North Carolina Reports STATE v. THOMPSON, 332 N.C. 204 (1992) 420 S.E.2d 395

Page 219
[3] Defendant next assigns error to the trial court's denial of his motion to require the State to introduce a transcript of defendant's 25 May 1988 interview in Duplin County contemporaneously with the tapes and transcripts of the phone calls. Defendant relies upon N.C.G.S. 8C-1, Rule 106 for support. That rule provides:

When a writing or recorded statement or part thereof is introduced by a party, an adverse party may require him at that time to introduce any other part or any other writing or recorded statement which ought in fairness to be considered contemporaneously with it.

N.C.G.S. 8C-1, Rule 106 (1988). We find defendant's contention to be without merit.

While we have found no decisions of this Court which are instructive on this point, we note that the federal rule is identical to our rule and has been the subject of many federal decisions. This Court frequently looks to federal decisions for guidance with regard to the Rules of Evidence. See, e.g., State v. Smith, 315 N.C. 76, 337 S.E.2d 883 (1985).

The lessons of the federal decisions discussing Rule 106 are well settled. Rule 106 codifies the standard common law rule that when a writing or recorded statement or a part thereof is introduced by any party, an adverse party can obtain admission of the entire statement or anything so closely related that in Page 220

fairness it too should be admitted. The trial court decides what is closely related. United States v. Burreson, 643 F.2d 1344 (9th Cir.), cert. denied, 454 U.S. 847, 70 L.Ed.2d 135 (1981). The standard of review is whether the trial court abused its discretion. United States v. Abroms, 947 F.2d 1241 (5th Cir. 1991), cert. denied, ___ U.S. ___, 120 L.Ed.2d 869 (1992). "The purpose of the 'completeness' rule codified in Rule 106 is merely to ensure that a misleading impression created by taking matters out of context is corrected on the spot, because of 'the inadequacy of repair work when delayed to a point later in the trial.'" United States v. LeFevour, 798 F.2d 977, 981 (7th Cir. 1986) (quoting Advisory Committee Note).

Federal decisions also make clear that Rule 106 does not require introduction of additional portions of the statement or another statement that are neither explanatory of nor relevant to the passages that have been admitted. See, e.g., United States v. Walker, 652 F.2d 708 (7th Cir. 1981) (trial court properly admitted parts of defendant's grand jury testimony and excluded other portions); accord United States v. Garrett, 716 F.2d 257 (5th Cir. 1983), cert. denied, 466 U.S. 937, 80 L. Ed. 2d 459 (1984); United States v. Crosby, 713 F.2d 1066 (5th Cir.),

Date Printed: July 6, 1999

North Carolina Reports STATE v. THOMPSON, 332 N.C. 204 (1992) 420 S.E.2d 395

cert. denied, 464 U.S. 1001, 78 L.Ed.2d 696 (1983).

Applying these principles to the instant case, in sum, defendant must demonstrate that the tapes and transcripts of the two telephone calls were somehow out of context when they were introduced into evidence, and he must also demonstrate that his Duplin County interview was either explanatory of or relevant to the telephone calls. Defendant does neither. First, there is no indication that the tapes and transcripts were introduced other than as a whole. Second, defendant has not shown how the Duplin County interview was either explanatory of or relevant to the telephone calls. Defendant's 25 May interview with the Duplin County Sheriff and other investigating officers was basically exculpatory. As defendant states in his brief, the interview was a clear denial of any implication or involvement in the victim's death. The telephone conversations, however, were inculpatory. At the time of defendant's interview on 25 May, Sanchez had neither been located nor arrested. The idea of placing recorded telephone calls to defendant arose after Sanchez' arrest on the morning of 27 May. There appears to be no nexus between defendant's prior exculpatory interview and the subsequent telephone calls made to him by Sanchez. This situation clearly falls outside the parameters of Rule 106. It was defendant's Page 221

responsibility, not the State's, to introduce evidence about his exculpatory interview. See Advisory Committee Note to Rule 106 (Rule 106 "does not in any way circumscribe the right of the adversary to develop the matter on cross-examination or as part of his own case.") We hold, therefore, that the trial court did not abuse its discretion in denying defendant's motion to require the State to introduce defendant's 25 May interview contemporaneously

with the tapes and transcripts of the telephone calls.

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