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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA24-378

Filed 7 May 2025

Alamance County, No. 14CRS056577

STATE OF NORTH CAROLINA

v.

CHRISTOPHER RYANT WILLIAMS

Appeal by defendant from judgments entered 15 June 2023 by Judge Andrew Hanford in Alamance County Superior Court. Heard in the Court of Appeals 26 February 2025.

Attorney General Jeff Jackson, by Assistant Attorney General Amber I. Davis, for the State.

Assistant Public Defender Max E. Ashworth III for defendant-appellant.

ZACHARY, Judge.

Defendant Christopher Ryant Williams appeals from the trial court's judgments entered upon a jury's verdicts finding him guilty of two counts of sexual offense with a child. Defendant raises two arguments on appeal: (1) that the trial court abused its discretion when it denied his motion for a mistrial, and (2) that the trial court committed plain error when it admitted evidence of Defendant's prior

abuse of another child. After careful review, we conclude that Defendant received a fair trial, free from error.

I. Background

On 26 May 2015, an Alamance County grand jury indicted Defendant for one count of rape of a child and two counts of sexual offense with a child. On 24 April 2023, an Alamance County grand jury issued a superseding indictment for the same charges.

Defendant's case came on for jury trial on 12 June 2023 in Alamance County Superior Court. At trial, the evidence tended to show the following: Defendant began a relationship with Betsy and Faith's¹ mother in early 2010. Thereafter, Defendant began sexually abusing Betsy by forcing her to engage in various sexual acts with him.

During trial, State's Exhibit No. 3—video footage of a forensic interview that a detective with the Burlington Police Department Special Victims Unit conducted with Betsy—was admitted and published to the jury with Defendant's consent. Defendant did not request that any portion of the video be redacted before it was played for the jury. However, at one point in the video, the detective asked Betsy whether Defendant had abused Faith. Betsy responded, "I never knew until [Faith] told me." Defense counsel objected and the video was immediately stopped. The trial court then

¹ To protect their identities, we refer to the minor children by the pseudonyms adopted by the parties. *See* N.C.R. App. P. 42(b).

instructed the jury to “disregard that portion of the video.” Defense counsel made a motion for a mistrial, which the court denied.

On 15 June 2023, the jury returned its verdicts finding Defendant not guilty of rape of a child but guilty of two counts of sexual offense with a child. The trial court entered judgments, sentencing Defendant to two consecutive terms of 300 to 420 months’ imprisonment in the custody of the North Carolina Department of Adult Correction.

Defendant gave timely notice of appeal.

II. Discussion

Defendant raises two issues on appeal. First, Defendant argues that “[p]ursuant to N.C. Gen. Stat. § 15A-1061, the trial court erred when it denied [his] motion for a mistrial.” Defendant also contends that “[p]ursuant to N.C. Gen. Stat. § 8C-1, Rule 404[,] the trial court plainly erred when it allowed evidence of prior acts between [him] and Faith.”

A. Motion for a Mistrial

Defendant first asserts that “the trial court erred when it denied [his] motion for a mistrial when the jury learned Faith also alleged [that he] sexually assaulted her.” We disagree.

1. Standard of Review

The determination as to whether to declare a mistrial on the grounds that “substantial and irreparable prejudice has occurred lies within the sound discretion

of the trial judge and will not be disturbed on appeal absent a showing of abuse of discretion.” *State v. McNeill*, 371 N.C. 198, 248, 813 S.E.2d 797, 829 (2018) (cleaned up), *cert. denied*, 586 U.S. 1209, 203 L. Ed. 2d 417 (2019). “An abuse of discretion occurs when a ruling is manifestly unsupported by reason, which is to say it is so arbitrary that it could not have been the result of a reasoned decision.” *Id.* (cleaned up). “Further, the decision of the trial judge is entitled to great deference since he is in a far better position than an appellate court to determine the effect of any such error on the jury.” *Id.* (cleaned up).

2. Analysis

“Upon motion of a defendant or with his concurrence the judge may declare a mistrial at any time during the trial.” N.C. Gen. Stat. § 15A-1061 (2023). A mistrial must be declared “if there occurs during the trial an error or legal defect in the proceedings, or conduct inside or outside the courtroom, resulting in substantial and irreparable prejudice to the defendant’s case.” *Id.*

A “[m]istrial is a drastic remedy, warranted only for such serious improprieties as would make it impossible to attain a fair and impartial verdict.” *State v. Taylor*, 362 N.C. 514, 538, 669 S.E.2d 239, 260 (2008) (citations omitted), *cert. denied*, 558 U.S. 851, 175 L. Ed. 2d 84 (2009). “Our system of justice is based upon the assumption that trial jurors are women and men of character and of sufficient intelligence to fully understand and comply with the instructions of the court, and are presumed to have done so.” *State v. Hauser*, 271 N.C. App. 496, 498, 844 S.E.2d 319, 322 (2020) (citation

omitted). Therefore, “[w]hen the trial court instructs the jury not to consider incompetent evidence, any prejudice is ordinarily cured.” *State v. Brunson*, 180 N.C. App. 188, 191, 636 S.E.2d 202, 204 (2006) (citation omitted), *aff’d*, 362 N.C. 81, 653 S.E.2d 144 (2007).

At trial of the instant case, the State introduced video footage of Betsy’s forensic interview with a detective from the Burlington Police Department Special Victims Unit. This video was admitted and published to the jury as State’s Exhibit No. 3 without objection and with no request from Defendant to redact any portion of the video. Yet, while State’s Exhibit No. 3 was playing for the jury, defense counsel objected. The video was immediately stopped, and the trial court instructed the jury to “disregard that portion of the video.”

The portion of State’s Exhibit No. 3 to which Defendant objected contains a reference to Defendant’s alleged sexual abuse of Faith:

[THE STATE]: [The detective] said, okay, about your sister, can you tell me what her name is again. [Betsy] answered, [Faith]. [The detective] then stated, do you know if at any time [Defendant] - - if maybe he had approached her or done anything to her. [Betsy] said, well, I never knew until she told me. Well, . . . when [Faith] sits she sits like this.

And that’s when the objection came in and . . . the State stopped the video immediately.

Defense counsel then made a motion for a mistrial based on the jury’s exposure to this portion of the video:

[DEFENSE COUNSEL]: Your Honor, I think at this point, curing this mistake that's been made about what the jury heard about the allegation of sexual abuse against [Faith], is going to be highly prejudicial to [Defendant] continuing to receive a fair trial and the jury continu[ing] to keep an open mind in this case with what they've heard so far.

I think a limiting instruction that they disregard it is not going to be enough to cure what they've already heard because we cannot unring this bell.

I think that Your Honor needs to declare a mistrial, as unfortunate as that would be in this case, to ensure that [Defendant] gets a fair trial throughout the whole proceeding.

The trial court denied Defendant's motion for a mistrial and stated that it did not intend to deliver further limiting instructions.

Defendant argues that "[t]he trial court did not give a thorough cautionary instruction" in that it "merely instructed the jury to disregard that portion of the video." He contends that "[i]n failing to specify what portion of the video the jury should disregard, the trial court failed to ensure the jury would disregard Betsy's claim that Faith alleged [Defendant] sexually assaulted her." However, this argument fails to persuade.

In *Hauser*, a picture "very similar" to one previously excluded from evidence was inadvertently published to the jury. 271 N.C. App. at 500, 844 S.E.2d at 323. Defense counsel moved for a mistrial, which the trial court denied. *Id.* at 501, 844 S.E.2d at 323. The court then instructed the jury: "Ladies and gentlemen, *disregard anything that might have flashed up on the screen right then.*" *Id.* at 502, 844 S.E.2d

at 324. On appeal, we determined that “[t]he trial court did not abuse its discretion by issuing just a curative instruction to address any resulting prejudice to [the d]efendant from the inadvertent showing of the picture.” *Id.* The defendant “ha[d] not overcome the presumption that the jury was able to understand and comply with the trial court’s limiting instruction. It remained possible for him to receive a fair and impartial verdict.” *Id.* at 503, 844 S.E.2d at 325.

In the case at bar, Defendant consented to the video’s full admission and publication to the jury without a request to redact any portion; the trial court immediately sustained Defendant’s objection to the now-challenged portion; and the court delivered a prompt limiting instruction to the jury to disregard that section of State’s Exhibit No. 3.

“A defendant is not prejudiced . . . by error resulting from his own conduct.” N.C. Gen. Stat. § 15A-1443(c). Moreover, “when a trial court acknowledges an evidentiary error and instructs the jury to disregard it, the refusal to grant a mistrial based on the introduction of the evidence will ordinarily not constitute an abuse of discretion.” *Hauser*, 271 N.C. App. at 498, 844 S.E.2d at 322 (cleaned up). Accordingly, we conclude that the trial court did not abuse its discretion by denying Defendant’s motion for a mistrial.

B. Evidence of Prior Acts

Notwithstanding Defendant’s consent to the trial court’s initial admission of the video discussed above, Defendant also argues that the trial court committed plain

error pursuant to N.C. Gen. Stat. § 8C-1, Rule 404(b), “when it allowed the State to present evidence [he] assaulted Faith on numerous occasions.” We disagree.

1. Standard of Review

Defendant concedes that he did not object to testimony by Betsy and her mother regarding his abuse of Faith or specifically object pursuant to Rule 404(b) to the admission of photographs of Faith’s injuries.² In addition, it is clear from the transcript of the trial proceedings that Defendant consented to the admission of this evidence and even elicited some of it himself. Now, Defendant “specifically and distinctly contend[s]” that the admission of this evidence amounted to plain error, and he seeks plain-error review. N.C.R. App. P. 10(a)(4). We conclude, however, that Defendant has waived his right to all appellate review of this issue, even for plain error.

2. Analysis

Before the State presented witnesses with knowledge of Defendant’s prior abuse of Faith, both Defendant and his attorney acknowledged the substance of the expected evidence and consented to its admission:

[DEFENSE COUNSEL]: . . . We do anticipate that some evidence will come in that the young child, [Faith] was

² When the State offered the photographs into evidence as State’s Exhibits 1 and 2, defense counsel stated, “We would just object for the record.” The trial court responded: “All right. For the record, over the objection, State’s Exhibit 1 and 2 are admitted into evidence for illustrative purposes only.” N.C.R. App. P. 10(a)(1) provides that a party making an objection must “stat[e] the specific grounds for the ruling the party desire[s] the court to make if the specific grounds were not apparent from the context.” N.C.R. App. P. 10(a)(1). “It is also necessary for the complaining party to obtain a ruling upon the party’s request, objection, or motion.” *Id.* Here, defense counsel did neither.

burned at some point in 2012 on cross-examination of probably more than one of the State's witnesses. I would go into cross-examination about [Defendant] already having been punished for that conduct.

THE COURT: And he was convicted of that offense?

[DEFENSE COUNSEL]: He was actually convicted of intentional child abuse inflicting serious injury. That conviction was in November of 2021 and the date of [the] alleged offense is February the 13th of 2012.

THE COURT: And have you discussed this with [Defendant]?

[DEFENSE COUNSEL]: I have discussed that with [Defendant].

THE COURT: All right. [Defendant], would you stand up for me? [Defendant], do you understand what [defense counsel] has told the [c]ourt?

[DEFENDANT]: Yes, I do.

THE COURT: Do you consent to her going into that line of factual questioning with the witnesses?

[DEFENDANT]: I have signed off on it. We have signed documents and we're ready to go.

THE COURT: Is that a yes, sir?

[DEFENDANT]: Yes.

Later, during a hearing on the State's Rule 404(b) motion regarding Defendant's abuse of Faith—"offered to show context, chain of events, victim's state of mind, opportunity, and common scheme or plan"—defense counsel again confirmed Defendant's consent to the admission of this evidence, stating she had

spoken to [Defendant] about the possibility of the introduction of this evidence and because of the timeframe that we're talking about, . . . that conduct would have been the same time as the alleged sex abuse would have been taking place, we would need to get into that anyway. We recognize that. So we don't have an objection [to] that part with [Defendant]'s consent to that.

During trial, defense counsel cross-examined Betsy and Faith's mother concerning Defendant's abuse of Faith:

[DEFENSE COUNSEL:] Did [Defendant] discipline the children?

[MOTHER:] Yes.

[DEFENSE COUNSEL:] What was some of the discipline that he would do?

[MOTHER:] Have them - - well, mainly [Faith]. Have her stay up all night, walk up and down the stairs, hold books. If she would throw up he would hit her with a belt, make her lick the throw up up.

In *State v. Gillard*, our Supreme Court recently addressed a similar issue. 386 N.C. 797, 909 S.E.2d 226 (2024). In *Gillard*, the defendant failed to object to testimony regarding a witness's abusive childhood and experiences. *Id.* at 825, 909 S.E.2d at 253. Then, as what "may have been part of [the] defendant's trial strategy," defense counsel cross-examined the witness, "probing beyond the State's line of questioning." *Id.* at 825, 909 S.E.2d at 253–54. On appeal, the defendant sought plain-error review, arguing "that this testimony was irrelevant and highly prejudicial, such that it constitute[d] plain error." *Id.* at 825, 909 S.E.2d at 254. In response, our Supreme

Court reiterated: “[A] defendant cannot raise the issue of plain error on appeal for evidence which he elicited during cross-examination of the witness.” *Id.*; *see also State v. Bice*, 261 N.C. App. 664, 670, 821 S.E.2d 259, 264 (2018) (“[A] defendant who invites error has waived his right to all appellate review concerning the invited error, including plain error review.” (citation omitted)), *disc. review denied*, 372 N.C. 716, 831 S.E.2d 70 (2019).

In the case presently before us, Defendant consented in advance to the admission of evidence of his abuse of Faith. Moreover, as in *Gillard*, defense counsel cross-examined Betsy and Faith’s mother, eliciting testimony of Defendant’s abuse of Faith—without objecting to the admission of this evidence. Defendant “cannot raise the issue of plain error on appeal for evidence which he elicited during cross-examination” and therefore, his argument on this issue is dismissed. *Gillard*, 386 N.C. at 825, 909 S.E.2d at 254.

III. Conclusion

For the foregoing reasons, we conclude that Defendant received a fair trial, free from error.

NO ERROR.

Judges COLLINS and GORE concur.

Report per Rule 30(e).