

IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA25-1035

Filed 2 September 2026

Durham County, No. 23CR407835-310

STATE OF NORTH CAROLINA

v.

PETER STEVENSON

Appeal by defendant from judgment entered 25 October 2024 by Judge Josephine K. Davis in Durham County Superior Court. Heard in the Court of Appeals 12 August 2026.

Attorney General Jeff Jackson, by Assistant Attorney General Alexander H. Ward, for the State.

Center for Death Penalty Litigation, by Iqra Razzaq and Janine C. Fodor, for defendant.

ARROWOOD, Judge.

Peter Stevenson (“defendant”) appeals from judgment entered 25 October 2024 upon his conviction of assault with a deadly weapon inflicting serious injury. For the following reasons, we discern no reversible error.

I. Background

Defendant’s conviction of assault with a deadly weapon inflicting serious injury arose from an incident with his neighbor (“Neighbor”) on 6 September 2023. Defendant and Neighbor had a contentious relationship, largely due to a

disagreement over Neighbor playing music. Defendant and his wife claimed that the music was “excessively loud,” caused the walls to vibrate, and gave them migraines. Between December 2022 and September 2023, defendant and his wife submitted at least three written complaints and made several phone calls to their apartment complex management about the noise. They also reported the noise to the Durham police, who responded to Neighbor’s residence at least once.

On 6 September 2023, defendant arrived home from a meeting at 9:00 p.m. At around 9:30 or 10:00 p.m., defendant prepared to walk his dog. Defendant testified that he typically prepared for evening walks by placing a knife in between his sweatpants and his underwear. His wife explained that he started carrying the knife due to safety concerns, and he had “always carried something” when they lived in New York as protection from stray dogs.

Around the time defendant was going to walk his dog, Neighbor started playing loud music. Defendant testified that after he tucked the knife in his pants, he decided to talk to Neighbor before walking his dog. Defendant walked to Neighbor’s front door, knocked, and received no reply. Figuring that Neighbor did not hear him, defendant continued knocking for several minutes. Defendant still did not receive a reply so he decided to go back home to walk his dog. As he turned around and began walking away, defendant heard the door open. Neighbor then yelled something to the effect of “get the f--k off my porch.”

According to defendant’s testimony, as he yelled, Neighbor jumped up and

came towards defendant. Then Neighbor swung at defendant, making contact with his chin. Defendant grabbed his knife from his pants and swung the knife once at Neighbor, who began bleeding from his neck. Defendant described being scared in that moment. Both defendant and Neighbor are veterans, and defendant suffers from post-traumatic stress disorder. Defendant is 5'8" and 66 years old while Neighbor is 6'5" and around 30 years younger than defendant.

Neighbor also testified about the incident and said that he heard defendant's knocks, which turned into banging. Neighbor looked through the peephole and saw defendant "looking agitated." Initially, he did not answer the door but as the knocking continued, Neighbor decided to tell defendant to leave. Neighbor stated that when he opened the door, he tried to point and gesture, saying "get the f--k off my porch." However, before he could even finish his statement, he felt an impact in his neck and then saw blood squirting in his periphery. Neighbor exclaimed "did you seriously just f---ing stab me?" Then defendant scowled and responded, "I told you to stop f---ing with me with this music." Neighbor then went inside his house and called 911. Neighbor claims he never attempted to touch defendant and never made contact with his chin.

Immediately after the incident, defendant returned to his home, put the knife in the sink, and called 911 to report that he had stabbed someone next door. The 911 operator advised defendant to stay in his house until the police arrived and defendant complied. Defendant testified that he was scared that Neighbor would get a weapon

and retaliate. While he was waiting for the police, defendant woke up his wife and told her he had “effed up.” Defendant’s wife testified that she noticed a cut on defendant’s chin where he was bleeding.

Paramedics arrived and Neighbor was transported to Duke hospital for treatment. Doctors determined that Neighbor had a tear in his vertebral artery, about four to five centimeters deep into the skin. The tear in Neighbor’s artery left jagged edges such that it could not be safely repaired. Instead, the artery was cauterized and Neighbor recovered without further complication.

Following an investigation by the Durham Police Department, defendant was charged with and indicted for assault with a deadly weapon with the intent to kill inflicting serious injury. Trial commenced on 21 October 2024 and defendant argued he had acted in self-defense. Accordingly, the trial court instructed the jury on self-defense, including the aggressor doctrine; defendant did not object to this instruction. On 24 October 2024, the jury found defendant guilty of the lesser offense of assault with a deadly weapon inflicting serious injury. Defendant filed notice of appeal to this Court on 25 October 2024.

II. Discussion

Defendant presents two issues on appeal: 1) whether the trial court erred by charging the jury on the aggressor doctrine in its self-defense instruction; and 2) whether the trial court erred by allowing lay opinion testimony from Officer Junker.

We first address our jurisdiction to hear this appeal and defendant's petition for writ of certiorari.

A. Jurisdiction and Petition for Writ of Certiorari

"Notice of appeal shall be given within the time, in the manner and with the effect provided in the rules of appellate procedure." N.C.G.S. § 15A-1448(b) (2025). An appeal in a criminal case may be taken by either "giving oral notice of appeal at trial" or by "filing [written] notice of appeal with the clerk of superior court and serving copies thereof upon all adverse parties within fourteen days after entry of the judgment or order" N.C. R. App. P. 4(a). A written notice shall specify the party taking the appeal, designate the judgment or order from which appeal is taken, designate the court to which appeal is taken, and be signed by the appealing party's counsel of record or the party, if proceeding pro se. N.C. R. App. P. 4(b).

Here, defendant's written notice of appeal specifies he is the party taking the appeal; identifies the judgment and lower court the appeal is taken from, including the case file numbers of the judgment from which defendant seeks to appeal; and is signed by defendant's trial counsel. The only error in the notice identified by the parties is that it does not specify the court to which the appeal is taken. "[W]hile the notice of appeal fails to designate the court to which his appeal is taken, as required by Rule 4(b), 'defendant's intent to appeal is plain[.]'" *State v. Rouse*, 234 N.C. App. 92, 94 (2014) (quoting *State v. Ragland*, 226 N.C. App. 547, 553 (2013)). By Appellate Entries signed by the trial court, the trial court found that "defendant has given

Notice of Appeal to the N.C. Court of Appeals[.]” “[A]nd since this Court is the only court with jurisdiction to hear defendant’s appeal, it can be fairly inferred defendant intended to appeal to this Court.” *Id.*; see N.C.G.S. §§ 7A-27(b)(1), 15A-1444(a) (2025). “Having examined defendant’s notice of appeal, we find its contents sufficient to satisfy the jurisdictional requirements of N.C. R. App. P. 4(b).” *Rouse*, 234 N.C. App. at 94. Accordingly, we dismiss defendant’s petition for writ of certiorari as moot and proceed to the merits of his appeal.

B. Standard of Review

Unpreserved errors in jury instructions are reviewed for plain error. *State v. Leopard*, 300 N.C. App. 199, 205 (2025). To demonstrate that a trial court committed plain error, the defendant must first show that a fundamental error occurred at trial. *State v. Reber*, 386 N.C. 153, 158 (2024). The defendant must then demonstrate that the error had a probable impact on the outcome and that the error is an exceptional case that warrants plain error review. *Id.* An error had a probable impact on the outcome if “‘absent the error, the jury probably would have returned a different verdict.’” *Id.* (quoting *State v. Lawrence*, 365 N.C. 506, 519 (2012))

“We review a trial court’s decision to admit lay opinion testimony for abuse of discretion.” *State v. Taylor*, 287 N.C. App. 333, 337 (2022) (citing *State v. Williams*, 363 N.C. 689, 701 (2009)). Abuse of discretion occurs where the court’s ruling “‘is manifestly unsupported by reason or is so arbitrary that it could not have been the result of a reasoned decision.’” *Williams*, 363 N.C. at 701 (quoting *State v. Hennis*,

323 N.C. 279, 285 (1988)).

C. Jury Instructions

Defendant argues that the trial court erred by instructing the jury on the aggressor doctrine because there was no evidence indicating that defendant was the aggressor. Defendant did not object to the aggressor doctrine instruction at trial. Accordingly, we review this issue under the plain error standard.

“Simply stated, the aggressor doctrine denies a defendant ‘the benefit of self-defense if he was the aggressor in the situation.’” *State v. Corbett*, 269 N.C. App. 509, 566 (2020), *aff’d*, 376 N.C. 799 (2021) (quoting *State v. Juarez*, 369 N.C. 351, 358 (2016)). “An individual who aggressively and willingly enters into the fight without legal excuse or provocation is properly deemed the aggressor in bringing on the difficulty.” *Id.* (cleaned up). Generally, “[w]hen there is no evidence that a defendant was the initial aggressor, it is reversible error for the trial court to instruct the jury on the aggressor doctrine of self-defense.” *Juarez*, 369 N.C. at 358. However, under plain error review, the defendant must still show that the error “had the type of prejudicial impact that ‘seriously affect[ed] the fairness, integrity or public reputation of [the] judicial proceeding.’” *Id.* (quoting *Lawrence*, 365 N.C. at 518) (alterations in original).

In *Juarez*, our Supreme Court considered whether a trial court committed plain error when it instructed the jury on the aggressor doctrine. *Juarez*, 369 N.C. at 358–59. The defendant argued on appeal that there was no evidence tending to

show he was the aggressor. *Id.* at 359. However, the Court held that it was not necessary to determine whether the instruction was given in error because the defendant had “failed to show that the alleged error was so fundamentally prejudicial as to constitute plain error.” *Id.* at 358. The Court reasoned that the jury could have rejected the defendant’s claim of self-defense for reasons unrelated to the aggressor doctrine because the State offered evidence tending to contradict defendant’s evidence as to each of the other elements of self-defense as well. *Id.* at 359.

Similarly, here, the State’s prosecution did not rely on the aggressor doctrine and the jury could have rejected defendant’s self-defense claim for other reasons. First, the State argued that defendant did not act in self-defense at all when he stabbed Neighbor. To support this contention, the State entered into evidence defendant’s wife’s statement to officers that the music that night was defendant’s “last straw,” that defendant was going to “slug someone,” and the altercation was “long overdue.” Additionally, Neighbor described defendant as “agitated” and stated that immediately after the stabbing, defendant said “I told you to stop f---ing me with this music.” Second, the State also argued that defendant reacted with excessive force, emphasizing that Neighbor was unarmed and claimed to have never touched defendant. The jury could have accepted either of those arguments and came to the same verdict. Thus, as in *Juarez*, defendant has not met his burden under the plain error standard of demonstrating that, absent the instruction on the aggressor doctrine, it is probable that the jury would have returned a different verdict.

D. Lay Opinion Testimony

Defendant next argues that the trial court abused its discretion by admitting lay opinion testimony from an investigator with the Durham Police Department, Officer Junker, on the issue of self-defense. When testifying about his investigation of the stabbing and conversations with defendant, Officer Junker stated that “at no point” did it “feel as though it justified using deadly force.” Defendant contends that the testimony invaded the province of the jury and did not meet the admissibility requirements for lay witness testimony. Because defendant objected to Officer Junker’s testimony at trial, we review the trial court’s admission of the testimony for abuse of discretion.

Lay opinion testimony is governed by North Carolina Rule of Evidence 701 which provides:

If the witness is not testifying as an expert, his testimony in the form of opinions or inferences is limited to those opinions or inferences which are (a) rationally based on the perception of the witness and (b) helpful to a clear understanding of his testimony or the determination of a fact in issue.

N.C.G.S. § 8C-1, Rule 701 (2025).

In accordance with Rule 701, this Court has allowed lay opinion testimony from officers where their perceptions and experience can aid the jury in understanding the testimony or determining a fact in issue. For instance, in *State v. Crandell*, 208 N.C. App. 227, 235–36 (2010), this Court held that a trial court did not abuse its discretion

by allowing a detective to testify regarding the calibers of projectiles recovered from the scene of a shooting. We reasoned that the officer's testimony was based on his own personal experience and observations relating to various calibers of weapons. *Id.* Additionally, in *State v. Hargrave*, 198 N.C. App. 579, 583–84 (2009), officers were properly permitted to testify based on their experience and personal knowledge of drug practices that the manner of packaging of cocaine, along with the quantity and denominations of cash on the defendant, indicated that the defendant was selling drugs. *Id.*

However, this Court has also held that lay opinion testimony from officers was improper where it was not based on their personal observations or otherwise not helpful to determining an issue of fact. In *Joines v. Moffitt*, 226 N.C. App. 61, 69–71 (2013), we held that a trial court did not err in sustaining an objection to officer testimony as to whether the plaintiff had the right of way at an intersection. The plaintiff argued that the testimony should have been admitted because the officer's opinion was based on his personal observation of the intersection and his perception gained through experience as an officer. *Id.* We disagreed, noting that the officer did not personally witness the accident and that the issue of whether the plaintiff had the right of way “ ‘was the crucial question to be resolved by the jury from the evidence before [it.]’ ” *Id.* (quoting *Jones v. Bailey*, 246 N.C. 599, 602 (1957)). In several other cases involving car crashes, our Supreme Court has held “ ‘that while it is competent for an investigating officer to testify as to the condition and position of the vehicles

and other physical facts observed by him at the scene of the accident, his testimony as to his conclusions from those facts is incompetent.’ ” *Id.* at 70 (quoting *Blackwell v. Hatley*, 202 N.C. App. 208, 213 (2010)).

Similarly, in *State v. Gopal*, 186 N.C. App. 308, 318–19 (2007), *aff’d*, 362 N.C. 342 (2008), this Court held that officer testimony explaining why a witness’s demeanor during an interview indicated that they were being truthful was not admissible under Rule 701 because it was unhelpful to the jury. We explained that generally, “when one witness ‘vouch[es] for the veracity of another witness,’ such testimony is an opinion which is not helpful to the jury’s determination of a fact in issue and is therefore excluded by Rule 701.” *Id.* at 318 (quoting *State v. Robinson*, 355 N.C. 320, 335 (2002)) (alteration in original). Additionally, “the jury was able to see for itself the manner and appearance of [the witness] when he testified, and determine for itself if it wanted to believe him.” *Id.* at 319.

The State analogizes Officer Junker’s testimony to that in *Crandell* and *Hargrave* to argue that his training and experience as an investigator put him in a better position to accurately judge the facts, allowing him to testify on his opinion as to whether deadly force was justified. However, Officer Junker’s testimony did not similarly rely on his experience or training to help the jury’s understanding of a difficult issue. While a jury may not be expected to have the ability to identify the caliber of projectiles or understand the significance of how drugs are packaged, it is well within the purview of the jury to weigh evidence and decide if a person was

justified in using deadly force to defend themselves. Crucially, Officer Junker's opinion testimony did not include any application of his skill and experience to explain any specific piece of evidence being weighed by the jury. He simply weighed the evidence himself and gave his opinion as to defendant's use of force.

Thus, Officer Junker's testimony was more analogous to that in *Joines* or *Gobal*. Officer Junker did not personally observe the altercation between defendant and Neighbor. Instead, he was sharing his conclusion from the information he uncovered in his investigation. He explained that his opinion was based on the fact that defendant never mentioned fearing for his life or believing that Neighbor was armed, and that defendant's story did not line up. All of those same facts were presented to the jury who had the opportunity to weigh them along with the testimony of other witnesses to decide if deadly force was justified. Moreover, the question of whether defendant's use of force was justified was the "crucial question" to be resolved by the jury. Thus, Officer Junker's opinion testimony invaded the province of the jury and did not meet Rule 701's requirements for admission. Accordingly, the trial court abused its discretion by permitting the lay opinion testimony.

Having found that the trial court erred by allowing Officer Junker's lay opinion testimony, we turn now to the question of whether such error was prejudicial, warranting a new trial. "Even if the admission of evidence was error, in order to reverse the trial court, the appellant must establish the error was prejudicial." *State*

v. Aguilar, 292 N.C. App. 596, 604 (2024) (cleaned up). “ ‘To establish prejudice based on evidentiary rulings, defendant bears the burden of showing that a reasonable possibility exists that, absent the error, a different result would have been reached.’ ” *State v. Corbett*, 376 N.C. 799, 829 (2021) (quoting *State v. Lynch*, 340 N.C. 435, 458 (1995)); *see also* N.C.G.S. § 15A-1443 (2025). Thus, “ ‘[i]f the other evidence presented was sufficient to convict the defendant, then no prejudicial error occurred.’ ” *Aguilar*, 292 N.C. App. at 604 (quoting *State v. James*, 224 N.C. App. 164, 166 (2012)).

Part of Officer Junker’s testimony expressed his opinion on defendant’s credibility. This Court has recognized that where credibility is a significant issue, a detective’s opinion testimony concerning witness credibility may be prejudicial in close cases. *See Aguilar*, 292 N.C. App. at 605–06 (holding that erroneous admission of a detective’s testimony vouching for a victim’s credibility was prejudicial where other evidence undermined victim’s credibility). However, we have also held that even where credibility is the key issue, if there is ample other evidence impeaching a defendant’s credibility, the admission of officer testimony weighing in on witness credibility was not likely to change the outcome of the case. *See Gobal*, 186 N.C. App. at 319 (finding no plain error where defendant’s credibility was impeached by their own inconsistent testimony, officer testimony revealing other inconsistencies, and a tape recording encouraging a witness to lie).

Additionally, jury instructions may impact whether the erroneous admission of lay opinion testimony is prejudicial. For example, in *State v. Buie*, 194 N.C. App.

725, 733–34 (2009), this Court held that the admission of an officer’s testimony offering his opinion that surveillance videos corroborated a witness’s testimony was not prejudicial. There, the jury’s verdict depended on resolving two conflicting accounts of the events captured in the video. *Id.* at 733. Yet, this Court held that the error was not prejudicial because the jury heard other testimony supporting their verdict and any impermissible reliance by the jury members on the detective’s statements was likely cured by the trial court’s instruction. *Id.* at 733–34. The trial court had “repeatedly instructed the jury that they were charged with evaluating the images on the videotape and were free to disagree with the detective’s interpretation.” *Id.* at 734.

Here, the jury heard ample other evidence undermining defendant’s credibility or otherwise indicating that deadly force was not justified. Officer Junker’s admissible testimony described inconsistencies in defendant’s story such as defendant claiming he had walked away from the door and Neighbor lunged at him before the stabbing, while Neighbor’s blood was pooled directly in front of his door. As discussed above, the State also presented evidence suggesting that defendant acted out of anger and not in self-defense, such as defendant’s wife’s statements to officers and Neighbor’s testimony describing the incident. Moreover, even if the jury believed defendant’s testimony and not Neighbor’s, the jury could still have found that the stabbing was not justified by self-defense because defendant used excessive force or because his belief that the assault was necessary to defend himself was not

reasonable.

Additionally, the trial court's instructions to the jury likely minimized their reliance on Officer Junker's testimony. The trial court provided detailed instructions on the jury's role in determining a witness's credibility:

You are the sole judges of the believability of a witness. You must decide for yourselves whether to believe the testimony of any witness. You may believe all, any part, or none of a witness's testimony. In deciding whether to believe a witness, you should use the same tests of truthfulness that you use in your everyday lives. Among other things, these tests include the opportunity of the witness to see, hear, know, or remember the facts or occurrences about which the witness testified; the manner and appearance of the witness; any interest, bias, prejudice, or partiality the witness may have; the apparent understanding and fairness of the witness; whether the testimony is reasonable; and whether the testimony is consistent with other believable evidence of -- in the case.

The trial court reiterated the jury's role as the sole judges of credibility when specifically discussing opinion testimony:

As I have instructed you, you are the sole judges of the credibility of each witness and the weight to be given to the testimony of each witness. In making this determination as to the testimony of an expert witness, you should consider, . . . the reasons, if any, given for the opinion; whether the opinion is supported by the facts that you find from the evidence; and whether the opinion is reasonable and whether it is consistent with the other believable evidence in the case. You should consider the opinion of an expert witness, but you are not bound by it. In other words, you are not required to accept an expert witness's opinion to the exclusion of the facts and circumstances disclosed by other evidence.

While the trial court was specifically discussing expert witnesses, and Officer Junker was not testifying as an expert, the trial court's instruction on opinion testimony still served as a reminder to the jury that they should consider the basis for the opinion and were not required to accept it. Altogether, the trial court's instructions helped prevent any impermissible reliance on Officer Junker's testimony by the jury.

Given the ample other evidence supporting the jury's verdict and the curing effect of the trial court's jury instructions, we conclude that defendant has not shown that a reasonable possibility exists that, absent admission of Officer Junker's testimony, a different result would have been reached. Accordingly, we hold that the error of admitting Officer Junker's lay opinion testimony was harmless.

III. Conclusion

For the foregoing reasons, we hold that the trial court did not commit plain error by instructing the jury on the aggressor doctrine or prejudicial error by allowing Officer Junker's lay opinion testimony.

NO PLAIN ERROR; NO PREJUDICIAL ERROR.

Judges CARPENTER and FREEMAN concur.