendant argued that the trial court erred by denying his motion to dismiss the robbery charge because the State failed to establish the corpus delicti of that crime. Specifically, he asserted that the State failed to introduce evidence corroborating his assertion that he stole \$104 from the victim, which was relevant to the robbery charge underpinning the felony-murder conviction. The court of appeals disagreed, concluding that under the trustworthiness prong of the corpus delicti rule, “[t]he State need only show corroborative evidence tending to establish the reliability of the confession—not the reliability of each part of the confession which incriminates the defendant.” (quotation omitted). Here, evidence establishing the reliability of the confession included, in part:

- the medical examiner's determination that Billy died from a single gunshot wound to the head;
- the recovery of a revolver with a single expended cartridge at the scene;
- a test confirming Billy's blood was inside the car; and
- a DNA test establishing Billy's blood was on a jacket the defendant was wearing when arrested.

Thus, the court concluded, the State provided substantial independent evidence tending to establish the trustworthiness of the confession and the corpus delicti for robbery was established. Put another way, the State met the trustworthiness prong of the corpus delicti rule.

Want to know more about corpus delicti? Check out my Judges' Benchbook chapter

here: <http://benchbook.sog.unc.edu/criminal/corpus-delicti>