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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA25-1183

Filed 2 September 2026

Pamlico County, No. 23CR208058-680

STATE OF NORTH CAROLINA

v.

TRAVIS LEONARD ROLAN, Defendant.

Appeal by Defendant from judgment entered 25 April 2025 by Judge Quintin McGee in Pamlico County Superior Court. Heard in the Court of Appeals 11 August 2026.

Attorney General Jeff Jackson, by Assistant Attorney General Haley A. Cooper, for the State.

Travis Leonard Rolan, pro se.

GRIFFIN, Judge.

Defendant Travis Leonard Rolan appeals the trial court's judgment upon jury verdicts finding him guilty of four counts of misdemeanor cruelty to an animal stemming from an incident on his property. Defendant contends his trial consisted of multiple errors individually and cumulatively prejudicial to his defense, including (1) the State's failure to turn over exculpatory evidence; (2) the trial court's failure to

instruct on the defense of habitation; (3) the court's admission of out-of-court testimony in violation of the Confrontation Clause; and (4) the court's failure to prevent improper closing arguments by the State. We hold the trial court did not err.

I. Factual and Procedural Background

This case arises from an incident on Defendant's property wherein Defendant shot four dogs. Evidence at trial tended to show as follows:

Defendant owned and resided in a camper on rural property in Pamlico County, North Carolina. On 31 December 2022, John Paul Jones and Justin Long were deer hunting property adjacent to Defendant's. Jones and Long were hunting alongside their four hunting dogs, Walker Hounds, that day.

Jones testified he had raised and trained Walker Hounds for years. Jones testified that his Walker Hounds were "medium-sized" and were not aggressive towards people. Jones and Long testified that they do not intentionally direct dogs onto property on which they do not have permission to hunt. The dogs follow a deer's path wherever it leads. Jones and Long also testified they only harvest deer on property on which they have been permitted to hunt.

On 31 December 2022, Jones and Long released the four dogs on the property adjacent to Defendant's, where they were permitted to hunt. The dogs wore GPS collars that allowed Jones and Long to track their movements. Jones was standing near Defendant's property when he heard the dogs travelling toward him. He

observed the dogs chasing a deer toward Defendant's property. Jones and Long then heard four rapid gunshots, after which the dogs stopped barking.

Jones and Long attempted to recall the dogs, but only one dog returned. Jones and Long observed the other dogs were stationary on Defendant's property. They attempted to retrieve the dogs, but Defendant refused to allow Jones and Long to enter his property.

Wildlife officers recovered two deceased dogs from Defendant's property. The officers found the two deceased dogs each within seventy-five yards of where Defendant had been standing. A third dog was taken to an emergency veterinarian hospital but was euthanized due to the extent of the injuries. A fourth dog was shot in the head but survived because the pellets did not penetrate deeply. The officers found four spent shotgun shells in the field.

Wildlife Officer Abrams testified Defendant stated on scene that he knew hunters were running dogs in the area, heard dogs barking, retrieved his shotgun, and fired four times at four different dogs. Defendant testified that he was outside alone when he heard dogs barking in the distance while his partner and, to the best of his knowledge, child were inside the camper. He then began walking the edge of the woods with his pump-action shotgun loaded with birdshot to locate the sound. Defendant fired when he saw the dogs emerging from the brush. Defendant fired in rapid succession, and the whole encounter lasted about three seconds. Defendant

aimed and fired at the dogs out of self-defense but did not intend to kill them. Defendant testified the dogs were not chasing a deer.

After the event, Defendant spoke with law enforcement officers and gave the officers his shotgun and two trail cameras containing SD cards with thousands of images of the area surrounding where the incident occurred. Defendant testified he found images from the incident on the SD cards and had reviewed them.

The jury convicted Defendant of four counts of misdemeanor cruelty to an animal. The trial court entered judgment on the jury's verdict; consolidated the convictions; sentenced Defendant to two consecutive sentences of 120 days imprisonment suspended for 24 months supervised probation; and ordered Defendant to pay restitution to Long, Jones, and animal control.

Defendant timely appeals.

II. Analysis

Defendant presents five arguments on appeal: (1) the State withheld exculpatory evidence in its possession until the evidence was unusable at trial; (2) the trial court erred by refusing Defendant's request to instruct the jury on the defense of habitation; (3) the trial court erred by admitting testimony from an out-of-court officer under the Confrontation Clause; (4) the trial court erred by allowing the State to give an improper closing argument; and (5) the cumulative weight of his alleged errors was prejudicial. We address each argument.

A. Exculpatory *Brady* Evidence

Defendant first contends the State violated his due process rights outlined in *Brady v. Maryland*, 373 U.S. 83 (1963). Specifically, Defendant argues that the State suppressed exculpatory and impeachment evidence of Long's trespassing and false testimony within the SD cards from his trail cameras by failing to return the evidence to him in a timely manner.

In North Carolina, “[t]o establish a *Brady* violation, a defendant must show (1) that the prosecution suppressed evidence; (2) that the evidence was favorable to the defense; and (3) that the evidence was material to an issue at trial.” *State v. McNeil*, 155 N.C. App. 540, 542, 574 S.E.2d 145, 147 (2002) (citing *Brady*, 373 U.S. at 87). The defendant's favorable evidence can either be exculpatory evidence or impeachment evidence. *State v. Williams*, 362 N.C. 628, 636, 669 S.E.2d 290, 296 (2008) (citation omitted). “[E]vidence is material only if there is a reasonable probability that, had the evidence been disclosed to the defense, the result of the proceeding would have been different.” *United States v. Bagley*, 473 U.S. 667, 682 (1985). Reasonable probability “is a probability sufficient to undermine confidence in the outcome.” *Id.*

We cannot hold the State suppressed the SD card evidence such that Defendant was deprived of meaningful preparation and use of the evidence. On 17 April 2025, Defendant moved the trial court to direct the State to turn over all images from the SD cards. Defendant alleges he received some of the SD card images on 4 November 2025. The State offered to allow Defendant to view the entire set of images

the day before trial. Defendant then moved the trial court to direct the State to preserve the SD cards, the motion was granted, and Defendant stated “[t]hat resolves that issue.” Defendant now claims he was deprived of a meaningful opportunity to review and utilize the evidence because it was offered the day before trial. However, Defendant testified that he reviewed several thousand images from the SD cards. Defendant used four images, taken from the SD cards, to show that he did not have a firearm with him when he encountered Long. Because Defendant had access to the evidence, admitted he had the opportunity to review the evidence both prior to turning it over to the State and before trial, and did in fact use the evidence at trial, we cannot hold the State committed a *Brady* violation. *See McNeil*, 155 N.C. App. at 542, 574 S.E.2d at 147 (citation omitted) (stating “a defendant must show (1) that the prosecution suppressed evidence”).

Even if we held the State suppressed evidence by failing to timely turn it over for Defendant’s review, Defendant cannot show the SD card evidence was favorable to him in a material way. Defendant first contends the suppressed evidence was favorable because it depicted Long trespassing on Defendant’s property, and therefore Defendant’s actions were justified. However, whether Long trespassed on Defendant’s property is irrelevant to the crimes for which Defendant was charged. *See* N.C. Gen. Stat. § 14-360(a), (c) (2021) (criminalizing cruelty to animals and defining specific exceptions to the crime which do not include trespass of the animal’s owner). Defendant’s contention that, because Long was trespassing, he was

authorized to shoot the dogs is not supported by the law.

Defendant next contends the SD card evidence was favorable because it would have corroborated Defendant's testimony that unlawful incursions and hunting activities repeatedly occurred on his property. Again, whether the evidence showed these facts is inapposite to the crime for which Defendant was charged. Unlawful incursions occurring on Defendant's property would not give Defendant the right to unnecessarily injure the dogs, no matter how often the trespasses occurred. *See State v. Dickens*, 215 N.C. 303, 305, 1 S.E.2d 837, 839 (1939) (citations omitted) ("The presence of the dog on the premises gave defendant the right to drive him away but not to injure him unnecessarily, although trespassing.").

Defendant last contends the suppressed evidence was favorable because it would have impeached multiple State witnesses. The first witness Defendant argues the evidence would have impeached is Long. However, Defendant concedes in his brief on appeal that he introduced images that contradicted Long's testimony during trial. Defendant was therefore able to impeach Long using the SD card evidence despite the State's alleged tardiness, and any additional images were unlikely to sway the outcome of trial.

The second witness Defendant argues the evidence would have impeached is Animal Control Officer Berkley Hill. Hill testified that the dogs were chasing deer. Defendant contends the trail camera footage covering the area described by Hill did not depict dogs trailing deer, which would have contradicted Officer Hill's testimony.

Yet, the fact that the trail camera footage from that specific area did not capture dogs trailing deer does not necessitate the conclusion that the events did not occur elsewhere on Defendant's property. Thus, the evidence would not impeach Officer Hill in a way that would have a probable impact on the outcome of trial.

We hold Defendant cannot show the required elements of a *Brady* violation by the State. *See State v. Ballard*, 283 N.C. App. 236, 241, 872 S.E.2d 557, 562–63 (2022) (citations omitted).

B. Jury Instruction on Defense of Habitation

Defendant contends the trial court erred by refusing to instruct the jury on the defense of habitation, despite Defendant's request for the instruction.

A trial court's decision to deny a jury instruction is a question of law and is reviewed de novo. *State v. Singletary*, 247 N.C. App. 368, 376, 786 S.E.2d 712, 718 (2016). "If a party requests a jury instruction which is a correct statement of the law and which is supported by the evidence, the trial judge must give the instruction at least in substance." *State v. Barr*, 218 N.C. App. 329, 342, 721 S.E.2d 395, 404 (2012) (quoting *State v. Ligon*, 332 N.C. 224, 242, 420 S.E.2d 136, 146 (1992)).

Here, the requested jury instruction was not supported by the evidence. Defendant requested North Carolina Pattern Instruction 308.80 for the defense of habitation, which corresponds to N.C. Gen. Stat. § 14-51.2. The statute defines when "[t]he lawful occupant of a home, motor vehicle, or workplace" may use defensive force capable of inflicting death or serious bodily harm upon another person. N.C. Gen.

Stat. § 14-51.2(b) (2021).

In this case, Defendant defended himself against an animal. No statutory or case law supports Defendant's contention that the statute should apply to defense against animals. Further, at trial, Defendant conceded that no case law supports the requested instruction as applied to animals. Because Defendant was not threatened by a person, and did not use force against a person, the requested instruction was not supported by the evidence. Thus, the trial court did not err by denying an instruction on defense of habitation.

C. Confrontation Clause

Defendant argues the trial court violated his rights under the Confrontation Clause by allowing the State to rely on a statement attributed to a law enforcement officer who did not testify at trial. We disagree.

The Confrontation Clause of the Sixth Amendment prevents the admission of “testimonial statements of a witness who did not appear at trial unless he was unavailable to testify, and the defendant had had a prior opportunity for cross-examination.” *Crawford v. Washington*, 541 U.S. 36, 54–55 (2004). “In operation, the Clause protects a defendant’s right of cross-examination by limiting the prosecution’s ability to introduce statements made by people not in the courtroom.” *Smith v. Arizona*, 602 U.S. 779, 783–84 (2024).

Defendant asserts the State introduced an out-of-court officer’s statement, that the dogs were running “parallel” to Defendant when the incident occurred, by asking

an in-court witness to repeat the statement. Thereby, Defendant argues, the statement was admitted without providing Defendant the opportunity to rebut the out-of-court officer's observations.

This is not an accurate reflection of the record. At trial, the State cross-examined Defendant and asked whether the dogs were running parallel or away from him. Defendant replied that he never characterized the dogs as moving parallel to him, and that another officer who did not appear in court had characterized the movement in that way. However, there is no evidence in the record that the State attributed this statement to the out-of-court officer. The only reference to what the out-of-court officer might have said was made by Defendant. Rather, the in-court officer testified that, based on his own observations of record evidence, the dogs were running parallel to Defendant.

Therefore, because no statements by a non-testifying witness were admitted into evidence, the Confrontation Clause of the Sixth Amendment was not violated.

D. Improper Closing Argument

Next, Defendant contends the State made an improper closing argument by mischaracterizing evidence and failing to correct false impressions, and therefore the trial court should have intervened *ex mero motu*.

We review a claim for an improper closing argument which "fail[ed] to provoke timely objection from opposing counsel [for] whether the remarks were so grossly improper that the trial court committed reversible error by failing to intervene *ex*

mero motu.” *State v. Jones*, 355 N.C. 117, 133, 558 S.E.2d 97, 107 (2002) (citations omitted). Only an “extreme impropriety” by the State will urge our Court to rule that the trial court erred by failing to intervene *ex mero motu*. *State v. Huey*, 370 N.C. 174, 180, 804 S.E.2d 464, 470 (2017) (citation omitted). An appellant must demonstrate a “reasonable possibility that, had the error[s] in question not been committed, a different result would have been reached at the trial.” *Id.* at 185, 804 S.E.2d at 473 (citation omitted). Closing arguments must “(1) be devoid of counsel’s personal opinion; (2) avoid name-calling and/or references to matters beyond the record; (3) be premised on logical deductions, not on appeals to passion or prejudice; and (4) be constructed from fair inferences drawn only from evidence properly admitted at trial.” *Jones*, 355 N.C. at 135, 558 S.E.2d at 108.

Defendant contends the State argued or implied that dogs were actively chasing deer in a manner justifying their trespass onto his property and that Long was also lawfully present on his property. In its closing, the State’s prosecutor asserted that Defendant admitted the dogs were running parallel to him when he fired. The State made a single reference to Defendant’s alleged admission that the dogs were running parallel to him when he fired. During cross-examination, Defendant expressly denied that the dogs were running “parallel” to him. Defendant characterized the dogs as moving “at an angle.” Rather, the State’s witness stated the dogs were running “parallel,” not Defendant. Defendant asserts these statements were improper because they presented facts not in the record.

However, even assuming the prosecutor's statements were improper, we do not find them so grossly improper as to render the trial court responsible to intervene *ex mero motu*. The majority of the State's argument relied on evidence in the record that suggested the dogs' position related to Defendant's when he fired. Further, the legality of Long's presence on Defendant's property is inconsequential to Defendant's charges. Thus, the prosecutor's statements were not grossly improper. *Cf. State v. Forney*, 310 N.C. 126, 132, 310 S.E.2d 20, 23–24 (1984) (holding prosecutor's closing argument grossly improper where the prosecutor virtually fabricated entire narrative by injecting many facts not in the record).

E. Cumulative Error

Lastly, Defendant argues the cumulative weight of the trial court's errors denied him a fair trial. "Cumulative errors lead to reversal when taken as a whole the errors by the trial court deprived the defendant of his due process right to a fair trial free from prejudicial error." *State v. Wilkerson*, 363 N.C. 382, 426, 683 S.E.2d 174, 201 (2009) (citation modified). "However, when 'none of the issues present error, [appellate courts will] decline to consider [a] defendant's cumulative error argument.'" *State v. Gillard*, 386 N.C. 797, 852, 909 S.E.2d 226, 270 (2024) (quoting *State v. Betts*, 377 N.C. 519, 527, 858 S.E.2d 601, 607 (2021)). "Indeed, cumulative error requires there be multiple significant errors before an appellate court can conclude that a defendant has met the high bar of demonstrating that he has been wholly deprived of his due process right to a fair trial free from prejudicial error." *Id.*

(citation modified). Here, Defendant has not shown the trial court erred, and we therefore decline to address his cumulative error argument.

III. Conclusion

We hold Defendant received a fair trial, free from error.

NO ERROR.

Judges STROUD and COLLINS concur.

Report per Rule 30(e).