

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority. Citation is disfavored, but may be permitted in accordance with the provisions of Rule 30(e)(3) of the North Carolina Rules of Appellate Procedure.

IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA26-257

Filed 19 August 2026

Craven County, Nos. 19CR053718-240, 21CR051110-240

STATE OF NORTH CAROLINA

v.

STEPHEN EARL WOOD

Appeal by defendant from judgments entered 14 August 2025 by Judge Clinton D. Rowe in Craven County Superior Court. Heard in the Court of Appeals 4 August 2026.

Attorney General Jeff Jackson, by Assistant Attorney General Caroline Koenig, for the State.

Appellate Defender Glenn Gerding, by Assistant Appellate Defender Anne M. Gomez, for the defendant-appellant.

PER CURIAM.

Stephen E. Wood (“Defendant”) was tried and convicted by a jury of two counts of obtaining property by false pretenses. He was sentenced as a prior record level III offender with 8 record level points to two consecutive terms of 10–21 months imprisonment and ordered to pay for both offenses a combined total of \$31,500 in

restitution.

I. Jurisdiction

Defendant appeals the final judgments imposed following verdicts of guilty by the jury. This appeal is properly before us pursuant to N.C. Gen. Stat. §§ 7A-27(b) and 15A-1444(a) (2025).

II. Issue

Defendant argues the trial court improperly denied Defendant's request for a probationary sentence, after considering the fact he had arrived at court without money to pay restitution to his victims. The sentences the court imposed are within the presumptive range.

III. Standard of Review

It is well established "[a] sentence within the statutory limit will be presumed regular and valid." *State v. Boone*, 293 N.C. 702, 712, 239 S.E.2d 459, 465 (1977). However, our Supreme Court long ago recognized "such a presumption is not conclusive. If the record discloses the court considered irrelevant and improper matter in determining the severity of the sentence, the presumption of regularity is overcome, and the sentence is in violation of defendant's rights." *Id.*

"The extent to which a trial court imposed a sentence based upon an improper consideration is a question of law subject to *de novo* review." *State v. Pinkerton*, 205 N.C. App. 490, 494, 697 S.E.2d 1, 4 (2010), *rev'd on other grounds*, 365 N.C. 6, 708 S.E.2d 72 (2011). We review *de novo* whether a trial court sentenced a defendant

based upon an improper factor. *See Boone*, 293 N.C. at 712, 239 S.E.2d at 465.

IV. Analysis

Defendant argues the trial court erred by considering his financial status in the decision to not impose a probationary sentence. He contends the trial court strongly insinuated if he had “brought money to court for restitution, he would have received probation rather than imprisonment.” Defendant focuses on these comments at the sentencing hearing regarding his request for a probationary sentence:

You owe this kind of money, you drag these people around for years, and you come in five, six, years after the case with zero money and then say you want to try to pay them back. I think I would have come with quite a bit of money today, if that’s what you wanted to do.

Defendant takes the trial court’s comment out of context. The State requested an active sentence based on the “significant amount of restitution owed” and Defendant’s record of “prior convictions for obtaining property by false pretenses.” The trial court also heard from the victims of Defendant’s crimes. Defendant requested a probationary sentence to purportedly allow him to work and be able to repay restitution.

The State argues the trial court’s reasoning was based upon its view of Defendant’s lack of credibility, rather than a belief Defendant, in fact, had no money to pay any restitution. The trial court pointed out Defendant had had five or six years to pay at least some amount of restitution to the victims. Although he had been

STATE V. WOOD

Opinion of the Court

working, he had failed to pay anything at all during that time. Before the statement quoted above, the trial court noted Defendant's convictions for other crimes over a period of many years, including "Discharging a firearm in the city limits, '92; DWI, 2000; DWI, 2010; three obtaining property by false pretenses, 2015; felony flee to elude arrest, '17; drug paraphernalia."

Defendant has failed to show the trial court considered "irrelevant and improper matter in determining the severity of" his sentence. *State v. Johnson*, 265 N.C. App. 85, 87, 827 S.E.2d 139, 141 (2019). He was sentenced within the presumptive range within the trial court's discretion. He was not penalized or given a harsher sentence based on any purported inability to pay restitution. Defendant's argument is without merit.

V. Conclusion

The trial court properly entered a presumptive sentence and considered Defendant's request for a probationary sentence together with his credibility to make restitution. We discern no error in the jury's verdicts or in the trial court's judgments entered thereon.

NO ERROR.

Panel consisting of Judges Stroud, Tyson, and Murry.

Report per Rule 30(e).