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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA25-1095

Filed 2 September 2026

Guilford County, No. 21CR077956-400

STATE OF NORTH CAROLINA

v.

THOMAS QUINCY SPANN, Defendant.

Appeal by defendant from judgment entered 2 April 2025 by Judge T. Penn Broyhill in Guilford County Superior Court. Heard in the Court of Appeals 12 August 2026.

Attorney General Jeff Jackson, by Special Deputy Attorney General Rory P. Agan, for the State.

Cooper Strickland, for defendant-appellant.

FLOOD, Judge.

Defendant Thomas Quincy Spann appeals from the trial court's judgment revoking his probation. On appeal, Defendant argues, first, that the trial court erred by revoking Defendant's probation after the expiration of his term of probation; second, that the trial court erred by failing to properly calculate Defendant's time served credit; and third, that Defendant received ineffective assistance of counsel.

Upon review, we vacate the trial court’s judgment revoking Defendant’s probation because the trial court lacked subject matter jurisdiction to revoke Defendant’s probation after the expiration of his probationary period by failing to make statutorily required factual findings regarding “good cause[.]” Because we vacate and remand as to the first issue, we do not address Defendant’s additional arguments.

I. Factual and Procedural Background

On 11 July 2022, Defendant entered an *Alford* plea to breaking or entering with intent to terrorize or injure, habitual misdemeanor assault, assault on a female, and interfering with emergency communications. The trial court sentenced Defendant to two consecutive sentences of 11 to 23 months of probation and suspended the active sentence for a period of 30 months of intermediate probation, with Defendant’s probationary period to end on 11 January 2025. During Defendant’s probationary period, Defendant received several probation violations, including testing positive for cocaine and absconding. After a hearing on the probation violations, the trial court entered an order on 24 March 2025 revoking Defendant’s probation. Defendant timely appealed.

II. Jurisdiction

This Court has jurisdiction to hear Defendant’s appeal from a final judgment revoking his probation pursuant to N.C.G.S. §§ 7A-27 and 15A-1347 (2025).

III. Analysis

On appeal, Defendant argues that the trial court erred by revoking Defendant’s

probation after the expiration of his term of probation. Defendant also argues that the trial court erred by failing to properly calculate Defendant's time served credit and "by finding that 'each violation is, in and of itself, a sufficient basis upon which the court should revoke probation and activate the suspended sentence' where only absconding would allow revocation[.]" and that Defendant received ineffective assistance of counsel. Because we vacate and remand as to the first issue, we do not address Defendant's additional arguments.

"[A] defendant may properly raise the issue of subject matter jurisdiction at any time, even for the first time on appeal." *State v. Williams*, 230 N.C. App. 590, 595 (2013). This Court reviews de novo "whether a trial court has the authority to revoke a defendant's probation after the defendant's term of probation has expired[.]" *State v. Geter*, 383 N.C. 484, 488 (2022). Under a de novo review, this Court "considers the matter anew and freely substitutes its own judgment for that of the lower court." *State v. Hughes*, 265 N.C. App. 80, 82 (2019).

Generally, a trial court's authority to revoke a defendant's probation "after the expiration of the period of probation" is limited by statute. *See* N.C.G.S. § 15A-1344(f) (2025). Section 15A-1344(f) provides the trial court may revoke a defendant's probation "after the expiration of the period of probation" if all of the following apply:

- (1) Before the expiration of the period of probation the State has filed a written violation report with the clerk indicating its intent to conduct a hearing on one or more violations of one or more conditions of probation.

(2) The court finds that the probationer did violate one or more conditions of probation prior to the expiration of the period of probation.

(3) The court finds for good cause shown and stated that the probation should be extended, modified, or revoked.

N.C.G.S. § 15A-1344(f)(1)–(3) (2025). “A trial court must have subject matter jurisdiction over a case in order to act in that case.” *State v. Hendricks*, 277 N.C. App. 304, 306 (2021) (citation omitted). “Where jurisdiction is statutory and the Legislature requires the Court to exercise its jurisdiction in a certain manner, to follow a certain procedure, or otherwise subjects the Court to certain limitations, an act of the Court beyond these limits is in excess of its jurisdiction.” *State v. Gorman*, 221 N.C. App. 330, 333 (2012) (citation omitted). Consequently, if any of the “three enumerated conditions precedent” listed under section 15A-1344(f) are not met, *Geter*, 383 N.C. at 489, a trial court lacks jurisdiction to revoke a defendant’s probation after the expiration of the probationary term, and any judgment revoking a defendant’s probation after his probationary term expired would be “void and of no effect[.]” *Gorman*, 221 N.C. App. at 333. And “[w]hen the record shows a lack of jurisdiction in the lower court, the appropriate action on the part of the appellate court is to . . . vacate any order entered without authority.” *State v. Petersilie*, 334 N.C. 169, 175 (1993) (citation omitted); see, e.g., *State v. Jackson*, 291 N.C. App. 116, 119 (2023) (vacating the trial court’s judgment revoking the defendant’s probation because the trial court failed to make a “good cause” finding).

“The burden of perfecting the trial court’s jurisdiction for a probation revocation hearing after [the] defendant’s period of probation has expired lies squarely with the State.” *State v. Peele*, 246 N.C. App. 159, 165 (2016) (citation omitted). Thus, “the ‘good cause’ contemplated by N.C.G.S. § 15A-1344(f)(3) [] must be shown by the State[.]” *Geter*, 383 N.C. at 491. And if “good cause” is shown, “the good 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.” *Id.*

Here, the State concedes the “trial court did not make the requisite findings of good cause to revoke probation after the probationary period expired.” Without this requisite “good cause” finding, the trial court’s judgment must be vacated. *See Jackson*, 291 N.C. App. at 119. Furthermore, this Court will vacate with remand if it is unable to conclude “that no evidence exists that would allow the trial court on remand to make a finding of ‘good cause shown and stated’ under subsection (f)(3).” *State v. Morgan*, 372 N.C. 609, 618 (2019). Based on our review of the Record before us, we are unable to conclude “that no evidence exists that would allow the trial court on remand to make a finding of ‘good cause’” and thus, we vacate and remand to the trial court to make the requisite finding of whether “good cause” exists. *See id.* Since the trial court’s judgment is void, *see Gorman*, 221 N.C. App. at 333, we need not address Defendant’s alternative arguments. *See State v. Lytle*, 287 N.C. App. 657, 660 (2023) (deeming it unnecessary to reach the defendant’s remaining arguments on

appeal because this Court vacated the trial court's judgment revoking the defendant's probation); *see also State v. Taylor*, 289 N.C. App. 581, 590 (2023).

IV. Conclusion

Upon review, we vacate the trial court's judgment revoking Defendant's probation because the trial court lacked subject matter jurisdiction to revoke Defendant's probation after the expiration of his probationary period by failing to make statutorily required factual findings regarding "good cause[.]" We therefore remand this matter to the trial court for findings consistent with this opinion.

VACATED AND REMANDED.

Chief Judge DILLON and Judge MURRY concur.

Report per Rule 30(e).