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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA26-40

Filed 16 September 2026

Forsyth County, Nos. 24CR256809-330; 24CR000027-330

STATE OF NORTH CAROLINA

v.

CHARLES LEE BOYD, Defendant.

Appeal by Defendant from judgments entered 23 April 2025 by Judge David L. Hall in Forsyth County Superior Court. Heard in the Court of Appeals 8 September 2026.

Attorney General Jeff Jackson, by Assistant Attorney General Hillary F. Patterson, for the State.

Joshua D. Xerri for defendant-appellant.

PER CURIAM.

Defendant appeals from the trial court's judgments entered consistent with the jury's verdict finding him guilty of interfering with an electronic monitoring device and from the trial court's judgment entered consistent with Defendant's *Alford* plea to his habitual felon status. For the reasoning below, we conclude Defendant received a fair trial, free of reversible error.

I. Background

In October 2023, Defendant was released from prison, subject to post-release supervision. In January 2024, Defendant agreed that the terms of his supervision be modified such that he would submit to electronic monitoring. Defendant understood that it would be his responsibility to ensure the monitoring unit remained charged.

In February 2024, however, the monitoring unit was alerted as not communicating with the system. He was charged with interfering with the electronic device. He was tried and convicted by a jury for this charge. He subsequently entered an *Alford* plea for obtaining habitual felon status. Defendant timely appeals.

II. Analysis

Defendant argues on appeal that the trial court abused its discretion by denying his motion to strike the jury venire after potential jurors saw Defendant's attorney arrive in the courtroom without Defendant, suggesting to the potential jurors that Defendant was in custody.

The record shows as follows: The trial court called for a lunch break during jury voir dire. At the conclusion of the lunch break, the jury pool gathered outside the courtroom, waiting to be called back inside. However, at some point, some members of the jury pool entered into the courtroom or the adjacent hallway at a time neither Defendant nor his attorney was present.

Moments later, Defendant's attorney entered the courtroom without Defendant. The presiding judge became concerned that some members of the jury, if

they were astute and paying attention, could possibly deduce that Defendant was in custody by the fact Defendant's attorney arrived alone. The trial judge ordered the entire jury pool to proceed to the jury room until directed to enter by the trial court. When the jury was called to the courtroom, Defendant was present with his attorney. The jury was then selected, and the trial ensued.

Prior to the jury being selected, Defendant moved to strike the jury venire based on the fact that some potential jurors were present when Defendant's attorney entered the courtroom without Defendant during the lunch break.

A trial court's denial of a motion to strike the jury venire is reviewed for an abuse of discretion. *State v. Stokes*, 308 N.C. 634, 642–43, 304 S.E.2d 184, 190 (1983). While we appreciate the concern raised by Defendant's counsel in this appeal, based on the record before us, we agree with the arguments raised in the State's brief and conclude the trial court did not abuse its discretion in the manner in which it handled the situation, including denying Defendant's motion.

III. Conclusion

Accordingly, we conclude Defendant received a fair trial, free of reversible error; and we affirm the judgments.

NO ERROR.

Panel consisting of Judges WOOD, GRIFFIN, and FREEMAN .

Report per Rule 30(e).