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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA24-632

Filed 21 May 2025

Pitt County, Nos. 22CRS050665-730, 22CRS050666-730, 22CRS051169-730

STATE OF NORTH CAROLINA

v.

TEDDY BULLOCK, Defendant.

Appeal by Defendant from judgment entered 13 March 2023 by Judge Marvin K. Blount II in Pitt County Superior Court. Heard in the Court of Appeals 28 January 2025.

Attorney General Jeff Jackson, by Assistant Attorney General Benjamin David Busch, for the State.

Center for Death Penalty Litigation, by Kailey Morgan, for Defendant-Appellant.

CARPENTER, Judge.

Teddy Bullock (“Defendant”) appeals from judgment entered after a jury convicted him of one count each of assault with a deadly weapon with intent to kill inflicting serious injury, assault with a deadly weapon inflicting serious injury, and non-felonious obstruction of justice. Defendant also filed a petition for writ of

certiorari (“PWC”). After careful review, we deny Defendant’s PWC and dismiss his appeal.

I. Factual & Procedural Background

On 11 April 2022, a Pitt County grand jury indicted Defendant for one count each of assault with a deadly weapon with intent to kill inflicting serious injury, assault with a deadly weapon inflicting serious injury, and felonious obstruction of justice. Defendant’s case proceeded to trial on 13 March 2023, and the evidence tended to show the following.

On 7 February 2022, Michael Hines performed housework at the home Linda Chamberlain cohabited with her boyfriend, Defendant, while Defendant was not home. When Defendant returned home, Chamberlain was changing clothes in her bedroom, and Hines was performing housework. Initially, Defendant was unaware Hines was inside the home. Upon his arrival, Defendant confronted Chamberlain about her fidelity. As an argument ensued, Hines’ presence in the home became apparent to Defendant. After observing Hines, Defendant retrieved a rifle from his vehicle. Hines attempted to leave, but Defendant confronted him outside the home with the rifle. From approximately fifteen to twenty feet away, Defendant fired the rifle at Hines, striking him in the torso. As Hines turned his body, Defendant shot Hines in the thigh. Hines fled to a neighboring residence where he contacted police.

Defendant re-entered his home as Chamberlain was attempting to leave and

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pushed her back, causing her to fall on the floor. Defendant shot Chamberlain in the arm, and proceeded to punch and kick her. Defendant restrained Chamberlain on the ground until she lost consciousness. When Chamberlain regained consciousness, Defendant continued his assault until Chamberlain's phone rang. While Defendant stopped to answer Chamberlain's phone, Chamberlain escaped and ran to a neighbor's residence. As Chamberlain rang the neighbor's doorbell, Defendant, who followed her to the residence, dragged her back to their home by her hair. The neighbor who answered the door witnessed this assault on Chamberlain and called the police. Officers arrived on scene and detained Defendant.

From pretrial confinement, Defendant called Chamberlain and asked how much he could pay her not to testify against him at trial. According to Chamberlain, "[p]eople kept coming to [her] house . . . trying to run [her] from [her] house." Specifically, Chamberlain said that men wearing black clothing and ski masks "kept coming" to her house during the nighttime, at approximately 2:30 a.m., in an attempt to scare her.

When Hines testified, he questioned why Defendant assaulted him and explained how the incident impacted his ability to work and made him skeptical of other people. Chamberlain also testified that she "just want[s] this over with" because she "can't deal with it." During this portion of her testimony, Chamberlain was visibly emotional. In response, the trial court and counsel asked Chamberlain if she was okay.

Detective Walker, who interviewed Defendant during the police investigation, testified at trial to the details of Defendant’s interview. In particular, Detective Walker testified that Defendant told many “stories” which Detective Walker did not believe, including that the incident was accidental.

On 15 March 2023, a jury convicted Defendant of assault with a deadly weapon with intent to kill inflicting serious injury, assault with a deadly weapon inflicting serious injury, and non-felonious obstruction of justice. On 16 March 2023, Defendant filed written notice of appeal.

II. Jurisdiction

Defendant concedes his notice of appeal is deficient because the notice failed to identify the judgment appealed from and it is unclear whether a copy of the notice was served on the district attorney. *See* N.C. R. App. P. 4(a)–(c) (detailing that a notice of appeal must designate the trial court’s order from which appeal is taken and that all adverse parties must be timely served with a copy of the notice of appeal). “Our Supreme Court has said that a jurisdictional default, such as a failure to comply with Rule 4, precludes the appellate court from acting in any manner other than to dismiss the appeal.” *State v. Hammonds*, 218 N.C. App. 158, 162, 720 S.E.2d 820, 823 (2012) (citation and quotation marks omitted). Consequently, Defendant filed a PWC.

A PWC is a “prerogative writ[]” which we may issue to aid our jurisdiction. *See* N.C. Gen. Stat. § 7A-32(c) (2023). Issuing a PWC, however, is an extraordinary

measure. *Cryan v. Nat’l Council of YMCAs*, 384 N.C. 569, 572, 887 S.E.2d 848, 851 (2023). Accordingly, a petitioner must satisfy a two-factor test before we will issue a PWC. *Id.* at 572, 887 S.E.2d at 851. “First, a writ of certiorari should issue only if the petitioner can show ‘merit or that error was probably committed below.’” *Id.* at 572, 887 S.E.2d at 851 (quoting *State v. Ricks*, 378 N.C. 737, 741, 862 S.E.2d 835, 839 (2021)). “Second, a writ of certiorari should issue only if there are ‘extraordinary circumstances’ to justify it.” *Id.* at 572–73, 887 S.E.2d at 851 (quoting *Moore v. Moody*, 304 N.C. 719, 720, 285 S.E.2d 811, 812 (1982)). “We require extraordinary circumstances because a writ of certiorari ‘is not intended as a substitute for a notice of appeal.’” *Id.* at 573, 887 S.E.2d at 851 (quoting *Ricks*, 378 N.C. at 741, 862 S.E.2d at 839).

Defendant argues the trial court erred by allowing: (1) Detective Walker to provide improper lay opinion testimony; (2) Detective Walker to provide unduly prejudicial testimony; (3) Hines and Chamberlain to provide emotional and unduly prejudicial “victim impact statements” during the State’s case-in-chief; and (4) Chamberlain to testify that Defendant sent men wearing ski masks to her house to intimidate her.

Further, Defendant concedes that his arguments are not preserved because he did not object to the challenged testimony at trial. *See* N.C. R. App. P. 10(a)(1) (specifying that a litigant must raise an evidentiary issue at trial and secure a ruling from the trial court to preserve the issue). As such, Defendant’s evidentiary

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arguments would be subject to plain-error review on the merits. *See State v. Cummings*, 361 N.C. 438, 469, 648 S.E.2d 788, 807 (2007) (explaining that plain-error review generally applies to instructional and evidentiary issues). In our PWC analysis we will not address Defendant’s evidentiary arguments reviewed for abuse of discretion because we do not apply plain-error review to discretionary rulings. *See State v. Steen*, 352 N.C. 227, 256, 536 S.E.2d 1, 18 (2000) (“[T]his Court has not applied the plain error rule to issues which fall within the realm of the trial court’s discretion, and we decline to do so now.”). Accordingly, we will not address Defendant’s arguments that Detective Walker gave improper lay opinion testimony or that the challenged testimony of Detective Walker, Hines, and Chamberlain was unduly prejudicial in violation of Rule 403. *See State v. Delau*, 381 N.C. 226, 236–37, 872 S.E.2d 41, 48 (2022) (“ ‘We review the trial court’s decision to admit [lay opinion testimony] evidence for abuse of discretion’ ”) (alteration in original) (quoting *State v. Williams*, 363 N.C. 689, 701–02, 686 S.E.2d 493, 501 (2009)); *State v. Beckelheimer*, 366 N.C. 127, 130, 726 S.E.2d 156, 158 (2012) (explaining that Rule 403 issues are reviewed for abuse of discretion). We now turn to Defendant’s remaining arguments to consider whether he has shown merit or that error probably occurred below. *See Ricks*, 378 N.C. at 741, 862 S.E.2d at 839.

First, Defendant contends the trial court erred by allowing Chamberlain and Hines to provide emotional “victim impact statements” during the State’s case-in-chief. Next, Defendant argues the trial court erred by permitting Chamberlain to

testify that Defendant sent men wearing ski masks to her home to intimidate her. Specifically, Defendant asserts that the “victim impact statements” and Chamberlain’s challenged testimony is irrelevant.

“Whether evidence is relevant is a question of law, thus we review the trial court’s admission of the evidence *de novo*.” *State v. Kirby*, 206 N.C. App. 446, 456, 697 S.E.2d 496, 503 (2010). “ ‘Under a *de novo* review, [this Court] considers the matter anew and freely substitutes its own judgment’ for that of the lower tribunal.” *State v. Williams*, 362 N.C. 628, 632–33, 669 S.E.2d 290, 294 (2008) (quoting *In re Greens of Pine Glen Ltd. P’ship*, 356 N.C. 642, 647, 576 S.E.2d 316, 319 (2003)). Nonetheless, we give “great deference on appeal” to a trial court’s ruling on relevance. *State v. Allen*, 265 N.C. App. 480, 489, 828 S.E.2d 562, 570 (2019) (quoting *Dunn v. Custer*, 162 N.C. App. 259, 266, 591 S.E.2d 11, 17 (2004)).

Relevant evidence has “any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence.” N.C. Gen. Stat. § 8C-1, Rule 401 (2023). Relevant evidence is admissible unless it is prohibited by another rule, whereas irrelevant evidence is not admissible. *Id.* § 8C-1, Rule 402.

A. Victim Impact Statements

First, we address the “victim impact statements” from Chamberlain and Hines. Here, Chamberlain testified:

I just want this over with. I want to live my life back again.

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I just want it to be over. I just want everything over. I keep seeing this man coming through the window, what he did to me and I just can't take it. I'm taking medicine and the medicine is not working. I just want – it's over, I just want it to go away. I have never been beat in my whole life, I'm fifty-five years' old, I just want it to go away. I want it to go away. I can't take it. I can't deal with it. I know I'm not crazy. And I just want to ask him a question, why did you do it? Why did you do this to me? Why?

Similarly, Hines testified:

I know God is with me at this moment I don't even know this man. He ain't do nothing to me, I ain't – well, he done something to me, but I haven't done nothing to him. I haven't threatened him. I haven't shot you. I ain't hit you or none of that and you messed my life up with my family and a whole lot of stuff, for real. And a lot of people want revenge of you being out on the streets and stuff, but I just want justice to get you and I don't care about everything, the snitching, and I can't even talk, right? You know, instead of me doing something to get back in this place and do something like that, you shouldn't have done that. You should have had a better way.

Finally, Hines explained how the incident impacted him:

Well, I was working doing good. I was at Popeye's, doing a little side work, stayed out of trouble, doing stuff. You know, ran into a tragedy, bad on both sides, but I can't really work like right now. I still try to do the side work, but now I'm trying to – I'm kind of skeptical of who I'm going to help and stuff like that, you know, because you never know what you are going to walk into.

As an initial matter, we note that Defendant characterizes the testimony from Chamberlain and Hines as “victim impact statements.” While the testimony pertains to how Chamberlain and Hines were impacted by the incident, their testimony was

given during the guilt phase of Defendant’s prosecution—not during sentencing. *See* N.C. Gen. Stat. § 15A–833 (2023) (specifying that victim impact statements occur during sentencing). Thus, we review Defendant’s argument as we would regular witness testimony.

Defendant was charged with one count of assault with a deadly weapon with intent to kill inflicting serious injury regarding Hines. The elements of this crime are: “(1) an assault, (2) with a deadly weapon, (3) with intent to kill, (4) inflicting serious injury, (5) not resulting in death.” *State v. Reid*, 335 N.C. 647, 654, 440 S.E.2d 776, 780 (1994). According to the State, Hines’ testimony is relevant as to the seriousness of his injuries from the assault. Psychological harm can establish the serious injury element. *State v. Everhardt*, 96 N.C. App. 1, 16, 384 S.E.2d 562, 571 (1989). Hines testified that as a result of the assault, he is no longer able to work as he could before and is now skeptical of others. While being skeptical of others and not being able to work as you previously could may not, without more, establish the serious injury element, it nonetheless satisfies the “low threshold for relevance” as to Hines’ emotional injury stemming from the assault. *See State v. Gillard*, 386 N.C. 797, 824, 909 S.E.2d 226, 253 (2024). Accordingly, Defendant did not show merit or that error was probably committed below regarding this testimony.

Additionally, Defendant was charged with one count of assault with a deadly weapon inflicting serious injury regarding Chamberlain. The elements of this crime are: “(1) an assault (2) with a deadly weapon (3) inflicting serious injury (4) not

resulting in death.” *State v. Aytche*, 98 N.C. App. 358, 366, 391 S.E.2d 43, 47 (1990). The State contends Chamberlain’s testimony is relevant to the seriousness of her injuries. Again, psychological harm can establish the serious injury element. *Everhardt*, 96 N.C. App. at 16, 384 S.E.2d at 571. Chamberlain testified that she “just want[s] it to be over,” “just can’t take it,” and that she is “taking medicine and the medicine is not working” in helping her deal with the assault. This testimony speaks directly to Chamberlain’s emotional injury resulting from the assault and meets the “low threshold for relevance.” *See Gillard*, 386 N.C. at 824, 909 S.E.2d at 253. Therefore, Defendant did not show merit or that error was probably committed below regarding this testimony.

B. Victim Intimidation Testimony

Next, we address Chamberlain’s testimony regarding the men in ski masks allegedly attempting to intimidate her at her home. Chamberlain testified that after Defendant called her from jail asking how much he could pay her not to testify against him:

People kept coming to my house, I left my windows up,
trying to run me from my house.

...

My children wanted to catch them, but they didn’t ever
catch them. Kept seeing mens in black, masks on, ski
masks on, black suits on, they was trying to scare me, but
it didn’t work because I had God on my side.

While the State contends Chamberlain’s testimony is relevant to the obstruction of justice charge brought against Defendant, the indictment reflects this

charge was brought solely based on Defendant calling Chamberlain from jail and asking her how much he could pay her not to testify against him. For that reason, Chamberlain's testimony about the men in ski masks does not have "any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence." *See* N.C. Gen. Stat. § 8C-1, Rule 401. Indeed, whether Defendant sent men in ski masks to Chamberlain's home to intimidate her has no bearing on whether he called her from jail seeking to prevent her from testifying against him. Accordingly, Defendant has shown merit or that error was probably committed below regarding this testimony.

C. Extraordinary Circumstances

We now consider whether there are "extraordinary circumstances" to justify granting Defendant's PWC. *See Cryan*, 384 N.C. at 572, 887 S.E.2d at 851. While we conclude Defendant has shown merit or that error probably occurred below regarding Chamberlain's testimony about the men wearing ski masks at her home, issuing Defendant's PWC solely on the basis of probable error would " 'render meaningless the rules governing the time and manner of noticing appeals.' " *See id.* at 573, 887 S.E.2d at 851 (quoting *Ricks*, 378 N.C. at 741, 862 S.E.2d at 835). There is no exhaustive list of "extraordinary circumstances," but a petitioner must generally show "substantial harm, considerable waste of judicial resources, or 'wide-reaching

issues of justice and liberty at stake.” *Id.* at 573, 887 S.E.2d at 851 (quoting *Doe v. City of Charlotte*, 273 N.C. App. 10, 23, 848 S.E.2d 1, 11 (2020)).

Here, Defendant’s only arguments are that he has “potentially meritorious issues” and the record demonstrates that he “intended to appeal and took reasonable efforts to give notice of appeal.” Defendant failed to demonstrate “substantial harm,” “a considerable waste of judicial resources,” or “wide-reaching issues of justice and liberty at stake.” *See id.* at 573, 887 S.E.2d at 851 (quoting *Doe*, 273 N.C. App. at 23, 848 S.E.2d at 11). Moreover, the unchallenged evidence supporting Defendant’s conviction is overwhelming. Our conclusion is further supported by Defendant’s failure to object at trial, denying the trial court the opportunity to consider the admissibility of the challenged testimony during trial and reduce any potential prejudice to Defendant. *See* N.C. R. App. P. 10(a). Accordingly, we deny Defendant’s PWC.

III. Conclusion

In sum, we deny Defendant’s PWC and dismiss for lack of jurisdiction.

DISMISSED.

Judges TYSON and FREEMAN concur.

Report per Rule 30(e).