



State v. Ragland

227 N.C. 162 (1947) | Cited 5 times | Supreme Court of North Carolina | February 26, 1947

The defendant's first exception is to the admission of the testimony of Sheriff Roebuck, relative to the similarity of the tracks made by the shoe the defendant was wearing on his right foot at the time he was arrested, and tracks leading from the house of the prosecutrix. The defendant contends that when the Sheriff was permitted to testify that he took one of the shoes the defendant was wearing and fitted it into the tracks leading from the home of the prosecutrix, and that the tracks corresponded with the imprint made by the defendant's shoe, it was tantamount to requiring the defendant to give testimony against himself. Under our decisions the exception cannot be sustained.

It is well settled with us that the similarity of footprints is admissible in evidence as tending to identify the accused as the one who perpetrated the crime. The probative value of such evidence depends upon the attendant circumstances. *S. v. Walker*, 226 N.C. 458, 38 S.E.2d 531; *S. v. Mays*, 225 N.C. 486, 35 S.E.2d 494; *S. v. McLeod*, 198 N.C. 649, 152 S.E., 895; *S. v. Spencer*, 176 N.C. 709, 97 S.E., 155; *S. v. Lowry*, 170 N.C. 730, 87 S.E., 62; *S. v. Thompson*, 161 N.C. 238, 76 S.E., 249; *S. v. Hunter*, 143 N.C. 607, 56 S.E., 547; *S. v. Reitz*, 83 N.C. 634; *S. v. Graham*, 74 N.C. 646. In the last cited case, this Court said: "An officer who arrests a prisoner has a right to take any property which he has about him, which is connected with the crime charged, or which may be required as evidence."

The second exception is directed to the prejudicial effect of the Sheriff's testimony to the effect that the defendant had made inquiry of him as to whether or not Chester Morris and the other escaped prisoners had been captured. This exception cannot be sustained. The defendant in his voluntary written statement, signed by him, and admitted in evidence without objection, stated that he, Chester Morris and other prisoners had escaped from the prison camp on 3 November, 1946, and that he had wrongfully tried to implicate Morris as "the one who committed the

crime on the white woman." Moreover, declarations and admissions of a defendant are competent against him in a criminal action. *S. v. Abernethy*, 220 N.C. 226, 17 S.E.2d 25.

The remaining exceptions are without merit.

We find no error in the trial below.

No error.

Disposition



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No error.

