

2021 NORTH CAROLINA STATE CASELAW UPDATE

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THE NORTH CAROLINA SUPREME COURT



STATE V. AUSTIN, ____ NC ____ (2021)

TRIAL JUDGE'S
STATEMENTS THAT ITS
YOUR JOB TO DETERMINE
WHICH TYPE OF ASSAULT
OCCURRED DID NOT
AMOUNT TO IMPROPER
JUDICIAL STATEMENTS
WARRANTING A NEW
TRIAL.



STATE V. SHULER, ____ NC ____ (2021)

THE DEFENDANT'S
ASSERTION OF AN
AFFIRMATIVE
DEFENSE DID NOT
RESULT IN A WAIVER
OF HIS FIFTH
AMENDMENT RIGHT
TO SILENCE.



STATE V. JOHNSON, ____ NC ____ (2021)

TRAFFIC STOP UPHLED
WHEN THE STOP WAS
LATE AT NIGHT IN A
HIGH CRIME AREA
WITH THE DEFENDANT
BLADING HIS BODY
WHEN GETTING HIS
REGISTRATION.



STATE V. GOINS, ____ NC ____ (2021)

IMPROPER FOR PROSECUTOR TO ARGUE THAT THE DEFENDANT'S DECISION TO PLEAD NOT GUILTY WAS BECAUSE HE REFUSED TO TAKE RESPONSIBILITY FOR ANYTHING. HOWEVER, THE DEFENDANT COULD NOT MEET HIS BURDEN OF SHOWING THAT IT CHANGED THE OUTCOME OF THE TRIAL.



STATE V. BETTS, ___ NC ___ (2021)

USE OF THE TERM
DISCLOSE DIDN'T AMOUNT
TO VOUCHING FOR THE
CREDIBILITY OF A CHILD IN
A CHILD SEXUAL ABUSE
CASE.



STATE V. CORBETT AND MARTENS, ____ NC ____ (2021)

FAILURE TO GIVE SELF
DEFENSE INSTRUCTION
WHEN THERE WAS
EVIDENCE THAT A
DEADLY WEAPON WAS
USED IN SELF-DEFENSE
WAS REVERSIBLE ERROR.



STATE V. CHANDLER, ____ NC ____, (2021)

TRIAL JUDGE HAD NO AUTHORITY TO REJECT A PLEA BASED ON THE DEFENDANT'S FAILURE TO ADMIT GUILT. THE PLEA REJECTION ENDED UP IN A WORST RESULT AT TRIAL. BASED ON THE IMPROPER PLEA REJECTION, THE DEFENDANT WAS ENTITLED TO A NEW TRIAL.



STATE V. FARMER, ____ NC ____ (2021)



- NO SPEEDY TRIAL VIOLATION EVEN THOUGH THE CASE WAS TRIED FIVE YEARS AFTER THE INDICTMENT DATE BUT WITHIN FOUR MONTHS AFTER THE SPEEDY TRIAL MOTION WAS FILED.

STATE V. GLOVER, ____ NC ____ (2021)

DEFENDANT COULD
NOT BE GUILTY OF
ACTING IN CONCERT
TO POSSESS DRUGS
THAT HE WAS
UNAWARE OF EVEN
THOUGH HE HAD
USED DRUGS WITH
THE OWNER OF THE
DRUGS THAT WERE
DISCOVERED.



STATE V. SIDES, ____ NC ____, (2021)

PLAIN ERROR
WHERE JUDGE
RULED THAT THE
DEFENDANT HAD
FORFIETED HER
RIGHT TO BE
PRESENT AT TRIAL
AFTER A SUICIDE
ATTEMPT.



THE NORTH CAROLINA COURT OF APPEALS



STATE V. MCCLYMORE, ____ NC APP ____ (2021)

NO ERROR IN NOT
RECITING THE
ALLEGED VICTIMS
NAMES IN THE JURY
CHARGE ALTHOUGH
THE INDICTMENTS
CONTAINED THE
NAMES.



STATE V. MCDOUGALD, ____ NC APP ____ (2021)

NO ERROR IN DENYING
A MOTION FOR
MISTRIAL BASED ON
DETECTIVES MENTION
OF A PREVIOUS
MUGSHOT WHEN THE
DEFENDANT TESTIFIED
AND ADMITTED TO
HAVING A RECORD.



STATE V. CHAVIS, ____ NC APP ____ (2021)

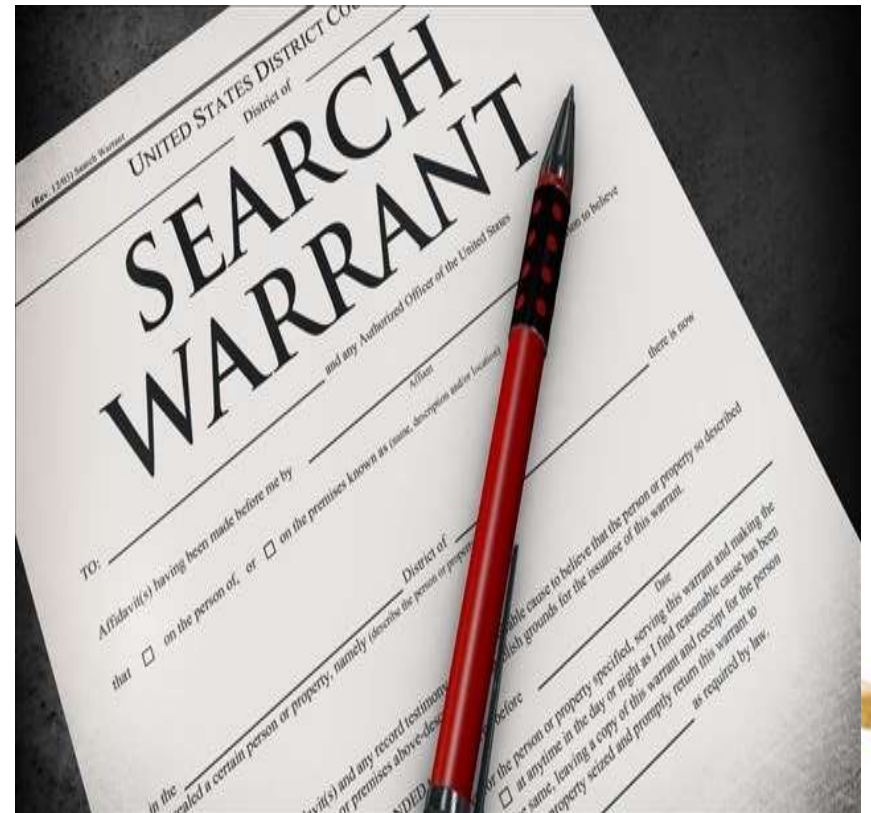


THE COURT HELD THAT A TASER COULD BE A DANGEROUS OR DEADLY WEAPON BASED ON ITS USE. FURTHER, THE COURT HAD NO DUTY TO INSTRUCT ON SERIOUS BODILY INJURY ON THE ROBBERY WITH DANGEROUS WEAPON COUNT.



STATE V. LOGAN, ____ NC APP ____ (2021)

INFORMATION SUPPLIED
WITHIN THE AFFIDAVIT FOR
THE SEARCH WARRANT
WAS INSUFFICIENT. NO
EVIDENCE OUTSIDE THE
FOUR CORNERS OF THE
SEARCH WARRANT SHOULD
BE CONSIDERED,



STATE V. SCOTT, ____ NC APP ____ (2021)



UNLAWFUL SEIZURE OF
BLOOD OCCURRED AT A
HOSPITAL AFTER A
COLLISION WHEN NO ONE
SUSPECTED THAT THE
DEFENDANT WAS
IMPAIRED.



STATE V. GARRETT, ____ NC APP ____, (2021)

WHILE FENTANYL IS
NOT EXPRESSLY
MENTIONED IN NCGS 90-
95(h)(4), IT QUALIFIES AS
AN OPIATE UNDER THE
MEANING OF THE
STATUTE.



STATE V. CRUDUP, ____ NC APP ____ (2021)

COURT DID NOT ERR IN REFUSING TO PROVIDE THE DEFENDANT WITH STANDBY COUNSEL AFTER HIS TRIAL BEGAN WHEN HE HAD WAIVED COUNSEL SEVERAL TIMES BEFORE TRIAL.



STATE V. MYRICK, ____ NC APP ____ (2021)

PREJUDICIAL
ERROR FOR THE
JUDGE TO FIND
DEFENDANT NGRI
WITHOUT MAKING
FINDINGS ON HIS
CAPACITY TO
PROCEED.



STATE V. STATON, ____ NC APP ____ (2021)

COURT DID NOT ERROR
IN DENYING MOTION
TO DISMISS WHEN A
BULLET STRUCK A
TOOL BOX THAT WAS
ATTACHED TO A TRUCK
IN A DISCHARGING A
FIREARM INTO AN
OCCUPIED VEHICLE
CASE.



STATE V. STEELE, ____ NC APP ____ (2021)

NO REASONABLE
PERSON WOULD
THINK THEY
WERE FREE TO
LEAVE WHEN
FOLLOWED BY
POLICE AT 3AM
AND THEN
HAILED DOWN.



STATE V. ARNETT, ____ NC APP ____ (2021)

VOLUNTARY
INTOXICATION
DOES NOT APPLY
TO THE GENERAL
INTENT CRIME OF
ASSAULT WITH A
DEADLY WEAPON
INFLICTING
SERIOUS INJURY.



STATE V. CLEMMONS, __ N.C. APP. __, (2021)

SCREENSHOTS ON
FACEBOOK PROPERLY
AUTHENTICATED AS
BOTH A PHOTOGRAPH
AND WRITTEN
STATEMENT WITH
SUFFICIENT
CIRCUMSTANTIAL
EVIDENCE.



STATE V. NUNEZ, __ N.C. APP. __, (2021)

WHEN AN OFFICER
ACTIVATES BLUE
LIGHTS IN A PUBLIC
VEHICULAR AREA
DOES NOT
CONSTITUTE A
SEIZURE.



STATE V. KNIGHT, __ N.C. APP. __, (2021)

ERROR FOR THE
TRIAL COURT TO
IMPOSE A
SENTENCE THAT
DIFFERED FROM
THE PLEA
AGREEMENT.



THE END

QUESTIONS OR COMMENTS.
PLEASE FEEL FREE TO CALL
(336)292-4076

