

SUPREME COURT OF NORTH CAROLINA

State v. Wilson, 362 N.C. 162

655 S.E.2d 359 (2008) · No. No. 257A07 · Decided January 25, 2008

SUMMARY

The Supreme Court of North Carolina held that a mental health clinician employed by an independent contractor providing services to jail inmates was an agent of the sheriff for purposes of North Carolina General Statutes § 14-27.7(a). The court concluded that the clinician could be criminally liable for sexual acts with an inmate and that the employment contract's independent-contractor provision was properly excluded from evidence. The court modified and affirmed the Court of Appeals' decision.

CASE DETAILS

COURT	Supreme Court of North Carolina
WRITING FOR THE COURT	Edmunds, Justice
JURISDICTION	North Carolina
DECIDED	January 25, 2008
DOCKET	No. 257A07
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed as of right to the Supreme Court of North Carolina after the Court of Appeals affirmed his convictions for sexual activity by a custodian and attempted sexual activity by a custodian.
PRECEDENTIAL VALUE	Published precedential opinion of the Supreme Court of North Carolina
PARTIES	David Edward Wilson v. State of North Carolina

TOPICS

- criminal procedure
- evidence
- statutory interpretation
- health law

PRACTICE AREAS

- criminal law
- criminal procedure
- evidence
- statutory interpretation
- health law

QUESTIONS PRESENTED

1. Whether a mental health clinician employed by an independent contractor providing services to jail inmates was an agent of the sheriff within the meaning of N.C.G.S. § 14-27.7(a).
2. Whether the trial court properly excluded the employment contract between the sheriff's office and the independent contractor.

HOLDINGS

1. A person who provides mental health services to inmates on behalf of the sheriff is an agent authorized to act for or in place of the sheriff and may be criminally liable under N.C.G.S. § 14-27.7(a), even if employed by an independent contractor.
2. The trial court properly excluded the employment contract because its designation of Prison Health Services as an independent contractor did not negate Wilson's statutory agency relationship with the sheriff.

KEY QUOTATIONS

“As demonstrated by its title and text, one purpose of section 14-27.7 is to remove consent as a defense to a sex offense when a substantial imbalance of power exists between victim and perpetrator.” (362 N.C. at 161)

“An agent is one who acts for or in the place of another by authority from him,” (362 N.C. at 162)

“Such a relationship existed here.” (362 N.C. at 162)

FACTUAL BACKGROUND

David Edward Wilson was a mental health clinician employed by Prison Health Services, an independent contractor that provided mental health services to inmates under a contract with the Mecklenburg County Sheriff's Office. While treating a female inmate at the Mecklenburg County jail, Wilson engaged in several sexual acts with her. Wilson did not deny the acts but argued that he was not an agent of the sheriff for purposes of N.C.G.S. § 14-27.7(a), and he sought to introduce the contractor agreement disclaiming an agency relationship.

PROCEDURAL HISTORY

A Mecklenburg County grand jury indicted Wilson for sexual activity by a custodian and attempted sexual activity by a custodian under N.C.G.S. § 14-27.7(a). The trial court excluded the employment contract between the Mecklenburg County Sheriff's Office and Prison Health Services and instructed the jury that an agent is a person authorized to act for or in place of another. The jury convicted Wilson, and the Court of Appeals affirmed in a divided decision. The Supreme Court modified and affirmed the Court of Appeals' judgment.

DISPOSITION

affirmed

CASES CITED

- Medley v. North Carolina Department of Correction, 330 N.C. 837, 412 S.E.2d 654 (1992)

- State v. Wilson, ___ N.C. App. ___, 643 S.E.2d 620 (2007)
- Holcomb v. Colonial Associates, L.L.C., 358 N.C. 501, 597 S.E.2d 710 (2004)
- Cooper v. Asheville Citizen-Times Publishing Co., 258 N.C. 578, 129 S.E.2d 107 (1963)
- Harris v. Carter, 227 N.C. 262, 41 S.E.2d 764 (1947)
- Julian v. Lawton, 240 N.C. 436, 82 S.E.2d 210 (1954)

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