

IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA25-715

Filed 2 September 2026

Scotland County, Nos. 16CR052124-820, 16CR052157-820, 24CR000050-820

STATE OF NORTH CAROLINA

v.

JAMES RAY GOINS

Appeal by defendant from judgments entered 24 February 2025 by Judge Stephan Futrell in Scotland County Superior Court. Heard in the Court of Appeals 13 August 2026.

Attorney General Jeff Jackson, by Special Deputy Attorney General Phillip K. Woods, for the State.

Geeta N. Kapur for defendant-appellant.

ZACHARY, Judge.

Defendant James Ray Goins appeals from the trial court's judgments entered upon a jury's verdicts finding him guilty of first-degree murder, first-degree burglary, and possession of a firearm by a felon. After careful review, we conclude that the record is insufficient to enable our review of Defendant's claim that he received ineffective assistance of counsel at trial. Accordingly, we dismiss his appeal without prejudice to his right to pursue this claim by filing a motion for appropriate relief in the trial court.

I. Background

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On 26 August 2016, Defendant was arrested for first-degree murder and assault with a deadly weapon with the intent to kill. Four days later, on 30 August 2016, Defendant was served with another arrest warrant for first-degree burglary stemming from the same incident. A Scotland County grand jury returned indictments on 17 February 2020 formally charging Defendant with these three offenses, as well as first-degree kidnapping. On 13 May 2024, a subsequent grand jury indicted Defendant for the additional charge of possession of a firearm by a felon.

After eight and a half years and at least 48 continuances, Defendant's case came on for jury trial in Scotland County Superior Court on 17 February 2025. Prior to trial, the State voluntarily dismissed the charges of assault with a deadly weapon and first-degree kidnapping.

On 24 February 2025, the jury returned its verdicts finding Defendant guilty of first-degree murder, first-degree burglary, and possession of a firearm by a felon. The trial court sentenced Defendant to life imprisonment without the possibility of parole in the custody of the North Carolina Department of Adult Correction for first-degree murder and arrested judgment on Defendant's remaining convictions.

Defendant entered oral notice of appeal.

II. Discussion

On appeal, Defendant argues that he received ineffective assistance of counsel because his trial attorney: (1) "failed to make a demand for a speedy trial"; and (2)

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“failed to assert a motion to dismiss for a speedy trial violation where the delay between [the] date of arrest and trial was eight-and-a-half years.”

“Generally, a claim of ineffective assistance of counsel should be considered through a motion for appropriate relief before the trial court in post-conviction proceedings and not on direct appeal.” *State v. Allen*, 262 N.C. App. 284, 285, 821 S.E.2d 860, 861 (2018). Such claims brought on direct appeal “will be decided on the merits when the cold record reveals that no further investigation is required.” *State v. Fair*, 354 N.C. 131, 166, 557 S.E.2d 500, 524, *reconsideration denied*, 354 N.C. 576, 558 S.E.2d 862 (2001), *cert. denied*, 535 U.S. 1114, 153 L. Ed. 2d 162 (2002). However, upon determining that a claim for ineffective assistance of counsel has “been prematurely asserted on direct appeal,” the reviewing court “shall dismiss th[e] claim[] without prejudice to the defendant’s right to reassert [it] during a subsequent [motion for appropriate relief] proceeding.” *Id.* at 167, 557 S.E.2d at 525.

In the instant case, Defendant contends that he received ineffective assistance of counsel because his right to a speedy trial was not asserted, nor was a motion to dismiss raised for a speedy-trial violation after an eight-and-a-half-year delay. To evaluate Defendant’s claim of ineffective assistance of counsel, we must first determine whether his constitutional right to a speedy trial was infringed.

North Carolina follows the *Barker* analysis “in reviewing speedy trial claims under Article I, Section 18 of the North Carolina Constitution.” *State v. Webster*, 337 N.C. 674, 678, 447 S.E.2d 349, 351 (1994) (referencing the federal speedy-trial

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analysis articulated by the United States Supreme Court in *Barker v. Wingo*, 407 U.S. 514, 33 L. Ed. 2d 101 (1972)) (citation omitted). Under the *Barker* analysis, we consider four factors: “(1) the length of delay; (2) the reason for the delay; (3) the defendant’s assertion of his right; and (4) prejudice to the defendant.” *State v. Spinks*, 277 N.C. App. 554, 562, 860 S.E.2d 306, 314–15 (2021) (citation omitted).

As our Supreme Court has explained, a delay exceeding one year generally “signal[s] the point at which courts deem the delay unreasonable enough to trigger the *Barker* calculus.” *State v. Farook*, 381 N.C. 170, 178–79, 871 S.E.2d 737, 746 (2022). Delays caused by the defendant “or on his or her behalf are heavily counted against the defendant and will generally defeat his or her speedy trial claim.” *Id.* at 180, 871 S.E.2d at 748–49.

In the present case, the post-accusation period was approximately eight-and-a-half years, thus triggering the *Barker* analysis. Nevertheless, “our review is limited to the record before us.” *Allen*, 262 N.C. App. at 286, 821 S.E.2d at 861. Here, the record is devoid of significant information required to evaluate Defendant’s speedy trial claim. For example, the appellate record contains references to 48 continuance orders but no suggestion as to which party requested the continuances or whether Defendant consented to the delays. Moreover, while Defendant was awaiting trial, our trial courts were severely affected by the COVID-19 pandemic; the courts were closed for months and slow to fully reopen, resulting in a tremendous backlog of cases in most districts. Yet the record contains no information regarding, *inter alia*, the

length of the court's closure or any specific restrictions affecting trial proceedings in Defendant's case. Accordingly, we cannot conduct the *Barker* speedy-trial analysis on the cold record before us.

As there is insufficient evidence in the record to determine whether Defendant's right to a speedy trial was violated, we are similarly unable to evaluate whether Defendant received ineffective assistance of counsel. *Fair*, 354 N.C. at 166, 557 S.E.2d at 524–25. Thus, Defendant's claim for ineffective assistance of counsel has been prematurely asserted on direct appeal. We dismiss this claim without prejudice to Defendant's right to reassert it during a subsequent motion for appropriate relief filed in the trial court. *Id.* at 167, 557 S.E.2d at 525.

III. Conclusion

For the reasons stated herein, we dismiss Defendant's claim of ineffective assistance of counsel without prejudice to his right to reassert it before the trial court in a motion for appropriate relief.

DISMISSED.

Judges WOOD and GORE concur.