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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA22-556

Filed 07 February 2023

Davie County, Nos. 20CRS 050412-13, 050574

STATE OF NORTH CAROLINA

v.

CHRISTIAN BLEU REAVIS

Appeal by defendant from judgment entered 14 February 2022 by Judge Susan E. Bray in Davie County Superior Court. Heard in the Court of Appeals 11 January 2023.

Attorney General Joshua H. Stein, by Assistant Attorney General Kayla D. Britt, for the State.

Richard Croutharmel for defendant-appellant.

TYSON, Judge.

Christian Bleu Reavis (“Defendant”) appeals his judgment entered upon convictions for three counts of indecent liberties with a child. We vacate the judgment and remand for resentencing to correct the trial court’s miscalculation of Defendant’s maximum sentence.

I. Background

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Davie County Sheriff's Deputy Chris Bolin received a call from Special Agent Bradley about a KIK social media account, from which a sexually explicit image of a boy between the ages of seven to eleven years old had been downloaded. The email address associated with the account was ReavisChristian@gmail.com.

Officers obtained a search warrant and went to Defendant's residence on 18 March 2020. Officers met Defendant's parents, who informed them Defendant was housesitting at another residence. At the other residence, officers found Defendant was babysitting two eight-year-old boys.

The officers seized Defendant's cell phone, and he provided the pass code to access its information. On the cellphone, officers discovered a video of a thirteen to fifteen-year-old boy naked before the camera. Defendant admitted to having sexual contact with the minor boy depicted in the video. Defendant also admitted he had downloaded child pornography and traded images. Defendant was charged, convicted, and sentenced to federal charges for the child pornography. Defendant also admitted he had pulled down the pants of a minor child, who had been in his house earlier that week.

Investigators interviewed nine boys and a number of parents, whose children had been in close contact with Defendant. One child's parents told investigators Defendant had taken their son to the bathroom to wash his hands, and Defendant stuck his hand down inside of the boy's pants.

Defendant was charged with two counts of indecent liberties with a child and

one count of statutory sex offense with a child by an adult. Defendant pleaded guilty to three counts of indecent liberties with a child, pursuant to a plea agreement. The trial court sentenced Defendant as a prior record level III offender in the presumptive range of felony Class F, to an active term of 17 to 33 months to run consecutively for each conviction. The trial court ordered Defendant's state sentences to run concurrent to his active federal sentence. Defendant appeals.

II. Jurisdiction

Jurisdiction lies in this Court pursuant to N.C. Gen. Stat. § 15A-1444(a2)(3) (2021).

III. Issue

Defendant argues the trial court erred by sentencing him to a maximum of 33 months.

IV. Analysis

The State concedes the trial court incorrectly sentenced Defendant to a term not authorized by the statute applicable to his convictions for indecent liberties with a child. The maximum corresponding maximum sentences is 30 months for a Class F felony offense by a prior record level III offender, who has been sentenced to a minimum term of 17 months. *See* N.C. Gen. Stat. § 15A-1340.17(d) (2021).

In light of the State's concession, we vacate Defendant's sentences of 17 to 33 months and remand for resentencing with the proper statutory calculation.

V. Conclusion

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As is conceded by the State, Defendant's sentence was imposed under an improper calculation of the statutory maximum sentence. Defendant's sentence is vacated, and this cause is remanded for resentencing. Defendant's underlying convictions remain undisturbed. *It is so ordered.*

VACATED AND REMANDED.

Judges DILLON and HAMPSON concur.

Report per Rule 30(e).