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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA25-752

Filed 2 September 2026

Rowan County, Nos. 18CR053445-790, 18CR053447-790

STATE OF NORTH CAROLINA

v.

WILLIE EARL WILLIAMS, JR.

Appeal by defendant from judgment entered 19 September 2024 by Judge William T. Stetzer in Rowan County Superior Court. Heard in the Court of Appeals 11 August 2026.

Attorney General Jeff Jackson by Special Deputy Attorney General Benjamin Szany, for the State.

Caryn Strickland, for the defendant-appellant.

TYSON, Judge.

Willie Earl Williams, Jr. (“Defendant”) appeals from his convictions of the first-degree murders of Sabrina Curzi and Darryl Wright. We discern no prejudicial error.

I. Background

Defendant, Ronald Powers, Eugene Black, and Nyrobi Mason gathered for a cookout on the afternoon of 3 August 2018 at Town Creek Park in Salisbury. Town

Creek Park is a public park with a playground and a covered picnic area. Defendant was wearing an electronic ankle monitor imposed from prior criminal activity.

Michael Curzi arrived at the cookout. Powers and Black purportedly took Michael's phone and beat him on the head with beer bottles. Michael left the park. Michael's mother, Sabrina Curzi, and her boyfriend, Darryl Wright, learned Michael had been assaulted while at the park. Darryl called 911 enroute and they arrived at the park about twenty minutes after Michael had left.

Sabrina exited the vehicle carrying a pistol belonging to Darryl and a can of pepper spray. A physical altercation ensued between Darryl and Defendant. Sabrina fired a shot, which hit Nyrobi Mason in the buttock. She then shot Defendant in the neck. Defendant took the pistol from Sabrina and shot both Darryl and Sabrina. Both died at the scene. Defendant fled from the scene with Ronald Powers.

Defendant's ex-girlfriend, Kat Adkins, was at home with her friend, Caitlyn. Adkins testified Defendant is known to belong to a gang. Defendant and Powers "busted in the door." She saw Defendant had been shot in the neck. Atkins saw Defendant was "bleeding everywhere," "half of his neck was like shot off," and he had been pepper sprayed. The two men headed towards the shower. Defendant stated he had "just caught two bodies." Powers possessed a handgun, which he threw on top of the shed behind Adkins's house.

Defendant began to lose consciousness from blood loss. Powers demanded the four of them leave the house. Defendant, Powers, Adkins, and Caitlyn left in Caitlyn's car. Defendant cut his electronic ankle monitor off and threw it out of the car window.

Caitlyn dropped Defendant, Powers, and Adkins off at a trailer owned by Powers's friend. They were able to control the bleeding from Defendant's neck. Adkins, Powers, and Defendant got a ride from Adkins's cousin, picked up Eugene Black, and they stayed in a hotel room in Kannapolis that night.

Adkins testified Defendant was traumatized, scared, and remorseful. Defendant and Adkins hid in the woods the following day because he was afraid of the police. Defendant was arrested on 26 September 2018, almost two months later, and charged with two counts of first-degree murder.

Adkins testified at trial regarding what Defendant told her about the altercation. According to Defendant, Sabrina exited the vehicle and demanded to know "who put their hands on [her] son." Defendant purportedly attempted to de-escalate the situation, but Darryl Wright swung at him and the two men began to fight. Defendant punched Darryl and he fell to his knees. Sabrina began "to pepper spray at everybody." Someone fired a gun and Mason "got shot in the butt."

Defendant could barely see from the pepper spray in his eyes, but he was able to open his eyes to see Sabrina point a gun at his head. He moved quickly but was shot in the neck. At that point, Defendant "bum-rushed her," took the gun, and shot Darryl and then Sabrina. Adkins testified the cookout attendees had agreed no one

would bring a gun to the park because “[t]here was multiple people on an ankle bracelet.”

Detective Jeremy Hill was assigned to investigate the case. His investigation revealed six shots had been fired, but only four spent shell casings were recovered. All four shell casings were of the same type. Detective Hill determined the gun recovered from the roof of Adkins’s shed belonged to Darryl Wright. The spent shell casings were determined to have been fired from that gun.

The entire altercation, including the gunshots, was recorded by 911 dispatch and played twice for the jury at trial. The recording is eight minutes and thirty-three seconds long. At 4:16 p.m., Darryl Wright called 911 and reported “his son” had been assaulted with a beer bottle. He and Sabrina were driving around trying to locate Michael Curzi. Darryl’s phone remained connected to the 911 dispatcher during the altercation and shootings.

Darryl and Sabrina can be heard arriving at Town Creek Park. Sabrina shouts profanity and a gunshot can be heard. Someone is heard screaming in pain. About five seconds later, a male voice says, “whoa, whoa, whoa,” and Sabrina shouts “get the f --k away from us,” and she screams, “I’ll do it again!” Sabrina then shouts, “Leave him alone,” and Darryl shouts, “Give me my gun, Sabrina. You don’t understand!” Sabrina shouts, “Motherf--ker!” and another gunshot is heard. She then shouts, “I’ll god---n kill you!” Sabrina then shouts, “Please don’t shoot me.” A shot is fired, and Sabrina yells, “No!” Three more gunshots are then fired.

Dr. Kim Janssen, Deputy Chief Medical Examiner, testified regarding the results of autopsies performed on Darryl and Sabrina. Darryl had a single gunshot wound to the head. The bullet had entered the right frontal scalp and partially exited behind the left ear. The wound was surrounded by stippling, which are small abrasions caused by gunpowder striking the skin. Dr. Janssen testified the presence of stippling indicated the gun was fired from a few inches to a few feet away from Darryl's head.

Sabrina's autopsy revealed she had suffered two gunshot wounds. One bullet had entered the back of her right scalp behind the ear, went through the brain stem, and exited behind the left ear. The other bullet entered the right side of her back and partially exited on the right side of her upper chest. No stippling was present around Sabrina's wounds.

Defendant was indicted on two counts of first-degree murder on 27 August 2018. The trial court entered a Scheduling Order on 27 November 2023. The Scheduling Order directed Defendant to disclose to the State, no later than 2 August 2024, of his intent to offer at trial any of the defenses listed in N.C. Gen. Stat. § 15A-905(c)(1), which includes self-defense. *See* N.C. Gen. Stat. § 15A-905(c)(1) (2025). The order was later amended to extend the deadline for compliance until 9 August 2024.

On 8 August 2024, Defendant filed a document entitled "Notices of Defenses and Objections," which states, "The Defendant NOTICES his reservation of the right to present evidence in support of the defense of self defense[.]"

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The following day, 9 August 2024, the State filed a Motion to Compel. The State argued Defendant's notice "does neither specifically nor unequivocally state that the defendant is, in fact, seeking to assert the affirmative defense of self-defense or any other affirmative defense listed within 15A-905(c)(1)." The motion further asserts the State is unable to determine whether Defendant intends to introduce evidence supporting any affirmative defense.

The trial court held a hearing on the State's Motion to Compel on 15 August 2024. The State argued its statutory right to know whether Defendant intends to assert self-defense, since the State would carry the burden to prove Defendant did not act in self-defense. Defense counsel argued the State has the burden to prove Defendant was the perpetrator and compelling him to state his intention to claim self-defense prior to the close of the State's evidence would violate his Fifth Amendment right against self-incrimination.

The trial court granted the State's Motion to Compel and ordered Defendant to disclose whether he intended to raise the defense of self-defense. In response, Defendant repeatedly informed the court he would not assert self-defense.

Defendant was tried before a jury from 9 September through 19 September 2024. He did not testify or present any evidence. During the charge conference, Defendant's trial counsel stated he did not intend to argue self-defense because Defendant was adamant for the defense not to concede identity and he was "restricted by *Harbison*."

The trial court suggested the evidence could support an instruction on second-degree murder or voluntary manslaughter. Defense counsel informed the court that Defendant wanted “the instruction [to] be simply first degree murder without option.” After consulting with his attorney several times, Defendant eventually requested for the trial court to instruct on the lesser-included offenses of second-degree murder and voluntary manslaughter.

The State argued to the jury, “[t]his is not a self-defense case,” and told the jury to “take that out of your mind and not consider that at all.” Defendant’s counsel argued the shootings of Darryl and Sabrina resulted from the “fog of war,” the State had not proven the identity of Defendant as the shooter beyond a reasonable doubt, and Sabrina had stated, “I will god---n kill you” after she had already fired a shot, which had struck Nyrobi Mason in the buttock. Defense counsel further argued, “the evidence presented by the State appears to be that [Sabrina] pointed a pistol at an individual the State claims to be Defendant and but for slightly moving, it would be a different sort of hearing, if at all today.”

During deliberations, the jury requested to again review the autopsy photographs and the 911 recording. The following day, the jury returned verdicts of guilty to both counts of first-degree murder. Defendant was sentenced as a Level V with 16 prior record level points to two consecutive sentences of life in prison without parole. Defendant gave oral notice of appeal.

II. Jurisdiction

Defendant appeals from final judgment of the trial court pursuant to N.C. Gen. Stat. §§ 7A-27(b)(1) and 15A-1444(a) (2025).

III. Issues

Defendant argues: (1) the trial court erred by granting the State’s motion to compel; (2) his trial counsel provided ineffective assistance of counsel by failing to raise a self-defense claim; and, (3) the trial court committed plain error by failing to instruct the jury on self-defense.

IV. Notice of the Intent to Offer a Defense

Defendant argues the trial court erred by granting the State’s motion to compel him, prior to trial, to make a “final decision” on whether he would assert self-defense at trial, which violated his Fifth Amendment right against self-incrimination and his Sixth Amendment right to present a defense. We disagree.

A. Standard of Review

“It is well settled that de novo review is ordinarily appropriate in cases where constitutional rights are implicated.” *State v. Shuler*, 378 N.C. 337, 339, 861 S.E.2d 512, 515 (2021) (citing *State v. Diaz*, 372 N.C. 493, 498, 831 S.E.2d 532 (2019)).”

B. N.C. Gen. Stat. § 15A-905(c)(1)

Defendant first argues his pretrial notice complied with N.C. Gen. Stat. § 15A-905(c)(1), which requires a defendant to give the State notice of the intent to offer certain affirmative defenses at trial, including the defense of self-defense. The statute states:

(c) Notice of Defenses, Expert Witnesses, and Witness Lists. — If the court grants any relief sought by the defendant under G.S. 15A-903, or if disclosure is voluntarily made by the State pursuant to G.S. 15A-902(a), the court must, upon motion of the State, order the defendant to:

- (1) Give *notice* to the State of the intent to offer at trial a defense of alibi, duress, entrapment, insanity, mental infirmity, diminished capacity, *self-defense*, accident, automatism, involuntary intoxication, or voluntary intoxication. *Notice of defense as described in this subdivision is inadmissible against the defendant.* Notice of defense must be given within 20 working days after the date the case is set for trial pursuant to G.S. 7A-49.4, or such other later time as set by the court.

N.C. Gen. Stat. § 15A-905(c)(1) (2025) (emphasis supplied).

Here, the trial court issued an order requiring the State to disclose its evidence to Defendant pursuant to N.C. Gen. Stat. § 15A-903(2025). The trial court also ordered Defendant to provide the State notice of any affirmative defenses listed under N.C. Gen. Stat. § 15A-903(c)(1)(2025). Defendant provided the State timely written notice, which stated: “The Defendant NOTICES his reservation of the right to present evidence in support of the defense of self defense[.]” The State’s Motion to Compel asserted Defendant’s statement was insufficient to put the State on notice of whether Defendant intended to introduce evidence in support of an affirmative defense. The State sought the entry of an order directing and compelling Defendant to further comply with N.C. Gen. Stat. § 15A-905(c)(1) and give notice to the State of his intent to offer evidence of an affirmative defense at trial. *See id.*

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At the hearing on the State's motion to compel, the trial court asked defense counsel: "Do you intend to raise the defense of self-defense?" The court recessed for defense counsel to further confer with Defendant before answering the question. Following the recess, the court held a colloquy directly with Defendant:

THE COURT: All right. Mr. Williams, when we left the courtroom, you and your lawyer left together to discuss the issues that we've been discussing this morning about the requirement to inform pursuant to the statute whether you're going to raise the defense of self-defense. Did you have sufficient time to talk to your lawyer about that?

DEFENDANT: Yes, sir, Your Honor.

THE COURT: Okay. And you and he have to make a strategic decision about whether you're going to raise the defense of self-defense. Did you have sufficient time to talk to him about that?

DEFENDANT: Yes, sir, Your Honor.

THE COURT: What decision did you come up with?

DEFENDANT: We will not be using self-defense as a defense, Your Honor.

THE COURT: Okay. And you have an experienced lawyer next to you. Are you comfortable with the advice he gave you?

DEFENDANT: Yes, sir, Your Honor.

THE COURT: You know those decisions are decisions that clients get to make and lawyers get to advise on, so is that your decision?

DEFENDANT: Yes, sir, Your Honor.

THE COURT: Okay. All right. So you will not be raising the defense of self-defense, and I will not instruct the jury, of course, as to that then.

DEFENDANT: Yes, sir.

THE COURT: All right. Do you have any questions for me about what's transpired this morning on that issue?

DEFENDANT: No, sir, Your Honor.

C. Defendant's Written Notice

Defendant argues his written "Notice" sufficiently complied with the statute, because it communicated Defendant had the "intent" and reserved the right to raise the defense of self-defense at trial. Defendant's position before the trial court did not assert his written notice was sufficient under the statute, but rather he asserted the statute could not compel him to decide whether he would testify or put on evidence of an affirmative defense until the close of the State's evidence. Presuming without deciding Defendant's written "Notice" was sufficient, Defendant cannot prevail for the reasons set forth below.

V. "Final Decision" to Assert an Affirmative Defense

Defendant argues he was erroneously required to make a "final decision" on whether to assert self-defense prior to trial. He asserts the granting of the motion to compel required him to definitively and exclusively choose between a reasonable doubt (identity) defense and shooting in self-defense.

The State listed and disclosed 121 potential witnesses and did not intend to

call all of them at trial. Defense counsel did not know which witnesses the State would call. As defense counsel explained at the motion to compel hearing, he anticipated a certain witness would identify a person as the shooter, who was not Defendant. Some witnesses had purportedly told law enforcement officers, “a white person” did it or it was someone with “dreadlocks.” Because the burden was on the State to prove beyond a reasonable doubt Defendant was the shooter, defense counsel wished to review the evidence presented in the State’s case-in-chief before making a final decision on whether to present a self-defense case.

We agree with Defendant the statute does not require him to make a “final decision” on whether to assert self-defense at trial. The statute only requires him to give the State notice of his “intent” to present evidence to support an affirmative defense. *See State v. Williams*, 350 N.C. 1, 18, 510 S.E.2d 626, 638 (1999) (“The term ‘intent’ as used in [N.C. Gen. Stat. §15A-905(b)] is not synonymous with a defendant’s final decision to call an expert witness or present the expert’s report.”)

If Defendant was contemplating the assertion of self-defense at trial, he could have provided the State with the required statutory notice and then elected at the close of the State’s case-in-chief whether or not to present evidence of self-defense. The statute specifically states, “Notice of defense as described in this subdivision is inadmissible against the defendant.” N.C. Gen. Stat. § 15A-905(c)(1). Defendant’s statutorily-required notice expressly could not have prejudiced him at trial. *Id.*

On the cold record before us, Defendant cannot show prejudice by the trial

court's granting of the State's Motion to Compel. The record clearly shows Defendant chose not to assert self-defense at trial. "A defendant is not prejudiced by . . . [purported] error resulting from his own conduct." N.C. Gen. Stat. § 15A-1443(c) (2025).

Defendant did not attempt to offer any evidence on any issue or in support of a theory of self-defense. Whether or not the trial court would have permitted him to assert the defense is unknown. Sanctions for failure to give the State statutory notice of an affirmative defense are not mandated and are within the discretion of the trial court. N.C. Gen. Stat. § 15A-910 includes a list of potential sanctions the court *may* impose for failure to comply with discovery, including prohibiting the party from introducing evidence not disclosed. N.C. Gen. Stat. § 15A-910(a)(3)(2025).

The trial court understood this and explained to Defendant at the Motion to Compel hearing:

THE COURT: . . . And the risk you face with not raising [affirmative defenses] prior to the deadline is the Court finds it's a violation of the statute and . . . the Court has discretion, of course, but there's a laundry list of sanctions that can be imposed including not allowing defendant to put on certain evidence, which I would be hesitant to do for constitutional issues, but there's also the risk of not getting the instruction on the affirmative defense . . . [I]f something happens that's unexpected during the trial that you need to raise an affirmative defense, I think you have to seek leave from the Court to do so. Does that framework make sense?

DEFENSE COUNSEL: That framework is what is contemplated[.]

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The Court further stated Defendant “has to make two decisions. One is today and then one is if he were to seek leave of the Court to raise an affirmative defense.” The court later re-iterated to Defendant the “risk that if you don’t assert [affirmative defenses] today . . . *it may be* that the Court finds that you don’t get to assert them later.” (Emphasis supplied). The trial court even indicated to Defendant he would be “hesitant” to preclude Defendant from presenting certain evidence due to “constitutional issues.”

Defendant’s pre-trial statement of his intention not to assert self-defense did not *automatically* prevent him from raising the defense at trial. The trial court informed Defendant of the risks involved in not asserting the defense. The record shows Defendant, after consulting with his attorney and after extensive colloquies with the trial court, made the choice to not to offer evidence of self-defense or otherwise. At no point during the trial or charge conference did Defendant indicate he wished for the jury to consider whether he had acted in self-defense. Defense counsel’s closing argument focused on the “fog of war,” reasonable doubt, and identity.

Defendant cannot show prejudice by the trial court’s requirement he inform the State of his intention to assert self-defense, where the record clearly shows he did not wish to present evidence he had acted in self-defense and his chosen trial strategy was to assert reasonable doubt of his identity as the shooter. Defendant’s argument

is overruled.

VI. Jury Instructions

Defendant argues the trial court committed plain error by failing to instruct the jury on self-defense where evidence of self-defense was a substantial feature of the case. We disagree.

To preserve an issue for review, a party must have presented a timely objection, stating the specific grounds for the ruling desired, and obtained a ruling on such objection. N.C. R. App. P. 10(a)(1). Defendant did not object to the trial court's jury instructions, did not request a self-defense instruction, and invited or waived the asserted error.

During the charge conference, the trial court suggested the evidence supported instructions on both second-degree murder and voluntary manslaughter. Defendant stated his desire for the jury to only consider first-degree murder. After consulting with counsel several more times, Defendant eventually requested for the trial court to instruct the jury on the lesser-included offenses. The trial court distributed draft instructions to the parties. After a break, the court asked Defendant whether there were "any objections, requests for corrections or additions to the proposed instructions." Defendant renewed objections he had previously made to the inclusion of "brutal and viscous" circumstances language in the instructions.

After some additional discussion on the "brutal and vicious" language, the court again prompted the parties whether there was "anything else as to the

instructions.” Neither party had any further objections.

The State informed Defendant and the trial court it was considering whether to inform the jurors in closing argument there would be no self-defense instruction out of a concern the jurors might wonder about self-defense. The prosecutor “wanted to . . . make sure that the Court did not have an issue or [Defendant] did not have an issue with me saying that in my closing argument.”

In response, defense counsel stated, “I cannot mention self-defense because I’m restricted by *Harbison*. It’s not in the instructions. And . . . I would argue the State shouldn’t even bring up the subject. . . . [I]f they believe the thought is resonating in that pool and they bring it up, it just simply reinforces the thought.”

The trial court recalled, “from the *Harbison* conversations we’ve had,” Defendant “was adamant that the defense not concede identity.” Defense counsel confirmed the trial court’s recollection. Defense counsel then informed the trial court, “Insofar as the . . . prosecution saying this is not a self-defense case, I mean, they have that privilege and argument. I certainly would, if it comes to it and there is, you know, a lot of time spent on that, I will lodge an objection if we get there.”

The trial court recessed for the evening. The following morning, Defendant renewed his objection to the “brutal and vicious” language in the proposed instructions but lodged no other objections. Defense counsel did not object when the prosecutor stated in his closing argument that “this is not a self-defense case.”

“[O]ne who causes . . . the court to commit error is not in a position to repudiate

his action and assign it as ground for a new trial.” *State v. Payne*, 280 N.C. 170, 171, 185 S.E.2d 101, 102 (1971). “In cases where the defendant participates in crafting the instructions and specifically consents to the instruction as given, he may not argue on appeal that the language or form of the instruction that was given was in error.” *State v. Plotz*, 295 N.C. App. 404, 416, 906 S.E.2d 57, 66 (2024). “[A] defendant who invites error has waived his right to all appellate review concerning the invited error, *including plain error review*.” *State v. Miller*, 289 N.C. App. 429, 433, 889 S.E.2d 231, 234 (2023) (emphasis supplied).

The record repeatedly shows Defendant’s express wish for the jury not to be instructed on self-defense. We dismiss this argument as Defendant invited or waived any purported error he now asserts with regard to jury instructions on self-defense. *Id.*

VII. Ineffective Assistance of Counsel

Defendant argues trial counsel provided ineffective assistance of counsel by failing to raise a self-defense claim. On the cold record presently before us, we disagree.

A. Standard of Review

This Court reviews claims of ineffective assistance of counsel *de novo*. *State v. Moore*, 286 N.C. App. 341, 345, 880 S.E.2d 710, 714 (2022).

B. Counsel’s Performance

“A defendant’s right to counsel includes the right to the effective assistance of

counsel.” *State v. Braswell*, 312 N.C. 553, 561, 324 S.E.2d 241, 247 (1985). “When a defendant attacks his conviction on the basis that counsel was ineffective, he must show that his counsel’s conduct fell below an objective standard of reasonableness.” *Id.* at 561-62, 324 S.E.2d at 248 (citing *Strickland v. Washington*, 466 U.S. 668, 687-88, 80 L. Ed. 2d 674, 693(1984)). To succeed on such a claim, a defendant must show: (1) “that counsel’s performance was deficient” and (2) “that the deficient performance prejudiced the defense.” *Id.* (quoting *Strickland*, 466 U.S. at 687, 80 L. Ed. 2d at 693).

We are not in a position to “second-guess counsel’s assistance after conviction” and this Court “must indulge a strong presumption that counsel’s conduct falls within the wide range of reasonable professional assistance; that is, the defendant must overcome the presumption that, under the circumstances, the challenged action might be considered sound trial strategy.” *State v. Smith*, 241 N.C. App. 619, 629-30, 773 S.E.2d 114, 121 (2015).

The totality of the record indicates Defendant’s expressed desire and intention was to forego the assertion of self-defense and to fully commit to an identity and reasonable doubt defense. The record also indicates Defendant may have been, at least to some degree, at odds with his attorney on this trial strategy. Defendant’s trial strategy was reasonable under the facts of this case, which tends to show one unarmed victim, Darryl Wright, was shot from above at a very close range, and the other unarmed victim, Sabrina Curzi, was shot twice in the back after pleading,

“Please don’t shoot me.” Defendant has not demonstrated before us on this record counsel’s performance “fell below an objective standard of reasonableness.” *Braswell*, 312 N.C. at 561-62, 324 S.E.2d at 248.

Defendant’s arguments in this appeal are premised on the assertion a defendant is not required to concede identity as the shooter to argue self-defense, and the trial court forced Defendant to make an election between self-defense and a reasonable doubt identity defense. *See State v. Keller*, 374 N.C. 637, 647, 843 S.E.2d 58 (2020) (“The defense of entrapment is available . . . if the State’s own evidence raises an inference of entrapment or if the defendant denies the intent required for the commission of the offense.” (citation and quotation marks omitted)).

We are unable to discern, on the record before us, whether Defendant’s election to forego a claim of self-defense was based upon a misapprehension of the law regarding: (1) the assertion of multiple defenses; (2) the fact he could not be prejudiced at trial by giving prior notice of his intent to raise self-defense; or, (3) his ability to raise the affirmative defense at trial despite his purported failure to give more specific notice of his intention to do so. Defendant has shown no deficiency in trial counsel’s performance, but our review is limited to the record before us.

“In general, claims of ineffective assistance of counsel should be considered through a motion for appropriate relief and not on direct appeal.” *State v. Stroud*, 147 N.C. App. 549, 553, 557 S.E.2d 544, 547 (2001), *cert. denied*, 356 N.C. 623, 575 S.E.2d 758 (2002). As our Supreme Court has instructed, “should the reviewing court

determine [ineffective assistance of counsel] claims have been prematurely asserted on direct appeal, it shall dismiss those claims without prejudice to the defendant's right to reassert them during a subsequent [motion for appropriate relief] proceeding." *State v. Fair*, 354 N.C. 131, 167, 557 S.E.2d 500, 525 (2001), *cert. denied*, 535 U.S. 1114, 153 L. Ed. 2d 162 (2002).

VIII. Civil Judgment for Attorney Fees and Expenses

Defendant argues, by way of petition for writ of *certiorari*, the trial court erred by entering a civil judgment against Defendant for court-appointed attorney's fees and expenses where Defendant was not provided adequate prior notice.

The judgments entered for both first-degree murder counts state all monies owed by Defendant for costs, attorney fees, and expenses are to be reduced to civil judgments. The Office of Indigent Defense Services ("IDS") approved and mailed to the trial judge Defendant's appointed counsel's fee application for entry of the civil judgments. The trial judge entered a civil judgment against Defendant on 10 February 2026 in the amount of \$66,249.11 for attorney fees and expenses incurred in representing Defendant on the charges.

Trial counsel did not file a written notice of appeal from the civil judgment awarding attorney fees. *See* N.C. R. App. P. 3(a) (stating a party "may take appeal by filing notice of appeal" from a civil judgment). Defendant has filed a petition for writ of *certiorari* to seek review of the trial court's judgment against Defendant for attorney fees and expenses. *See* N.C. R. App. P. 21.

Our Supreme Court recently handed down guidance regarding this Court's issuance of the writ of *certiorari* in *State v. Martinez*, No. 101PA25 (N.C. Aug. 14, 2026). The standard we are to employ is set forth in *Cryan v. Nat'l Counsel of YMCAs*, 384 N.C. 569, 572, 887 S.E.2d 848, 851 (2023).

“The writ of *certiorari* is one of the ‘prerogative’ writs that the Court of Appeals may issue in aid of its own jurisdiction. *Id.* at 572, 887 S.E.2d at 851 (citing N.C. Gen. Stat. § 7A-32(c) (2021). “It ‘is intended as an extraordinary remedial writ to correct errors of law.’” *Id.* (quoting *Button v. Level Four Orthotics & Prosthetics, Inc.*, 380 N.C. 459, 465, 869 S.E.2d 257, 264 (2022).

Our precedent establishes a two-factor test to assess whether *certiorari* review by an appellate court is appropriate. First, a writ of *certiorari* should issue only if the petitioner can show merit or that error was probably committed below. This step weighs the likelihood that there was some error of law in the case.

Second, a writ of *certiorari* should issue only if there are extraordinary circumstances to justify it. We require extraordinary circumstances because a writ of *certiorari* is not intended as a substitute for a notice of appeal. If courts issued writs of *certiorari* solely on the showing of some error below, it would render meaningless the rules governing the time and manner of noticing appeals.

There is no fixed list of extraordinary circumstances that warrant *certiorari* review, but this factor generally requires a showing of substantial harm, considerable waste of judicial resources, or wide-reaching issues of justice and liberty at stake.

Ultimately, the decision to issue a writ of *certiorari* rests in the sound discretion of the presiding court.

Id. at 572-73, 887 S.E.2d at 851 (citations and quotation marks omitted).

In this case, the trial court issued a civil judgment for \$66,249.11 for attorney fees and expenses to defend Defendant for first-degree murder. Defendant has failed to demonstrate “substantial harm, considerable waste of judicial resources, or wide-reaching issues of justice and liberty at stake.” *Id.* In the exercise of our discretion, we deny the petition for issuance of the writ of *certiorari*. *Id.*

IX. Conclusion

Defendant has failed to show he was prejudiced by the trial court’s granting of the State’s motion to compel him to further state his intention of whether or not to assert self-defense at trial, where the record demonstrates his repeated desire and intention to forego the affirmative defense. The plain error he asserts in the absence of jury instructions on self-defense was invited error or waived. The record presently before us does not show any deficiency in counsel’s performance to support Defendant’s IAC claim. Defendant’s IAC argument is dismissed without prejudice to his right to file a motion for appropriate relief in the trial court.

Defendant received a fair trial, free from prejudicial errors he preserved and argued. We discern no error in the jury’s verdicts or in the judgments entered thereon. *It is so ordered.*

NO ERROR.

Judges Hampson and Stading concur.

Report per Rule 30(e).