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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA25-688

Filed 19 August 2026

Guilford County, No. 20CR067848-400

STATE OF NORTH CAROLINA

v.

TIMOTHY DYLAN PARRISH, Defendant.

Appeal by Defendant from judgment entered 17 March 2025 by Judge John M. Morris in Guilford County Superior Court. Heard in the Court of Appeals 20 May 2026.

Attorney General Jeff Jackson, by Assistant Attorney General Ataesheena “Tae” Storr, for the State.

Cooper Strickland for Defendant.

GRIFFIN, Judge.

Defendant Timothy Dylan Parrish appeals from the trial court’s judgment revoking his probation and activating his sentence. Defendant contends the court lacked jurisdiction to extend and later revoke his probation after his probationary period expired because it did not make the statutorily required finding of good cause

under N.C. Gen. Stat. § 15A-1344(f). We affirm.

I. Factual and Procedural Background

This case concerns the revocation of Defendant's probation. Evidence presented at the revocation hearing tended to show as follows:

On 14 October 2021, Defendant pled guilty to felony hit and run resulting in injury. On 5 November 2021, the trial court entered a written order sentencing Defendant to 6 to 17 months of imprisonment, suspended for 36 months of intermediate and special probation, including a 30-day active sentence, subject to time previously served. Defendant had served thirty days imprisonment prior to trial, so his probationary period began 14 September 2021 and was to expire 14 September 2024.

Glenda Cobb, Defendant's probation officer, testified Defendant missed a June 2024 probation appointment and failed to respond to several of her attempts to contact him. Officer Cobb was unable to locate Defendant at the address he provided after four visit attempts. Defendant made no attempts to contact Officer Cobb following the missed appointment. Officer Cobb also testified Defendant owed \$7,839 in restitution, had not obtained his high school diploma or GED, and had not completed a substance abuse assessment. Defendant admitted that he missed the June appointment because he "wasn't aware or pretty much didn't keep up with his dates." Defendant explained the reason he had failed to complete the substance abuse assessment and GED was also because he could not keep up with his dates.

Defendant allegedly spoke to Officer Cobb and was informed about the warrants for him; however, he did not immediately turn himself in because he would be locked up and needed time to pay his rent. Defendant also did not share his current employment with Officer Cobb because he assumed she knew about his employment from the previous probation officer. Officer Cobb testified Defendant's last listed employment on file was from April 2020.

Prior to the expiration of Defendant's probationary period, Officer Cobb filed violation reports against Defendant on 19 July and 13 August 2024 for: (1) failing to report to his supervising officer; (2) failing to make required payments to the clerk of court; (3) failing to obtain a high school diploma or GED equivalent; (4) failing to obtain a substance abuse assessment; (5) committing a new criminal offense; and (6) absconding supervision. Defendant was arrested on 23 November 2024. On 25 November 2024, Defendant had his first appearance. He was appointed counsel and given a court date of 19 December 2024. The initial 19 December 2024 court date was later continued to 7 January 2025.

On 7 January 2025, the trial court held the first probation revocation hearing (the "First Hearing"). The State requested a continuance on the grounds one of Defendant's asserted probation violations concerned a pending charge purportedly set for trial on 10 March 2025. Additionally, Officer Cobb was not present in court or available to testify. Defendant's counsel asserted they were ready to proceed with

the hearing but also noted to the trial court he had “not been able to speak with [Officer Cobb] about this case in any respects.”

The trial court granted the State’s motion to continue with a written order entered 13 January 2025 (the “Continuation Order”). The Continuation Order included the State’s motion to continue was allowed “due to this being the State’s first time requesting a continuance.” The Continuation Order further stated: “The probation officer was not presented for this proceeding thus good cause is shown. For good cause shown and stated, probation should be extended.”

The trial court held the continued probation revocation hearing on 17 March 2025 (the “Second Hearing”). At the close of the Second Hearing, the trial court ruled “based upon the fact that [D]efendant has been found to be in willful violation of -- is a standard terms and conditions including the absconding, the [c]ourt will now hereby revoke [D]efendant’s probation and activate the suspended sentence.” Defendant gave oral notice of appeal. On 31 March 2025, the trial court entered a written order revoking Defendant’s probation and activating his sentence (the “Revocation Order”). The Revocation Order found, pursuant to section 15A-1344(f) of the North Carolina General Statutes, “good cause shown and stated to proceed with this hearing outside the period of probation.” Defendant timely appeals.

II. Analysis

Defendant contends “[t]he trial court erred by revoking [Defendant’s] probation after the expiration of his probationary period.” Defendant argues the trial

court lacked subject matter jurisdiction to extend Defendant's probation following the First Hearing because it did not make a finding of good cause pursuant to section 15A-1344(f) and thereafter made a finding of good cause to revoke Defendant's probation following the Second Hearing "based on a misapprehension of the procedural record."

"[W]hether a trial court has the authority to revoke a defendant's probation after the defendant's term of probation has expired is a jurisdictional question." *State v. Geter*, 383 N.C. 484, 488, 881 S.E.2d 209, 213 (2022) (citations omitted). "[A]n appellate court necessarily conducts a statutory analysis when analyzing whether a trial court has subject matter jurisdiction in a probation revocation hearing, and thus conducts a *de novo* review." *State v. Satanek*, 190 N.C. App. 653, 656, 660 S.E.2d 623, 625 (2008) (citation omitted).

Section 15A-1344(f) of the North Carolina General Statutes states a trial court may only extend, modify, or revoke a defendant's probation after the assigned probationary period has expired if (1) the State filed a written violation report before the period expires; (2) the "court finds that the probationer did violate one or more conditions of probation prior to the expiration of the period of probation;" and (3) the "court finds for good cause shown and stated that the probation should be extended, modified, or revoked." N.C. Gen. Stat. § 15A-1344(f) (2023). The finding of good cause "must actually be made by the trial court and such a finding cannot simply be inferred from the record." *State v. Morgan*, 372 N.C. 609, 616, 831 S.E.2d 254, 259 (2019).

“[G]ood cause found by the trial court must be ‘stated’ on the record, either in open court by the trial court, by a party with the trial court’s endorsement, or within the trial court record.” *Geter*, 383 N.C. at 491, 881 S.E.2d at 214.

Before revoking or extending probation, a trial court must hold a hearing. N.C. Gen. Stat. § 15A-1345(e) (2025). “At the hearing, evidence against the probationer must be disclosed to him, and the probationer may appear and speak in his own behalf, may present relevant information, and may confront and cross-examine adverse witnesses.” *Id.* A trial court may only revoke a defendant’s probation in circumstances where the defendant does one or more of the following:

- (1) commits a new criminal offense, in violation of N.C. Gen. Stat § 15A-1343(b)(1),
- (2) absconds by willfully . . . making her whereabouts unknown to the supervising probation officer, in violation of § 15A-1343(b)(3a), or
- (3) violates any condition of probation after previously serving two periods of confinement in response to violations, pursuant to § 15A-1344(d2).

State v. Melton, 258 N.C. App. 134, 136–37, 811 S.E.2d 678, 680–81 (2018); *see* N.C. Gen. Stat. § 15A-1344(a) (2025).

Under section 15A-1343(b)(3a), “a defendant on supervised probation only absconds when he ‘willfully avoid[s] supervision’ or ‘willfully mak[es] [his] whereabouts unknown to [his] supervising probation officer[.]’” *Melton*, 258 N.C. App. at 138–39, 811 S.E.2d at 681. Thus “a defendant absconds when he willfully

makes his whereabouts unknown to his probation officer, and the probation officer is unable to contact the defendant.” *Id.*

Here, the trial court held the First Hearing on 7 January 2025. The State requested the trial court continue the case because Defendant had a pending criminal charge on the calendar for 10 March 2025. Defendant objected to the continuance but conceded the 7 January hearing “would be the first setting of the absconding violation.” Defendant’s counsel also explained he “had not been able to speak to the probation officer about this case in any respects, so [Defendant’s counsel] was hoping at least to try to do that today before the hearing.” The trial judge granted the State’s motion, finding “there have been no other continuances.” The trial court noted in its Continuation Order that, before expiration, the State filed a written violation report with the clerk indicating its intent to conduct a hearing on a probation violation. The trial court found Defendant violated one or more conditions of probation prior to the expiration of the probation period. The trial court made a written finding of good cause due to the probation officer’s absence. The trial court concluded “[f]or good cause shown and stated, probation should be extended.”

Defendant first assails the Continuation Order by arguing the “court’s grant of a continuance constituted an abuse of discretion, because it was based on a misapprehension of the record.” The alleged misapprehension turns on repeated assertions by the State and the trial court that the First Hearing was the “first setting” of the matter when Defendant made two prior appearances for hearings in

this matter, even though Defendant also conceded during the First Hearing that it was the “first setting.” Regardless of whether the First Hearing was the “first setting” of this matter, we hold the trial court did not abuse its discretion by continuing the revocation hearing because there had been no prior continuances and Defendant’s counsel expressed he had not yet spoken with Officer Cobb but hoped to do so before the revocation hearing.

Though the order does make a finding for all three requirements of section 15A-1344(f), there is some ambiguity around the Continuation Order’s conclusion “probation should be extended.” Neither party requested Defendant’s probation be extended during the First Hearing and the record does not show this issue was before the court during the First Hearing. Rather, the State requested only to continue the hearing to determine whether probation should be revoked. In the event the conclusion that “probation should be extended” can be read as a clerical error obscuring the trial court’s attempt to add additional reasoning bolstering its decision to continue the revocation hearing, the inclusion of this language does not render the court’s decision to continue an abuse of discretion.

If the conclusion to extend Defendant’s probation must be read to its full effect, the trial court erred by extending Defendant’s probation as a result of the First Hearing. Extension of Defendant’s probation was not discussed during the First Hearing and the hearing was continued before the trial court was presented with any evidence supporting the matter. Defendant did not have an opportunity to hear

evidence against him and to respond to that evidence. *See State v. Bridges*, 189 N.C. App. 524, 526, 658 S.E.2d 527, 528 (2008) (holding trial court's order did not successfully modify the defendant's probation because "the hearing transcript and the order modifying [the] defendant's probation clearly reflect that the court did not adjudicate the allegations contained in the . . . violation report at the hearing"). However, the trial court's error left open adjudication of Defendant's alleged violations and is harmless to the issue before us now. *See id.* at 526–27, 658 S.E.2d at 528.

Defendant next contends the Revocation Order was "unnecessary and duplicative" because the Continuation Order already extended Defendant's probation, and the Second Hearing "did not cure" this prior error. Therefore, Defendant argues, the Second Hearing trial court made a finding of good cause pursuant to section 15A-1344(f) "based on a misapprehension of the procedural record, constituting an abuse of discretion," when it revoked his probation.

Defendant's argument fails because the Continuation Order did not adjudicate the allegations from the violation report and extend Defendant's probation. The language of the order complies with section 15A-1344(f), but the legal effect of the order only accomplished a continuation of the revocation hearing. Neither party requested the trial court make a ruling on extension of probation at the First Hearing, neither party requested extension at the Second Hearing, and all parties participated in the Second Hearing with the understanding that the court would weigh evidence

regarding Defendant's alleged probation violations for the first time. "Because the [Continuation Order] was not based upon an adjudication of the violations alleged in the . . . violation report, we hold that the trial court retained jurisdiction [during the Second Hearing] to proceed with the revocation hearing." *Bridges*, 189 N.C. App. at 526–27, 658 S.E.2d at 528. Though the language of the Continuation Order was ambiguous, we cannot say the trial court acted under a misapprehension of its procedural posture during the Second Hearing.

The trial court then heard sufficient evidence upon which it could find good cause existed to revoke Defendant's probation. At the Second Hearing, the State argued good cause existed to hold the hearing outside the period of probation as Defendant "was the one who made himself unavailable up until January of this year." Officer Cobb testified she unsuccessfully attempted to contact Defendant at his apartment on four separate occasions. She also attempted to call Defendant on at least three occasions and checked local hospitals and shelters. Officer Cobb left a yellow door tag with instructions to contact the officer and probation office but was ultimately unable to contact Defendant. Defendant testified he "wasn't aware or pretty much didn't keep up with [his] dates" when asked why he missed his probation meetings. This evidence supports Defendant absconded by willfully making his whereabouts unknown to his probation officer and resisting her efforts to contact him. *Melton*, 258 N.C. App. at 138, 811 S.E.2d at 681. The trial court did not abuse its discretion because it reasonably revoked probation based on both Defendant and

Officer Cobb's testimony at the Second Hearing.

Defendant argues the trial court could not find good cause because most of the alleged violations in the State's 19 July 2024 violation report were known by the State for up to thirty-five-months of Defendant's thirty-six-month period of probation. We disagree. The State's 19 July 2024 violation report contained five alleged violations. Count 1 alleged Defendant did not "[r]eport as directed by the Court, Commission or the supervising officer to the officer at reasonable times and places" because "Defendant failed to report to his supervising officer on June 4, 2024 at 9:30 [a.m.]" Count 5 alleged, "[o]n or about June 11, 2024, [] Defendant committed the offense of assault on female. . . . This is an outstanding warrant as of [19 July 2024]." Both Counts 1 and 5 occurred within two months before the 19 July 2024 violation report was filed. The State did not delay in addressing the alleged violations given the recency of Counts 1 and 5 to the filing of the report. Assuming, *arguendo*, the State unnecessarily delayed in addressing the alleged violations of Counts 2, 3, and 4, Defendant's probation could properly have been revoked solely because of the violations in Counts 1 and 5. *Melton*, 258 N.C. App. at 136–37, 811 S.E.2d at 680–81.

Finally, Defendant argues the trial court's revocation of probation is inconsistent with the statutory purpose of making it more difficult to revoke an offender's probation and send them to prison. We disagree. Here, the trial court found sufficient evidence Defendant violated the conditions of his probation and made a written finding of good cause to revoke Defendant's probation after the period

expired. The trial court determined without error this case exceeded the difficult statutory threshold. The trial court properly revoked Defendant's probation and acted within its statutory authority.

III. Conclusion

The trial court complied with N.C. Gen. Stat. § 15A-1344(f)(3) and therefore had jurisdiction to revoke Defendant's probation after the expiration of his probationary term.

AFFIRMED.

Judge ARROWOOD concurs.

Judge TYSON dissents by separate opinion.

Report per rule 30(e).

TYSON, Judge, dissenting.

The trial court improperly extended Defendant’s probation by purporting to continue the hearing over his objection and then, without consent or motion or consent, to *sua sponte* extend Defendant’s probation, post expiration. I vote to vacate the order and judgment revoking Defendant’s probation. I respectfully dissent.

IV. Factual Background

Defendant was brought in for his first appearance where he was appointed counsel, and a court date for hearing was scheduled for 19 December 2024. The initial 19 December 2024 court date was later continued to 7 January 2025 for reasons undisclosed in the record.

On 7 January 2025, the trial court held the purported First Hearing. Defendant’s probation officer, Glenda Cobb, who had filed the probation violation reports, was not present in court or available to testify.

The State requested a further continuance on the grounds one of Defendant’s asserted probation violation concerned a pending criminal charge purportedly set for trial on 10 March 2025. Defendant’s counsel asserted they were ready to proceed with the hearing and also noted to the trial court he “had not been able to speak with [Cobb] about this case in any respects.” Neither Defendant nor the State requested an extension, and the trial court did not receive or hear any evidence or purport to

modify or extend Defendant's probation during the hearing. The trial court granted the State's continuance over Defendant's objection "[f]or good cause shown" and then stated, "probation should be extended."

The trial court held the Second Hearing and made another finding of "good cause" pursuant to N.C. Gen. Stat. § 15A-1344(f) (2025) based upon the State's representation Defendant had made himself unavailable prior to the First Hearing. The trial court then issued an order revoking Defendant's expired probation.

V. Statutory and Case Law Mandates

The requirements the State must meet to extend or revoke a defendant's probation are well established in our General Statutes and binding case law. North Carolina General Statute § 15A-1344(f) mandates a trial court may only extend or revoke a defendant's probation *after* the assigned probationary period has expired if: (1) the State filed a written violation report before the period expires; (2) the "court finds that the probationer did violate one or more conditions of probation prior to the expiration of the period of probation;" and, (3) the "court finds for good cause shown and stated that the probation should be extended, modified, or revoked." N.C. Gen. Stat. § 15A-1344(f) (2025). Prior to revoking or extending probation, a trial court is mandated to hold a hearing. N.C. Gen. Stat. § 15A-1345(e) (2025).

Our Supreme Court requires: "At the hearing, evidence against the probationer must be disclosed to him, and the probationer may appear and speak in his own behalf, may present relevant information, and may confront and cross-examine

adverse witnesses.” *State v. Jones*, 382 N.C. 267, 271, 876 S.E.2d 407, 411 (2022) (citation omitted). The supported finding of good cause “must actually be made by the trial court and such a finding cannot simply be inferred from the record.” *State v. Morgan*, 372 N.C. 609, 616, 831 S.E.2d 254, 259 (2019). “[G]ood cause found by the trial court must be ‘stated’ on the record, either in open court by the trial court, by a party with the trial court’s endorsement, or within the trial court record.” *State v. Geter*, 383 N.C.484.491, 881 S.E.2d 209, 214 (2022). The trial court failed to hold a hearing, find, or enter any of these requirements. *Id.* The trial court unlawfully extended Defendant’s expired probation without motion or evidences after entering a purported continuance order over objection.

VI. Jurisdiction

We all agree: “Neither party requested Defendant’s probation be extended during the First Hearing and the record does not show this issue was before the court during the First Hearing.”

“[W]hether a trial court has the authority to revoke a defendant’s probation after the defendant’s term of probation has expired is a jurisdictional question.” *Id.* at 488, 881 S.E.2d at 213 (citations omitted). “[A]n appellate court necessarily conducts a statutory analysis when analyzing whether a trial court has subject matter jurisdiction in a probation revocation hearing, and thus conducts a *de novo* review.” *State v. Sataneek*, 190 N.C. App. 653, 656, 660 S.E.2d 623, 625 (2008) (citation omitted).

The trial court prejudicially erred by purporting to extend Defendant's expired probation following the First Hearing. The trial court failed to make a supported and mandated finding of good cause pursuant to section 15A-1344(f) (2025) and its purported finding of good cause to revoke Defendant's probation following the Second Hearing was "based on a misapprehension of the procedural record."

VII. Harmless Error

The majority's opinion also correctly points out: "Defendant did not have an opportunity to hear evidence against him and to respond to that evidence." The majority's opinion purports to hold this *per se* due process violation is harmless because "the trial court's error left open adjudication of Defendant's alleged violations." The majority's opinion's notion seeks refuge in and analyzes this Court's opinion in *State v. Bridges*, 189 N.C. App. 524, 526, 658 S.E.2d 527, 528 (2008).

In *Bridges*, "the [trial] court granted *defendant's motion for a continuance* of the revocation hearing . . . and modified the conditions of his probation at the parties' request for good cause [and] without charge of violation." *Id.* at 526, 658 S.E.2d at 528. Unlike here, the trial court asserted "good cause" to continue and purported to further extend the expired probation *ex mero motu* without prior notice and hearing, without evidence and not at any of the parties' consent or request. *Id.*

VIII. Conclusion

The trial court, held no hearing, made no statutorily-required findings, and lacked jurisdiction to extend Defendant's expired probation at the First Hearing. The

trial court's purported finding of "good cause" to continue, but not to extend pursuant to N.C. Gen. Stat. § 15A-1344(f) (2025) was unsupported by evidence and was made without prior notice and an opportunity present evidence or to cross-examine at a hearing as is required by N.C. Gen. Stat. § 15A-1345(e) and (f) (2025). This error is prejudicial and the State has failed to prove it was harmless.

The trial court also lacked jurisdiction at the Second Hearing to revoke Defendant's expired probation. The court could not subsequently revoke Defendant's expired and unlawfully extended probation based upon the same violations, which was the basis for the court's written extension order entered without consent, motion, or hearing. The judgment of the trial court is properly vacated. I respectfully dissent.