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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA25-777

Filed 16 September 2026

Caswell County, No. 22CR000073-160

STATE OF NORTH CAROLINA

v.

TYLER DAVID CRANK, Defendant.

Appeal by Defendant from judgment entered 25 October 2024 by Judge Stuart Albright in Caswell County Superior Court. Heard in the Court of Appeals 21 May 2026.

Attorney General Jeff Jackson, by Special Deputy Attorney General Eric R. Hunt, for the State.

Jarvis John Edgerton, IV for Defendant-Appellant.

CARPENTER, Judge.

Tyler David Crank (“Defendant”) appeals from judgment entered after a jury found him guilty of first-degree murder. On appeal, Defendant argues that the trial court erred by denying his request to instruct the jury on involuntary manslaughter. After careful review, we find no error.

I. Factual & Procedural Background

On 15 March 2022, a Caswell County grand jury indicted Defendant on one count of first-degree murder. On 21 October 2024, Defendant's case proceeded to trial, and the evidence tended to show the following.

On the evening of 23 February 2022, Defendant called 911 to report that he stabbed his father, Jimmie, with a knife. Defendant was seventeen years old at the time. Defendant told the 911 operator the stabbing occurred during a fight, and Defendant was afraid that Jimmie would hurt him.

When a deputy arrived on the scene, he noticed a smeared trail of blood running from the right side of the residence towards the left. The deputy followed the trail of blood, which led him directly to Defendant and Jimmie. Defendant was standing in the hallway outside the master bedroom, and Jimmie was on the floor of the bedroom. The deputy noticed that Defendant's hands and clothing were covered in blood. Paramedics arrived and promptly pronounced Jimmie dead. Investigators recovered a folding knife covered in blood from the bathroom.

Officers transported Defendant to the police station where he agreed to speak with a detective after being advised of his rights. At trial, the State presented the recording of this interview, which the trial court admitted. During the interview, Defendant stated that he had an argument with Jimmie over the cat getting out. As often occurred when he was drinking, Jimmie yelled at Defendant, which prompted Defendant to go into his bedroom and retrieve his knife. Jimmie, who was unarmed,

followed Defendant into the bedroom. Jimmie instructed Defendant to give him the knife, but Defendant refused. Jimmie attempted to grab the knife, and Defendant “yanked it” back, cutting Jimmie’s hand. After Jimmie shoved Defendant, Defendant shoved Jimmie and stabbed him once in the left shoulder. After the stabbing, Defendant told Jimmie, “I’m sorry, I didn’t mean to. I didn’t want this to happen.”

At the charge conference, Defendant requested an instruction on involuntary manslaughter. The trial court denied Defendant’s request, reasoning that the facts did not support it. Thereafter, the trial court instructed the jury that it could find Defendant guilty of first-degree murder, second-degree murder, voluntary manslaughter, or not guilty. On 25 October 2024, the jury found Defendant guilty of first-degree murder. The trial court sentenced Defendant to life in prison with the possibility of parole. Defendant gave oral notice of appeal.

II. Jurisdiction

This Court has jurisdiction under N.C. Gen. Stat. §§ 7A-27(b)(1) and 15A-1444(a) (2025).

III. Issue

The issue is whether the trial court reversibly erred by denying Defendant’s request to instruct the jury on involuntary manslaughter.

IV. Analysis

A. Standard of Review

This Court “reviews the trial court’s decisions regarding jury instructions *de*

novo.’” State v. Richardson, 270 N.C. App. 149, 152, 838 S.E.2d 470, 473 (2020) (quoting *State v. Osorio*, 196 N.C. App. 458, 466, 675 S.E.2d 144, 149 (2009)). “ ‘Under a de novo review, the court considers the matter anew and freely substitutes its own judgment’ for that of the lower tribunal.” *State v. Williams*, 362 N.C. 628, 632–33, 669 S.E.2d 290, 294 (2008) (quoting *In re Greens of Pine Glen Ltd. P’ship*, 356 N.C. 642, 647, 576 S.E.2d 316, 319 (2003)).

B. Jury Instructions

Defendant argues the evidence supported an instruction for the lesser-included offense of involuntary manslaughter because Defendant stated that he did not intend to kill his father. We disagree.

“An instruction on a lesser-included offense must be given only if the evidence would permit the jury rationally to find defendant guilty of the lesser offense and to acquit him of the greater.” *State v. Epps*, 231 N.C. App. 584, 586, 752 S.E.2d 733, 734–35 (2014) (quoting *State v. Millsaps*, 356 N.C. 556, 561, 572 S.E.2d 767, 771 (2002)). In determining whether the evidence is sufficient, “ ‘courts must consider the evidence in the light most favorable to [the] defendant.’ ” *State v. Debiase*, 211 N.C. App. 497, 504, 711 S.E.2d 436, 441 (2011) (quoting *State v. Marsh*, 323 N.C. 339, 348, 372 S.E.2d 532, 537 (1988)). “However, ‘[i]f the State’s evidence is sufficient to fully satisfy its burden of proving each element of the greater offense and there is no evidence to negate those elements other than defendant’s denial that he committed the offense, defendant is not entitled to an instruction on the lesser offense.’ ” *Id.* at

504, 711 S.E.2d at 441 (quoting *State v. Smith*, 351 N.C. 251, 267–68, 524 S.E.2d 28, 40 (2000)).

“The elements of first-degree murder are: (1) the unlawful killing, (2) of another human being, (3) with malice, and (4) with premeditation and deliberation.” *State v. Coble*, 351 N.C. 448, 449, 527 S.E.2d 45, 46 (2000) (citing N.C. Gen. Stat. § 14-17 (1999)). “[M]alice is presumed where the defendant intentionally assaults another with a deadly weapon, thereby causing the other’s death.” *State v. Leazer*, 353 N.C. 234, 238, 539 S.E.2d 922, 925 (2000) (quoting *State v. McNeill*, 346 N.C. 233, 238, 485 S.E.2d 284, 287 (1997)). “‘Premeditation means that the act was thought out beforehand for some length of time, however short, but no particular amount of time is necessary for the mental process of premeditation.’” *State v. Cozart*, 131 N.C. App. 199, 202, 505 S.E.2d 906, 909 (1998) (quoting *State v. Conner*, 335 N.C. 618, 635, 440 S.E.2d 826, 835–36 (1994)). “‘Deliberation means an intent to kill carried out by the defendant in a cool state of blood, in furtherance of a fixed design for revenge or to accomplish an unlawful purpose and not under the influence of a violent passion, suddenly aroused by lawful or just cause or legal provocation.’” *State v. Gallion*, 282 N.C. App. 305, 339, 870 S.E.2d 681, 704 (2022) (quoting *State v. Hamlet*, 312 N.C. 162, 170, 321 S.E.2d 837, 842–43 (1984)).

“Premeditation and deliberation are seldom susceptible of direct proof, but they may be inferred from circumstantial evidence.” *State v. Hutchins*, 303 N.C. 321, 344, 279 S.E.2d 788, 802 (1981) (citation omitted). The following circumstances are

instructive as to whether circumstantial evidence of premeditation and deliberation exists:

(1) want of provocation on the part of the deceased; (2) the conduct and statements of the defendant before and after the killing; (3) threats and declarations of the defendant before and during the course of the occurrence giving rise to the death of the deceased; (4) ill-will or previous difficulty between the parties; (5) the dealing of lethal blows after the deceased has been felled and rendered helpless; and (6) evidence that the killing was done in a brutal manner.

State v. Clark, 231 N.C. App. 421, 424, 725 S.E.2d 709, 711 (2013) (citing *State v. Joplin*, 318 N.C. 126, 130, 347 S.E.2d 421, 423–24 (1986)).

Involuntary manslaughter is “(1) an unintentional killing; (2) proximately caused by either (a) an unlawful act not amounting to a felony and not ordinarily dangerous to human life, or (b) culpable negligence.’” *Epps*, 231 N.C. App. at 586, 752 S.E.2d at 735 (quoting *State v. Fisher*, 228 N.C. App. 463, 471, 745 S.E.2d 894, 901 (2013)). There is “no prejudicial effect for a trial court’s failure to submit instructions on . . . involuntary manslaughter in cases where both first-degree murder and second-degree murder instructions are submitted to the jury[,] and the jury renders a verdict of first-degree murder based on premeditation and deliberation.” *State v. Brichikov*, 383 N.C. 543, 557, 881 S.E.2d 103, 114 (2022) (citing *State v. Price*, 344 N.C. 583, 590, 476 S.E.2d 317, 321 (1996)).

Here, the State provided sufficient evidence of each element of first-degree murder. *See Debiase*, 211 N.C. App. at 504, 711 S.E.2d at 441. First, elements one

and two of first-degree murder were satisfied because it was uncontroverted that Defendant admitted, and the physical evidence showed, he killed Jimmie. *See Coble*, 351 N.C. at 449, 527 S.E.2d at 46. Second, viewing the evidence in the light most favorable to Defendant, *see Debiase*, 211 N.C. App. at 504, 711 S.E.2d at 441, the State provided sufficient evidence to satisfy the third element of malice, *see Coble*, 351 N.C. at 449, 527 S.E.2d at 46. During the altercation, Defendant retrieved and used a deadly weapon, fatally injuring Jimmie. *See Leazer*, 353 N.C. at 238, 539 S.E.2d at 925; *Hutchins*, 303 N.C. at 344, 279 S.E.2d at 802.

Finally, the State provided sufficient evidence to establish premeditation and deliberation. *See Coble*, 351 N.C. at 449, 527 S.E.2d at 46. Defendant had a moment, however slight, to contemplate his actions between cutting Jimmie's hand and fatally stabbing him in the shoulder. *See Cozart*, 131 N.C. App. at 202, 505 S.E.2d at 909. Additionally, there is no evidence that Jimmie threatened Defendant beyond shoving him, further supporting premeditation and deliberation. *See Clark*, 231 N.C. App. at 424, 725 S.E.2d at 711. Jimmie was unarmed during the argument, and Defendant walked away from Jimmie to retrieve a deadly weapon. *See id.* at 424, 725 S.E.2d at 711.

Even assuming the evidence supported an inference that Defendant's actions were unintentional, there is no reasonable possibility that the jury would have returned a verdict of involuntary manslaughter. *See Brichikov*, 383 N.C. at 557, 881 S.E.2d at 114. Despite also receiving instructions on second-degree murder and

voluntary manslaughter, the jury returned a guilty verdict for first-degree murder. Thus, the jury considered and rejected Defendant's assertions that he "did not mean to" kill Jimmie and "didn't want [it] to happen." *See id.* at 557, 881 S.E.2d at 114. Accordingly, Defendant was not prejudiced. *See id.* at 557, 881 S.E.2d at 114.

V. Conclusion

The trial court did not err by denying Defendant's request to instruct the jury on involuntary manslaughter.

NO ERROR.

Judges ZACHARY and MURRY concur.

Report per Rule 30(e).