

IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA26-17

Filed 7 October 2026

McDowell County, Nos. 22CR050888-580, 22CR050889-580, 22CR050890-580

STATE OF NORTH CAROLINA

v.

STEPHEN ERIC STRANGE

Appeal by Defendant from judgment entered 27 July 2023 by Judge Peter B. Knight in McDowell County Superior Court. Heard in the Court of Appeals 26 August 2026.

Attorney General Jeff Jackson, by Special Deputy Attorney General Sarah Cibik Rice, for the State-Appellee.

Devereux & Banzhoff, PLLC, by Andrew B. Banzhoff, for Defendant-Appellant.

COLLINS, Judge.

Stephen Eric Strange (“Defendant”) appeals from judgment entered upon the jury’s guilty verdict of various child sexual offenses against A.M.¹ Defendant argues that the trial court erred by allowing the State to amend the indictments and by admitting expert testimony that allegedly vouched for A.M.’s credibility. Defendant also argues that he received ineffective assistance of counsel when trial counsel failed to obtain a transcript of the mistrial proceedings and use it for impeachment. We

¹ We use initials to protect the identity of the minor child.

find no prejudicial error in the trial court's decision to allow the indictments to be corrected, no error in the admission of the challenged expert testimony, and no ineffective assistance of counsel.

I. Procedural History

Defendant was charged with two counts of statutory rape of a child by an adult, two counts of statutory sexual offense with a child by an adult, and four counts of taking indecent liberties with a child. The charges arose from Defendant's sexual abuse of A.M., the child of his former romantic partner, Tammy.

Defendant was indicted on these offenses on or about 11 July 2022. The case was first tried beginning 13 July 2023. At trial, the trial court allowed the State's motion to amend the indictments to correct the victim's first name. The trial court declared a mistrial on 17 July 2023, due to an evidentiary issue.

The case was retried beginning 24 July 2023. The jury found Defendant guilty on all counts. The trial court imposed an active sentence of 300 to 420 months' imprisonment and ordered Defendant to have no contact with A.M. and to register as a sex offender. Defendant gave oral notice of appeal in open court.

II. Factual Background

A.M.² was born to Tammy in January 2006. Tammy and Defendant had a child together in 2010, Aiden, and she and her children moved into Defendant's home in

² A.M. is biologically a female but identifies as male. We use the pronouns they/them to refer to A.M.

the summer of 2016. Tammy and Defendant, along with Defendant's then-wife, were involved in a polyamorous relationship.

A.M. testified that after moving into Defendant's home, Defendant became a father figure and "doted" on them. A.M. described an incident in 2017 when Defendant, then 46 years old, asked if A.M., then 11 years old, "wanted to learn about sex" while they were alone watching a movie in the living room. After initially saying no, A.M. relented when Defendant became agitated and insistent. Defendant bent A.M. over the back of a futon, pulled down A.M.'s pants and underwear, and inserted his penis into A.M.'s vagina from behind. The assault lasted approximately five minutes, ending when Defendant saw Tammy return to the house.

A.M. also recounted that, beginning at age twelve, Defendant repeatedly summoned them to his basement bedroom and subjected them to numerous sexual assaults, which increased in frequency between March and May 2018 and also occurred during family outings. A.M. testified that they did not disclose the abuse until after moving out because they feared losing their mother.

Defendant's daughter, Darian; her fiancée, Kyle; and Defendant's son, Alex, each testified to incidents of Defendant's behavior with A.M. that they considered inappropriate and concerning. Darian testified that she saw Defendant in A.M.'s bedroom around midnight wearing only boxer shorts; A.M. was sitting on the bed, and both appeared startled when she entered. Darian also saw A.M. sit on Defendant's lap on multiple occasions, which she found inappropriate given A.M.'s

age. Kyle testified that he saw Defendant push A.M. off his lap at approximately 4:30 a.m. in a dark living room and that he had seen Defendant and A.M. lying awake together early in the morning. Alex testified that he came home between midnight and 2:00 a.m. and saw A.M. sitting directly in the “crotch area” of Defendant’s lap on a darkened couch, with Defendant’s legs slightly spread.

After Tammy and her children moved out of Defendant’s home in May 2018, A.M. began exhibiting signs of depression, self-harm, and withdrawal. In February 2022, A.M. wrote Tammy a letter stating that Defendant had raped them. Tammy contacted law enforcement, and A.M. was interviewed at Lily’s Place, the McDowell County Child Advocacy Center.

Nurse practitioner Elizabeth Browning, a pediatric Sexual Assault Nurse Examiner with extensive experience in child sexual assault examinations, conducted a medical exam of A.M. on 23 February 2022. Browning testified that hymenal tissue heals quickly and that she would not expect to see physical evidence of injury three to four years after an alleged incident. She further testified that, as part of her routine practice, she refers children for follow-up care based on concerns identified during the exam. In A.M.’s case, Browning testified that she “referred [A.M.] for counseling, trauma focused cognitive behavioral therapy to work through the trauma that [A.M.] reported.”

The jury convicted Defendant on all counts.

III. Discussion

On appeal, Defendant raises three issues: (1) whether the trial court erred by allowing the State to amend the indictments to correct A.M.'s first name; (2) whether the trial court erred by admitting expert testimony that allegedly vouched for A.M.'s credibility; and (3) whether Defendant received ineffective assistance of counsel when trial counsel failed to obtain a transcript of the mistrial proceedings and use it for impeachment.

A. Amendment of the Indictments

Defendant first argues that the trial court erred by allowing the State to amend the indictments to correct A.M.'s first name.

A trial court's ruling permitting amendment of an indictment is reviewed de novo. *See State v. Brinson*, 337 N.C. 764, 766-69 (1994). Our general statutes provide that "[a] bill of indictment may not be amended." N.C. Gen. Stat. § 15A-923(e) (2025). "This statute, however, has been construed to mean only that an indictment may not be amended in a way which 'would substantially alter the charge set forth in the indictment.'" *Brinson*, 337 N.C. at 767 (citation omitted).

In *State v. Abraham*, the Court held that "[a] change in the name of the victim substantially alters the charge in the indictment" and that a trial court is without authority to allow such an amendment where the indictment names "someone other than the actual victim." 338 N.C. 315, 340 (1994). *Abraham* is not a "blanket prohibition on changing the name of the victim in a criminal indictment," however, and "[c]orrecting inadvertent mistakes in an indictment . . . does not undermine the

holding in *Abraham*.” *State v. McNair*, 146 N.C. App. 674, 678 (2001). Our courts have allowed amendments to correct minor errors in a victim’s name “where the variance was inadvertent and defendant was neither misled nor surprised as to the nature of the charges.” *Id.* at 676-77 (quotation marks and citations omitted).

Here, the original indictments correctly listed A.M.’s last name but misstated their first name as “Amanda” rather than their five-letter name that started with the letters “Am.” It appears that the misstatement was inadvertent and that Defendant was neither misled nor surprised as to the identity of the victim. During the hearing on the State’s motion, the trial court specifically asked defense counsel, “Have you been prejudiced in the identification of this particular person that’s at issue here in the discovery process?” Defense counsel replied, “No.” The trial court noted for the record that “the defendant concedes it’s not prejudicial in regard to his discovery, that they were aware of the person that we’re talking about”

The discovery materials, including the forensic interview video from Lily’s Place, correctly identified A.M., and both parties reviewed that video prior to trial. Defense counsel conceded that A.M. had been correctly identified on the video. Defendant lived with A.M. for approximately two years and knew which child’s allegations formed the basis of the charges. On this record, there is no suggestion that Defendant was confused about the victim’s identity or that he prepared his defense under the misapprehension that “Amanda” referred to someone other than A.M.

Even if the trial court erred by allowing the amendment, the error was not prejudicial to Defendant. We thus overrule Defendant's argument.

B. Expert testimony

Defendant next contends that the trial court erred by overruling his objection to Nurse Browning's testimony that she referred A.M. for "trauma focused cognitive behavioral therapy to work through the trauma that she reported." The State argues that Defendant failed to preserve this issue because defense counsel "essentially withdrew" his objection.

The record shows that defense counsel lodged a contemporaneous objection immediately after Browning stated that she referred A.M. for therapy "to work through the trauma that she reported." The trial court overruled the objection. An unrecorded bench conference followed. Later, outside the jury's presence, the trial court asked defense counsel if he wished to put anything about the referred treatment issue on the record. Defense counsel explained that he had objected because he "thought" Browning said A.M. was referred for trauma "received," but that the State clarified at the bench that Browning had actually said "trauma reported." Counsel acknowledged a "distinction" between trauma "received" and trauma "reported" and stated that if something was "reported . . . that's different" and "not so much [an] endorsement [of] [A.M.]'s credibility and none of my concern." He concluded that the issue "took care of itself."

Here, we cannot say that Defendant “expressly withdrew” his objection to Browning’s testimony; counsel’s comments are better characterized as a reflection upon his basis for this objection. We thus conclude this issue is preserved for our review.

We review a trial court’s decision to admit expert testimony for abuse of discretion. *State v. Washington*, 141 N.C. App. 354, 362 (2000). Abuse of discretion occurs when the court’s ruling is “manifestly unsupported by reason or is so arbitrary that it could not have been the result of a reasoned decision.” *State v. Hennis*, 323 N.C. 279, 285 (1988).

Expert testimony may not directly or indirectly vouch for the credibility of a witness. See N.C. Gen. Stat. § 8C-1, Rule 608(a) (2025); *State v. Stancil*, 355 N.C. 266, 266 (2002) (expert may not testify that sexual abuse “*in fact* occurred” absent physical evidence). At the same time, our appellate courts have recognized that experts may describe their routine practices, diagnostic processes, and treatment recommendations without necessarily vouching for a witness’s credibility, so long as they do not opine that abuse occurred or that the victim is telling the truth. See, e.g., *State v. Betts*, 377 N.C. 519, 523 (2021) (expert’s testimony about trauma and treatment permissible where multiple potential sources of trauma existed).

Defendant argues that Browning’s testimony that she referred A.M. for “trauma focused cognitive behavioral therapy to work through the trauma that she reported” impermissibly conveyed Browning’s belief that A.M. had in fact been

sexually abused. He contends that, because the only “trauma” discussed in the context of Browning’s exam was the alleged sexual abuse, the referral necessarily implied that Browning accepted A.M.’s allegations as true. We disagree.

Browning’s testimony must be considered in context. She was accepted as an expert in nursing related to child sexual assault. She described her standardized protocol for child medical evaluations, including obtaining a medical history, performing a head-to-toe physical exam, and making referrals for further treatment based on any concerns identified. She explained that referrals might include medical specialists or mental health providers, depending on the child’s needs.

When asked whether she referred A.M. for any further treatment, Browning responded that she referred A.M. “for counseling, trauma focused cognitive behavioral therapy to work through the trauma that she reported.” She did not testify that sexual abuse “in fact occurred,” did not diagnose A.M. with sexual abuse based solely on A.M.’s statements, and did not state that she believed A.M. or that A.M. was telling the truth. *See Stancil*, 355 N.C. at 267. Browning’s testimony accurately reflected that the referral was based on A.M.’s self-reported experience rather than Browning’s independent conclusion that abuse occurred. As defense counsel later acknowledged, there is a meaningful distinction between trauma “received” and trauma “reported,” and the latter does not, without more, amount to an endorsement of the child’s credibility.

On this record, the trial court could reasonably view Browning's testimony as a description of her routine practice of referring children for appropriate mental health treatment based on their reported experiences, rather than as an impermissible opinion on A.M.'s credibility or on whether sexual abuse occurred. The trial court's decision to overrule Defendant's objection was not "manifestly unsupported by reason" and does not constitute an abuse of discretion. *Hennis*, 323 N.C. at 285. The trial court thus did not err in admitting Browning's testimony.

C. Ineffective assistance of counsel

Finally, Defendant contends that he received ineffective assistance of counsel because trial counsel failed to obtain a transcript of the mistrial proceedings and use it to impeach the State's witnesses at the retrial. He argues that the mistrial transcript would have revealed inconsistencies in A.M.'s timeline and that counsel's failure to secure and use that transcript prejudiced his defense.

Claims of ineffective assistance of counsel are evaluated under the two-prong test articulated in *Strickland v. Washington*, 466 U.S. 668 (1984), and adopted by our Supreme Court. *State v. Braswell*, 312 N.C. 553, 561-62 (1985). In order to prevail on an ineffective assistance of counsel claim:

First, the defendant must show that counsel's performance was deficient. This requires showing that counsel made errors so serious that counsel was not functioning as the 'counsel' guaranteed to the defendant by the Sixth Amendment. Second, the defendant must show that the deficient performance prejudiced the defense. This requires showing that counsel's errors were so serious as to

deprive the defendant of a fair trial, a trial whose result is reliable.

Id. at 562 (emphasis omitted) (quoting *Strickland*, 466 U.S. at 687). “The fact that counsel made an error, even an unreasonable error, does not warrant reversal of a conviction unless there is a reasonable probability that, but for counsel’s errors, there would have been a different result in the proceedings.” *Id.* at 563.

Even assuming that reasonably competent counsel would have requested the mistrial transcript, Defendant cannot satisfy *Strickland*’s prejudice prong. The inconsistencies he identifies, primarily relating to the precise dates of the abuse, were already before the jury. A.M. acknowledged difficulty remembering dates and testified that the events occurred when A.M. was in sixth grade and before January 2018. Other witnesses, including Browning, testified about the timing of the medical exam and the expected healing of injuries. The jury thus heard and could evaluate the temporal discrepancies without the mistrial transcript.

Moreover, the core of A.M.’s testimony—the nature of Defendant’s conduct, the circumstances of the assaults, and the impact on A.M.—was consistent and corroborated by other witnesses. Defendant has not shown that additional impeachment based on the mistrial transcript would have undermined the jury’s verdict in a way that creates a “reasonable probability” of a different outcome. *Braswell*, 312 N.C. at 563.

Defendant’s ineffective assistance claim thus fails under *Strickland*.

IV. Conclusion

The trial court did not prejudicially err by allowing the State to amend the indictments to correct an inadvertent error in A.M.'s first name. The trial court did not abuse its discretion by admitting Nurse Browning's testimony regarding her referral of A.M. for counseling. Defendant's claim of ineffective assistance of counsel fails for lack of prejudice. We therefore find no prejudicial error.

NO PREJUDICIAL ERROR.

Judges ZACHARY and HAMPSON concur.