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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA25-226

Filed 19 August 2026

Rockingham County, No. 23CR338856-780

STATE OF NORTH CAROLINA

v.

MARY ANN COGAN, Defendant.

Appeal by Defendant from the special conditions of probation imposed on 6 March 2025, by Judge R. Stuart Albright of Rockingham County Superior Court. Heard in the Court of Appeals on 15 October 2025.

Attorney General Jeff Jackson, by Special Deputy Attorney General Jeanne Washburn, for the State.

Appellate Defender Glenn Gerding, by Assistant Appellate Defender David W. Andrews for, defendant-appellant.

STADING, Judge.

Defendant Mary Ann Cogan appeals from final judgment after the jury convicted her for felony possession of methamphetamine and misdemeanor, Class 1, possession of drug paraphernalia. On appeal, Defendant challenges whether the trial

court imposed unlawful special conditions on her probation. For the reasons below, we hold no error.

I. Background

On 12 February 2024, the Rockingham County Grand Jury returned a true bill of indictment against Defendant for possession of methamphetamine and possession of drug paraphernalia. On 10 September 2024, Defendant's case was heard in the Rockingham County Superior Court. That same day, Defendant entered a plea of not guilty, and the case proceeded to trial. The State introduced into evidence: the substance and glass pipe found on Defendant; witness testimonies including four officers from the Eden Police Department; and body camera footage from the officers. Additionally, the parties stipulated to introducing the state laboratory report of the chemical analysis performed on the white crystal substance found on Defendant's person, which indicated the substance was methamphetamine. Defendant did not present evidence. The trial court charged the jury on possession of a controlled substance, methamphetamine, and possession of drug paraphernalia. The jury returned a unanimous verdict of guilty on both counts.

During sentencing, Defendant's attorney asked the court to consider unsupervised probation, and if not, asked "for a probationary sentence where should she have any issues with substances, that would be addressed from the jump, and she will follow those instructions." The State and Defendant then orally stipulated that "for felony sentencing purposes, [Defendant] is a Prior Record Level II with 2

points.” Additionally, the parties orally stipulated that Defendant “is a Prior Conviction Level II for misdemeanor sentencing purposes.”

The trial court sentenced Defendant to a “45-day active sentence” for her possession of drug paraphernalia misdemeanor conviction. For Defendant’s felony, possession of methamphetamine conviction, the trial court sentenced Defendant to “a minimum of 6, a maximum of 17 months” community-based punishment—to be suspended for 18 months, with the “period of probation to begin at the expiration of the active sentence in” her misdemeanor conviction. Further, the trial court entered special conditions of probation according to N.C. Gen. Stat. § 15A-1343(b1), providing:

[I]f Defendant tests positive for any illegal controlled substance, she shall be arrested with a \$10,000 secured bond & a violation hearing shall be scheduled as soon as reasonably possible; if required by probation officer, def shall comply with a curfew which may be monitored electronically, and if so pay fee, upon proof of residence to the satisfaction of probation office, may transfer to Caswell County for supervision.

Defendant then entered an oral notice of appeal.

II. Analysis

Defendant argues “[t]he special conditions of probation concerning automatic arrest and an anticipatory bond are both unlawful as a matter of law, because they both exceed the scope of the trial court’s statutory authority in violation of the separation of powers.” Since Defendant has waived appellate review of these issues, we dismiss the appeal.

A. Preservation of Errors

We first address whether Defendant waived her right of review over her alleged sentencing errors. Defendant maintains both N.C. Gen. Stat. § 15A-1446(d)(18) (2025) and *State v. Medows*, 371 N.C. 742, 821 S.E.2d 402 (2018) preserve her arguments on appeal.

Generally, to preserve an issue for appellate review,

a party must have presented to the trial court a timely request, objection, or motion, stating the specific grounds for the ruling the party desired the court to make if the specific grounds were not apparent from the context. . . . Any such issue that was properly preserved for review by action of counsel taken during the course of proceedings in the trial tribunal by objection noted or which by rule or law was deemed preserved or taken without any such action, including, but not limited to, whether the judgment is supported by the verdict or by the findings of fact and conclusions of law, whether the court had jurisdiction over the subject matter, and whether a criminal charge is sufficient in law, may be made the basis of an issue presented on appeal.

N.C. R. App. P. 10(a)(1). Nevertheless, some errors, such as those involving statutory misapplications, are generally preserved for appellate review without a contemporaneous objection. *See* N.C. Gen. Stat. § 15A-1446(d)(18) (“Errors based upon any of the following grounds may be the subject of appellate review even though no objection or motion has been made The sentence imposed was unauthorized

at the time imposed, . . . was illegally imposed, or is otherwise invalid as a matter of law.”).

Even so, the State argues the doctrine of invited error applies here. *See* N.C. Gen. Stat. § 15A-1443(c) (2025) (“A defendant is not prejudiced by the granting of relief which he has sought or by error resulting from his own conduct.”). “Ordinarily one who causes or joins in causing a trial court to commit error is not in a position to repudiate his actions or assign it as a ground for a new trial.” *State v. Payne*, 280 N.C. 170, 171, 185 S.E.2d 101, 102 (1971). “Thus, a defendant who invites error has waived his right to all appellate review concerning the invited error, including plain error review.” *State v. Crane*, 269 N.C. App. 341, 343, 837 S.E.2d 607, 608 (2020) (citation omitted).

At sentencing, Defendant’s counsel made a specific request of the trial court:

Your Honor, I can see over the past two days that [Defendant] has taken this very seriously. She’s been on time. She’s been present. She’s been respectful of all the Court’s orders and timeliness, she has even kept with me.

Your Honor, if you’ll see on her record, she does not have a prior drug offense since -- well, excuse me. Let me be clear. In 2000 there was a drug offense. It was her understanding that that was expunged but, unfortunately, it appears and we have to deal with that, but that was a long time ago.

. . . .

I will tell you that she has done everything that I’ve asked her to do, Your Honor. She’s responsible. She has support in the community. Her sister has been here with her every court date that she’s had. And I believe that whatever type

of probation you give her, Your Honor, she will comply and I know that the sister will be there to support her to comply, especially with the broken ribs. She's not driving at this moment.

Your Honor, I will tell you that the way that she's behaved in court, I hope you take that into consideration. I ask for - - you know you can go C/I/A. You can do unsupervised. I don't -- I understand Your Honor might not be inclined to do that. I would ask you to consider it. If not, Your Honor, *I'd ask for a probationary sentence where should she have any issues with substances, that would be addressed from the jump*, and she will follow those instructions. I think she'll be a good candidate for probation. I ask at this time that you do not impose a split sentence. Due to her record, we've got traffic tickets and a very old conviction. I believe that she'll be a good candidate for probation. She has treated this Court and the system with respect, and I think that she is a good candidate for the result. I ask Your Honor for no split at this time.

(emphasis added).

Generally, Defendant is correct that an argument with respect to the validity of her sentence is preserved by statute without being raised. *See* N.C. Gen. Stat. § 15A-1446(d)(18). However, “a defendant who invites error has waived his right to all appellate review concerning the invited error. . . .” *State v. Hope*, 223 N.C. App. 468, 472, 737 S.E.2d 108, 111 (2012) (citation omitted).

Here, Defendant requested “should she have any issues with substances, that would be addressed from the jump, and she will follow those instructions[.]” And so, the trial court imposed special conditions of probation related to substance abuse. The trial court's order reflects, in substance, the request by Defendant. In this

matter, Defendant did not simply fail to object to the challenged special conditions of probation, she invited the trial court to impose them. *See, e.g., State v. Deans*, No. COA14-1071, 2015 N.C. App. LEXIS 226, at *6 (Ct. App. April 7, 2015) (“Defendant has waived his argument by stating to the court he was on probation at the time of the offense, and representing to the court that this was the aggravating factor he stipulated to as part of his plea prior to sentencing.”).

Defendant offers *State v. Meadows* to argue the inapplicability of the invited error doctrine. 371 N.C. 742, 821 S.E.2d 402. In *Meadows*, the Court recognized that while N.C.R. App. 10(a)(1) applies to the preservation of alleged errors during sentencing hearings, a formal objection is unnecessary for nonconstitutional sentencing issues if the issue was called to the sentencing court’s attention so the trial court knew or should have known the defendant’s position. *Id.* at 747, 821 S.E.2d at 406. Additionally, *Meadows* clarified that N.C. Gen. Stat. § 15A-1446(d)(18) provides an independent statutory basis for preserving otherwise unpreserved nonconstitutional sentencing issues.

Meadows, however, does not address preservation of nonconstitutional sentencing arguments in the face of invited error. *Meadows* concerns what challenges a defendant can or cannot waive at trial; affirmative requests such as Defendant’s here do not align with a failure to object. *Contrast* N.C. Gen. Stat. § 15A-1443(c), *with* N.C. Gen. Stat. § 15A-1446(d) (emphasis added) (“Errors based upon any of the following grounds *may* be subject of appellate review even though no object or motion

has been made in the trial division.”). Defendant’s arguments are therefore precluded from review under the doctrine of invited error.

III. Conclusion

For the reasons above, Defendant has waived appellate review and her appeal is dismissed.

DISMISSED.

Judges COLLINS and GORE concur.

Report per Rule 30(e).