

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority. Citation is disfavored, but may be permitted in accordance with the provisions of Rule 30(e)(3) of the North Carolina Rules of Appellate Procedure.

IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA25-802

Filed 16 September 2026

Rowan County, No. 23CR315850-790

STATE OF NORTH CAROLINA

v.

MYRA SMITH MACKIN, Defendant.

Appeal by defendant from judgment entered 31 October 2024 by Judge William Anderson Long Jr. in Rowan County Superior Court. Heard in the Court of Appeals 24 February 2026.

Attorney General Jeff Jackson, by Assistant Attorney General Justin Michael Bradley, for the State.

Schiller & Schiller, PLLC, by David G. Schiller, for defendant-appellant.

GORE, Judge.

Defendant appeals from a judgment entered upon her conviction for felony possession of stolen goods. She argues that the trial court erred by denying her motion to dismiss, by submitting the felony charge without sufficient evidence of value, and by failing to declare a mistrial. We discern no error.

In April 2023, a stove and refrigerator were installed at a vacant residence in

Salisbury. After the appliances were stolen, Apple AirTag tracking devices traced their location to defendant's neighboring residence. Officers obtained a search warrant and recovered the stolen appliances installed in defendant's kitchen and in active use, with her food inside the refrigerator. A U-Haul branded dolly was located nearby. Defendant denied the presence of stolen property, left after being advised to remain, reentered during execution of the warrant, and interfered with officers' efforts to secure the residence.

We review the denial of a motion to dismiss de novo to determine whether the State presented substantial evidence of each essential element. *State v. Golder*, 374 N.C. 238, 250 (2020). Substantial evidence is that which a reasonable mind might accept as adequate to support a conclusion, and the evidence is viewed in the light most favorable to the State. *State v. Stone*, 323 N.C. 447, 451–52 (1988).

To convict under N.C.G.S. § 14-71.1, the State must present substantial evidence of possession, knowledge that the property was stolen, and dishonest purpose. *State v. Perry*, 305 N.C. 225, 233 (1982). Knowledge may be established through reasonable inferences drawn from circumstantial evidence. *Stone*, 323 N.C. at 452; *State v. Brown*, 85 N.C. App. 583, 589 (1987).

Here, the stolen appliances were installed and actively used in defendant's home. From that evidence, a reasonable juror could infer defendant's awareness of their presence and movement. In addition, our courts have recognized that convictions where knowledge is at issue often include evidence of incriminating

conduct. *State v. Allen*, 79 N.C. App. 280, 285 (1986). The jury heard evidence that defendant denied the presence of stolen property, left after being advised to remain, reentered during execution of the warrant, and interfered with officers. Viewed collectively and in the light most favorable to the State, this evidence permitted a reasonable inference of guilty knowledge. The trial court properly denied the motion to dismiss.

Defendant next challenges the sufficiency of the evidence that the appliances exceeded \$1,000 in value. The State must present substantial evidence of fair market value at the time of the offense. N.C.G.S. § 14-72(a); *State v. Dees*, 14 N.C. App. 110, 112–13 (1972). Recent purchase price may constitute competent evidence of value. *State v. Boone*, 39 N.C. App. 218, 221 (1978).

The State introduced a receipt showing that the appliances were purchased four months earlier for \$1,222.92. They remained functional and in use when recovered. From this evidence, a reasonable juror could conclude that the appliances retained a value exceeding \$1,000. This argument is without merit.

Defendant finally contends the trial court erred by failing to declare a mistrial after a witness referenced the “previous history” of her residence. Defendant objected, the trial court sustained the objection and instructed the jury to disregard the statement. Defendant did not move for a mistrial.

A ruling on a mistrial is reviewed for abuse of discretion. *State v. McDougald*, 279 N.C. App. 25, 27 (2021). Because defendant did not move for a mistrial, the issue

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is not preserved for appellate review. N.C.R. App. P. 10(a)(1). Even if preserved, the remark was brief and nonspecific, and the trial court promptly issued a curative instruction. Jurors are presumed to follow such instructions. *State v. Steen*, 352 N.C. 227, 249 (2000). Defendant has not shown substantial prejudice.

Defendant received a fair trial free from prejudicial error.

NO ERROR.

Judges STROUD and ZACHARY concur.

Report per Rule 30(e).