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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA25-546

Filed 16 September 2026

Wake County, No. 22CR202694-910

STATE OF NORTH CAROLINA

v.

KRYSTAL DIANE REYNOLDS, Defendant.

Appeal by defendant from judgment entered 21 January 2025 by Judge Warren McSweeney in Wake County Superior Court. Heard in the Court of Appeals 12 March 2026.

Attorney General Jeff Jackson, by Assistant Attorney General Elizabeth Grady Arnette, for the State.

King & Moss, PLLC, by John W. Moss, for defendant-appellant.

GORE, Judge.

Defendant Krystal Diane Reynolds appeals the trial court's denial of her motion to suppress. Upon denial of the motion to suppress, defendant entered a guilty plea and reserved the right to appeal the denial of the motion pursuant to N.C.G.S. § 15A-979(b). After reviewing the record and the briefs, we affirm the trial court's denial of the motion to suppress as modified.

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I.

On 15 February 2022, Officer Singh and Officer Gerganous responded to a call concerning an assault. Upon arrival, the witness, Roman Riselvato, signaled to the officers that one of the suspects involved in the assault was walking nearby. Officer Singh approached the suspect, named Sheriff, who denied involvement in the assault; however, the officer detained him because he smelled like marijuana. Officer Singh spoke again with Riselvato, who directed him to a nearby parked vehicle, where he alleged the fight occurred.

Officer Singh approached the driver in the vehicle and smelled marijuana immediately. Due to the smell of marijuana, Officer Singh initiated a search of the vehicle. Officer Singh asked the driver about Sheriff, but he denied knowing Sheriff's name until Officer Singh found Sheriff's identification card in the front seat of the vehicle. Officer Singh found a bag of marijuana under the driver's seat and a loaded pistol under the floor mat in the backseat.

Riselvato approached Officer Singh again and told him two other suspects fled from the backseat of the vehicle to defendant's home (across the street). Officer Singh approached defendant's home and found defendant standing outside of her home. Officer Singh asked defendant if two people came into her house, but she denied this multiple times. Officer Singh reapproached Riselvato for further information; Riselvato reasserted he was sure the suspects went into defendant's house, that he was "ten thousand percent sure" and that he would "bet his life on it." He further

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asserted there were police reports from calls he made in the past about defendant and the suspects. Officer Singh searched the vehicle again and discovered more drugs and drug paraphernalia.

Officer Singh and two other officers reapproached defendant's home and knocked on her door. Defendant answered her door and continued to deny that anyone else was in her home. Officer Singh testified that defendant was acting nervous and glancing back and forth between the officers and the inside of her home. Defendant stated the officers could look on her first floor but not anywhere else. Officer Singh believed at this point in the investigation that defendant was either hiding the suspects or was potentially in danger herself.

Officer Singh asked and told defendant to step outside of the house multiple times and stated he would apply for a search warrant. When defendant did not step outside of her house, Officer Singh grabbed defendant's arm to lead her out of the house. Defendant requested to first put on her shoes and once allowed, defendant was seated outside on her patio. Officers Fernstrum and Gerganous remained with defendant while Officer Singh returned to his patrol car to call his sergeant about obtaining a search warrant.

While Officer Singh was away, the officers talked with defendant and again asked if she would be willing to accompany them to search her home for the additional suspects. Defendant consented to the search with the caveat that Officer Singh would

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not join. Defendant walked the officers throughout her home until the officers found two individuals hiding in the third-floor bedroom closet.

After these individuals were detained, Officer Singh told defendant to come with him to the patrol car. Defendant refused and began striking and kicking Officer Singh when he attempted to place her in handcuffs. Defendant was arrested and charged with resisting, delaying and obstructing a law enforcement officer and for assault on a government official.

Defendant filed a motion to suppress and upon the trial court's denial of the motion, defendant pled guilty to three charges of assault on a government official. Defendant reserved her right to appeal the denial of the motion to suppress. Defendant was sentenced to seventy-five days in custody, suspended for eighteen months of supervised probation. Defendant timely noticed appeal.

II.

Defendant argues the trial court erred by denying the motion to suppress because law enforcement removed her from her home, without probable cause and without exigent circumstances, in violation of the Fourth Amendment. We review a trial court's denial of a motion to suppress to determine "whether competent evidence supports the trial court's findings of fact and whether the findings of fact support the conclusions of law." *State v. Biber*, 365 N.C. 162, 167–68 (2011). Unchallenged findings of fact "are deemed to be supported by competent evidence and are binding on appeal." *Id.* at 168. We review conclusions of law de novo. *Id.*

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A.

Defendant challenges the following findings of fact:

15. Officer Singh spoke again with the complaining witness, Riselvato, who repeated that the suspects fled into the Defendant's house and that he was "ten thousand percent sure" and that he would "bet his life on it." Riselvato also made statements to the officer that he believed some of the suspects had previously engaged in drug transactions.

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17. The Defendant's demeanor changed between the first encounter and the second encounter. The Defendant appeared visibly nervous based upon her tone of voice and her continuous glancing from the officers back into her house.

According to defendant, finding 15 is not supported by competent evidence because Officer Singh's testimony that the complaining witness, Riselvato, mentioned the suspects were possibly selling drugs was not supported by competent evidence. She further argues the complaining witness's statements about drugs in the area referred to one of the suspects who was already detained. Defendant's argument challenges the credibility of the evidence. "Where the evidence is conflicting, the judge must resolve the conflict. He sees the witnesses, observes their demeanor as they testify and by reason of his more favorable position, he is given the responsibility of discovering the truth." *State v. Hughes*, 353 N.C. 200, 207–08 (2000) (cleaned up).

There is competent evidence to support finding 15. Evidence in the record supports that Riselvato directed law enforcement to question two of the suspects and

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that law enforcement discovered a felony amount of marijuana and a loaded firearm because of Riselvato's statements. The record also provides evidence that Riselvato told law enforcement there were two other suspects who fled to defendant's home from the back of the vehicle. Officer testimony and the body camera footage support the finding Riselvato made further statements about the suspects' previous involvement with drug transactions. Therefore, the trial court's finding 15 is supported by competent evidence and is binding on appeal.

Defendant argues finding 17 is not supported by competent evidence because the video footage does not support Officer Singh's testimony that defendant's tone changed between the first and second encounter. According to defendant, the body camera footage is too dark to tell if defendant was looking back and forth into the house. She also argues her tone and pace of speech were the same with both interactions. Once again, this is an argument over the weight and credibility of the evidence. The trial court had access to the footage and listened to Officer Singh's testimony as well as defendant's testimony. For purposes of appellate review, because there is evidence to support the trial court's finding despite additional contradictory evidence, it is competent evidence. Therefore, the trial court's finding 17 is supported by competent evidence and is binding on appeal.

B.

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Next defendant argues that Riselvato's statements and her demeanor were insufficient to support the trial court's conclusion of probable cause for Resisting a Public Officer. We disagree.

"Probable cause refers to those facts and circumstances within an officer's knowledge and of which he had reasonably trustworthy information which are sufficient to warrant a prudent man in believing that the suspect had committed or was committing an offense." *State v. Williams*, 314 N.C. 337, 343 (1985). We apply a "totality of the circumstances" test to determine whether probable cause exists. *State v. Benters*, 367 N.C. 660, 664 (2014). "Probable cause requires only a probability or substantial chance of criminal inquiry, not an actual showing of such activity." *Id.* at 664–65 (cleaned up).

A defendant is properly charged with resisting, delaying or obstructing a public officer, when she "willfully and unlawfully resists, delays or obstructs a public officer in discharging or attempting to discharge a duty of his office." *State v. Duncan*, 272 N.C. App. 341, 352 (2020) (cleaned up). "As a general rule, under statutes containing the words obstruct, resist, or oppose, or resist, obstruct, or abuse, or the single word resist, the offense of resisting an officer can be committed without the employment of actual violence or direct force, and without making threats." *State v. Leigh*, 278 N.C. 243, 247 (1971) (cleaned up).

Under the totality of the circumstances, the findings support this conclusion. The unchallenged findings establish Riselvato told Officer Singh that two more

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suspects fled from the vehicle to defendant's house after officers discovered felony amounts of marijuana and a loaded firearm in the vehicle. Additional findings support that Riselvato was "ten thousand percent sure" the suspects went to defendant's house, that he was willing "to bet his life on it," and that some of the "suspects had previously engaged in drug transactions." Officer Singh testified to Riselvato's increased credibility because of the evidence discovered.

Defendant denied the two suspects were in her home multiple times, and there was evidence to suggest her demeanor changed between the first and second encounter with officers. Based upon these interactions, the court found law enforcement was concerned there could be additional firearms within defendant's house and that the suspects might have additional narcotics that could be disposed of by the suspects or defendant. Accordingly, the trial court properly concluded there was probable cause to arrest defendant for resisting a public officer.

C.

Next, defendant argues the trial court erred by concluding law enforcement could remove defendant from the home while the home was seized due to exigent circumstances. We disagree.

The trial court concluded that law enforcement had authority to seize the home because they had probable cause to believe there were two suspects hiding in the home with potentially more contraband than what was discovered in the vehicle. Within this context, the trial court concluded that law enforcement could remove

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defendant to her front yard “for her safety and to ensure that she could not warn any suspects or destroy or attempt to destroy any contraband or other evidence.”

The Fourth Amendment, applied to the States through the Fourteenth Amendment, and the North Carolina Constitution forbid unreasonable searches and seizures. *Bailey v. U.S.*, 568 U.S. 186, 192 (2013); *State v. Arrington*, 311 N.C. 633, 643 (1984). Searches and seizures without a warrant are presumed unreasonable. *Payton v. New York*, 445 U.S. 573, 586 (1980). Generally, law enforcement must have a warrant based upon probable cause to search or seize property. *United States v. Place*, 462 U.S. 696, 701 (1983).

When law enforcement has probable cause to believe certain property contains “contraband or evidence of a crime, but have not secured a warrant, the Court permit[s] seizure of the property, pending issuance of a warrant to examine its contents, if the exigencies of the circumstances demand it or some other recognized exception to the warrant requirement is present.” *Id.* (cleaned up). “[S]ecuring a dwelling, on the basis of probable cause, to prevent the destruction or removal of evidence while a search warrant is being sought is not itself an unreasonable seizure of either the dwelling or its contents.” *Segura v. United States*, 468 U.S. 796, 810 (1984). However, a warrantless search—absent exigent circumstances—is illegal. *Id.*

When exigent circumstances exist and are supported by probable cause, law enforcement may temporarily restrain an individual without a warrant when there is concern the individual will destroy the evidence while law enforcement obtains a

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search warrant. *Illinois v. McArthur*, 531 U.S. 326, 331–34 (2001). The Supreme Court of the United States has determined “such exigencies include the need to pursue a fleeing suspect, protect individuals who are threatened with imminent harm, or prevent the imminent destruction of evidence.” *Carpenter v. U.S.*, 585 U.S. 296, 319–20 (2018) (cleaned up).

In the present case we have already determined the trial court did not err by concluding there was probable cause to arrest defendant for resisting a public officer, and this being the case, officers could lawfully detain her. Alternatively, based upon the totality of the circumstances, law enforcement had sufficient probable cause to seize the home and detain defendant outside the home until a search warrant could be obtained. The findings demonstrate Riselvato accurately directed them to two individuals involved in the alleged assault, and to the discovery of a felony amount of marijuana, a loaded firearm, and additional drug paraphernalia. The trial court also found that the suspects by the vehicle denied ownership of the firearm and marijuana. Riselvato alleged two other individuals fled from the back of the vehicle and went into defendant’s home. He also alleged the suspects had been involved in prior drug transactions.

On these facts, law enforcement was concerned the missing suspects had more contraband, including firearms, and that defendant was either helping the suspects or being forced to help them. Officer Singh testified he was concerned that defendant would destroy evidence if she was not removed from the house while he sought a

search warrant. Based upon the totality of these circumstances there was probable cause of exigent circumstances, namely the destruction of evidence or protection of individuals from imminent harm. Consequently, we determine the trial court properly concluded law enforcement could seize the home until they obtained a search warrant, and they could detain defendant.

Whether law enforcement truly intended to obtain a search warrant is unavailing. Defendant consented to a search of her home once detained outside of the home. Officers discovered the two suspects hiding in defendant's home while conducting the consensual search alongside defendant. Therefore, such an argument is speculative and unpersuasive.

D.

Finally, defendant argues the trial court erred by concluding law enforcement had authority to perform a protective sweep. We agree.

The trial court concluded Officer Singh had "authority to perform a protective sweep for the limited purpose of removing the Defendant from her home and detaining her until a search warrant could be obtained." "A protective sweep is a quick and limited search of a premises, incident to an arrest and conducted to protect the safety of police officers or others." *State v. Dial*, 228 N.C. App. 83, 87 (2013) (cleaned up). The trial court's findings do not support its conclusion that law enforcement could conduct a protective sweep for the purpose of removing defendant.

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Protective sweeps are incident to a lawful arrest, and the findings specify that defendant was not arrested until after the consensual search. Additionally, there are no findings to support that law enforcement felt a sense of threat from defendant. Therefore, the trial court's conclusion that law enforcement could utilize a "protective sweep" to remove defendant from the home is an improper statement of the law. We therefore vacate conclusion of law 18. *See Garlock v. Wake Cnty. Bd. of Educ.*, 211 N.C. App. 200, 229, 233 (2011) (affirming the trial court order while vacating a conclusion of law as "inconsistent with the requirements" of a statute). However, this conclusion does not amount to reversible error given the trial court properly concluded on other grounds that the motion to suppress should be denied.

Because the trial court properly concluded on other grounds that defendant's Fourth Amendment rights were not violated, the trial court properly denied defendant's motion to suppress. We vacate conclusion of law 18 and affirm the trial court's order as modified.

III.

For the foregoing reasons, the trial court properly denied the motion to suppress.

MODIFIED AND AFFIRMED.

Judges MURRY and FREEMAN concur.

Report per Rule 30(e).