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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA25-835

Filed 7 October 2026

Harnett County, No. 23CR000035-420

STATE OF NORTH CAROLINA

v.

ANGELA NORDAN WHITE

Appeal by defendant from judgment entered 6 February 2025 by Judge C. Winston Gilchrist in Harnett County Superior Court. Heard in the Court of Appeals 19 May 2026.

Attorney General Jeff Jackson, by Assistant Attorney General Kristin Cook McCrary, for the State.

Angela Nordan White, pro se, defendant-appellant.

FREEMAN, Judge.

Angela Nordan White (defendant) appeals from judgment entered upon a jury verdict finding her guilty of stalking. For the reasons below, we hold that defendant received a fair trial free from reversible error.

I. Factual and Procedural Background

Edmund Christian Scarborough (the victim) was married to defendant. They

separated in 2017 and divorced in October 2018.

On 6 November 2018, Harnett County district court issued a domestic violence protective order (DVPO), which ordered defendant to have no contact with the victim, including by email. The DVPO was renewed on 12 November 2019, 23 November 2021, and 17 November 2023. Each was effective for two years after the date of renewal. While the DVPOs were in place, defendant sent the victim multiple emails. Defendant also posted on her social media about the victim and his girlfriend:

I exposed you here in North Carolina, and you bolted to . . . Alabama when people saw the truth and how much turmoil you caused. You both need to be continually exposed where ever you go just like molesters because you are every bit as sick.

Defendant also posted to another local Facebook page:

Please share to protect your community.

Hi all, coming to you from NC.

Sexual predators have to register to alert citizens they are moving into a community, what about serial stalkers?

As a counselor and survivor of group stalking, I have a moral obligation to warn others who may fall prey to stalking.

[The victim and his girlfriend], stalkers, have moved into your county to escape criminal action and embarrassment here in NC.

On 3 January 2023, a grand jury indicted defendant for stalking. On 3 February 2025, the matter came on for trial.

At trial, the State called the victim and his girlfriend as witnesses. The victim

testified that he “couldn’t escape the harassment.” The victim further testified about how the harassment affected him:

Anytime an incident of harassment has occurred over this course of the seven years—which, it's been a lot—it's more or less a sinking feeling deep in my stomach. Anxiety.

. . . .

we moved to Alabama. I got a[n] Alabama concealed carry license. I have a pistol that I keep on my nightstand. Anytime I'm out and about, running to Walmart or the grocery store, I'm carrying, because I don't know if, one day, somebody—may or may not be [defendant], or it may be someone she knows—is going to show up to try to do me harm.

On 6 February 2025, the jury found defendant guilty of stalking. Defendant gave oral notice of appeal.

II. Discussion

Defendant presents seven issues on appeal. Each is addressed in turn.

A. Defendant's Motion to Dismiss

First, defendant argues that the trial court erred by denying her motion to dismiss because the State failed to present substantial evidence that defendant committed felonious stalking.

We review denials of motions to dismiss de novo. *State v. Golder*, 374 N.C. 238, 250 (2020).

In ruling on a motion to dismiss, the trial court need determine only whether there is substantial evidence of each essential element of the crime and that the defendant is the perpetrator. Substantial evidence is the amount

necessary to persuade a rational juror to accept a conclusion. In evaluating the sufficiency of the evidence to support a criminal conviction, the evidence must be considered in the light most favorable to the State; the State is entitled to every reasonable intendment and every reasonable inference to be drawn therefrom. In other words, if the record developed at trial contains substantial evidence, whether direct or circumstantial, or a combination, to support a finding that the offense charged has been committed and that the defendant committed it, the case is for the jury and the motion to dismiss should be denied.

Id. at 249–50 (cleaned up).

The elements of felonious stalking are set by statute:

A defendant is guilty of stalking if the defendant willfully on more than one occasion harasses another person without legal purpose or willfully engages in a course of conduct directed at a specific person without legal purpose and the defendant knows or should know that the harassment or the course of conduct would cause a reasonable person to do any of the following:

- (1) Fear for the person's safety or the safety of the person's immediate family or close personal associates.
- (2) Suffer substantial emotional distress by placing that person in fear of death, bodily injury, or continued harassment.

N.C.G.S. § 14-277.3A (2025).

Here, defendant claims that the State failed to present substantial evidence that defendant knew of the DVPO renewal. However, having knowledge of a DVPO renewal is not an element of the offense. *See* N.C.G.S. § 14-277.3A.

The State presented substantial evidence that defendant committed felonious

stalking. The State presented evidence of defendant's repeated communications to the victim. The State presented testimony regarding the effect the harassment had on the victim including fear, anxiety, and "a sinking feeling deep in [his] stomach. The State also presented evidence that the victim moved to Alabama and obtained a concealed carry license due to the harassment. In the light most favorable to the State, this evidence is sufficient to show that defendant knew or should have known that the harassment would cause a reasonable person to suffer substantial emotional distress by placing that person in fear of continued harassment. Accordingly, the trial court properly denied defendant's motion to dismiss.

B. Exclusion of Testimony

Second, defendant argues that the trial court violated her constitutional rights to present a complete defense by excluding critical witnesses and evidence.

Defendant contends that this issue was preserved for appellate review under N.C. R. App. P. 10(a)(1). The State contends that defendant did not preserve the issue because the offer of proof was insufficient, conclusory, and informal.

"[T]o preserve for appellate review the exclusion of evidence, 'the significance of the excluded evidence must be made to appear in the record and a specific offer of proof is required unless the significance of the evidence is obvious from the record.' " *State v. Martin*, 241 N.C. App. 602, 605 (2015) (quoting *State v. Jacobs*, 363 N.C. 815, 818 (2010)). This rule exists because "the essential content or substance of the witness' testimony must be shown before we can ascertain whether prejudicial error

occurred.” *State v. Jacobs*, 195 N.C. App. 599, 609 (2009). A formal offer of proof—witnesses providing their proposed testimony at a hearing—is preferred but not required. *Martin*, 241 N.C. App. at 605.

Here, defendant listed for the trial court each witness and to what subject matter they would testify. Defendant sought the admission of testimony that involved defendant being “set up.” The trial court ruled such testimony inadmissible under relevance and that any probative value would be substantially outweighed by prejudicial effect. Specifically, the trial court deemed “claims that there’s some sort of corruption” or an “endless litany of all the bad acts you contend were committed against you” irrelevant and inadmissible.

This offer of proof, though informal, makes clear “the essential content or substance of the witness’ testimony.” *Jacobs*, 195 N.C. App. at 609. The purpose of this testimony is to show that defendant was “set up” and that she was subject to retaliation from Harnett County officials. Like in *Martin*, it is apparent from the transcript that defendant informed the court who would testify and to what. 241 N.C. App. at 606. This Court is able to ascertain from the transcript whether there was prejudicial error; thus, the issue is preserved.

Rule 401 provides that evidence is relevant when it has “any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence.” N.C.G.S. § 8C-1, Rule 401 (2025). However, relevant evidence “may be excluded if its probative

value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury, or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence.” N.C.G.S. § 8C-1, Rule 403 (2025).

We review Rule 403 determinations for abuse of discretion. *State v. Beckelheimer*, 366 N.C. 127, 130 (2012). Although Rule 401 review is less differential than a Rule 403 review, Rule 401 rulings are “given great deference on appeal.” *State v. Tysinger*, 275 N.C. App. 344, 351 (2020) (quoting *Dunn v. Custer*, 162 N.C. App. 259, 266 (2004)).

Here, defendant was charged with stalking. The trial court made clear that admissible evidence needed to be related to that charge. The information defendant sought to admit—the alleged corruption and that she was being set up—was irrelevant to her stalking charge. This type of testimony is exactly the type of evidence that Rule 403 seeks to prevent: unrelated matters that would potentially confuse the issues and mislead a jury. Accordingly, the trial court did not abuse its discretion in excluding such testimony.

C. 404(b) Evidence.

Third, defendant argues that the trial court abused its discretion by admitting testimony regarding her behavior in a courthouse parking lot in 2022.

The State contends that the issue is not preserved for appeal because defendant failed to timely object during trial and allege plain error. Defendant claims she preserved the issue by objecting *in limine* and renewing her objection in a pretrial

hearing.

When a party purports to appeal the granting or denying of a motion *in limine* following the entry of a final judgment, the issue on appeal is not actually whether the granting or denying of the motion *in limine* was error, as that issue is not appealable, but instead whether the evidentiary rulings of the trial court, made during the trial, are error.

....

When a *motion in limine* has been denied and when the contested evidence is then offered at trial, the party opposing admission of the evidence must renew his objection at trial to preserve the issue for appellate review.

State v. Mays, 158 N.C. App. 563, 578 (2003). To preserve an issue for appellate review, a defendant must have presented a timely objection stating the specific grounds for the ruling she desired the court to make if not apparent from the context. N.C. R. App. P. 10(a)(1). In criminal cases, such unpreserved issues may only be reviewed under plain error. N.C. R. App. P. 10(a)(4). However, if the defendant does not assert that the trial court's action "constituted plain error, all review of that alleged error, including plain error, has been waived." *State v. Benner*, 380 N.C. 621, 638 (2022) (citing *State v. Bell*, 359 N.C. 1, 27 (2004)).

Here, out of the presence of the jury, the State sought to introduce exhibits under Rule 404(b). Though defendant objected, her argument did not concern admissibility. Instead, defendant argued, "[T]hey're setting me up, and I'm going to prove they're setting me up. I mean they use the courts to continue their abuse on

me, and I'm going to prove that." When the State was laying the foundation at trial, defendant objected again, stating, "Your Honor, Objection. This is my page. This is my freedom of speech on my page that they're discussing." This objection does not concern the Rules of Evidence.

Only now on appeal does defendant argue evidentiary issues. Defendant has not properly preserved such issues for appeal. Additionally, defendant, in her brief, did not assert that the trial court plainly erred. Because defendant neither preserved the issue nor asserted plain error, appellate review of this issue is waived. *See Benner*, 380 N.C. at 638.

D. Instruction to Continue Deliberations

Fourth, defendant argues that the trial court's instruction to continue deliberations was improper because it "coerced the verdict" and violated due process.

"A criminal defendant will not be heard to complain of a jury instruction given in response to his own request." *State v. Wilkinson*, 344 N.C. 198, 213 (1996) (quoting *State v. McPhail*, 329 N.C. 636, 643 (1991)).

Here, the trial court received from the jury a note reading, "Cannot come to a unanimous verdict." The State and defendant agreed to ask the jury to work a little longer:

MS. BARWICK: Your Honor, I'd just ask that they work a little bit longer, perhaps, but leave it in the Court's discretion.

THE COURT: [Defendant], do you want to be heard?

[DEFENDANT]: If it's—I mean it should be dismissed.

(Pause.)

[DEFENDANT]: Work a little longer.

THE COURT: Work a little bit longer? Is that what you said?

[DEFENDANT]: Yes.

The trial court subsequently asked the jury to resume deliberations.

Now on appeal, defendant contends that this exchange coerced the verdict and violated her constitutional rights. Because defendant did not raise these issues at trial and even *asked* the jury to work a little longer, her argument on appeal is not preserved. Because she requests plain-error review, we review for plain error.

Asking the jury to deliberate a little longer is not plain error. In fact, this is plainly within the judge's discretion under our general statutes:

If it appears to the judge that the jury has been unable to agree, *the judge may require the jury to continue its deliberations . . .* The judge may not require or threaten to require the jury to deliberate for an unreasonable length of time or for unreasonable intervals.

N.C.G.S. § 15A-1235 (2025) (emphasis added).

Here, the jury deliberated for three hours and was then asked to work for a little longer. Three hours is a reasonable length. *See State v. Patterson*, 332 N.C. 409, 416 (1992) (holding that deliberation for a felony trial of less than four hours was certainly not an inordinately long period). Because this is well within the judge's discretion under our statute and precedent, defendant's argument is without merit.

E. Defining “Gatekeeper Order” for the Jury

Fifth, defendant argues that the trial court abused its discretion by refusing to answer the jury’s question about the “gatekeeper order.”

“Whether to allow a jury’s request that previously admitted testimony be read to it lies solely within the discretion of the trial court.” *State v. Weddington*, 329 N.C. 202, 207 (1991). This is because “[t]he trial court is in the best position to determine whether further instructions will be needed to prevent an undue emphasis being placed on a particular portion of its instructions.” *Id.* at 210. Such discretion “will not be overturned absent a showing of abuse of discretion.” *State v. Gamble*, 299 N.C. App. 242, 245 (2025) (quoting *State v. Nicholson*, 355 N.C. 1, 66 (2002)).

Here, the jury inquired “what a gatekeeper order means.” The trial court declined to instruct them; instead, the trial court asked the jury to remember and consider all the evidence in the case. A gatekeeper order was not related to an element of the alleged crime. *See* N.C.G.S. § 14-277.3A(d).

Thus, the requested instruction was not necessary for the jury to decide guilt or innocence, and the trial court’s denial to instruct the jury was not an abuse of its discretion.

F. Indictment after Dismissal

Sixth, defendant argues that the State violated due process and fundamental fairness by prosecuting the offense after it was previously dismissed in district court for lack of probable cause.

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A constitutional question which is not raised in trial court will not ordinarily be considered on appeal. *State v. Hunter*, 305 N.C. 106, 112 (1982).

Here, defendant moved to dismiss charges pre-trial:

Your Honor, defense makes a general, global motion to dismiss all charges on the grounds that the evidence is insufficient as a matter of law on each on every element of the charge to support submission of the charge to the jury and that submission to the jury would therefore violate the Fourteenth Amendment of the U.S. Constitution and Article 1, Statute 19 of the North Carolina Constitution.

Further, the defense moves to dismiss each charge on the grounds that, as to each charge, there's a variance between the crime alleged in the indictment and any crime for which the State's evidence may have been sufficient to warrant submission to the jury and that the submission to the jury would therefore violate the Fifth, Sixth, and Fourteenth Amendments of the Constitution and Article 1, Statute 19 of the N.C. Constitution.

These motions were denied. After defendant's case in chief, she stated, "I renew my motion to dismiss." This was again denied.

Now on appeal, defendant argues that the State is constitutionally barred "from repeatedly bringing criminal charges on the same set of facts once a neutral court has already found the evidence insufficient—even more so where the accused is engaged in protected First Amendment activity." Defendant did not make these specific arguments in her objections at trial. Thus, these issues are not preserved for appellate review.

Because defendant neither preserved the issue nor asserted plain error,

appellate review of this issue is waived.

G. Due Process

Seventh and finally, defendant argues that her brain injury, PTSD, and lack of counsel deprived her of due process and a fundamentally fair trial. Specifically, defendant contends that the “trial errors, when weighed together with [defendant’s] cognitive abilities and lack of legal assistance, left her unable to present a coherent case.”

“If a defendant chooses to proceed pro se, [s]he cannot on appeal claim ineffective assistance of counsel.” *State v. Thomas*, 331 N.C. 671, 677 (1992); *see also State v. Brincefield*, 43 N.C. App. 49, 52 (1979) (When a defendant elects to represent herself, she “gives up many of the traditional benefits associated with the right to counsel” and “cannot thereafter complain that the quality of [her] own defense amounted to a denial of effective assistance of counsel.”).

A defendant cannot appear both pro se and by counsel. *Thomas*, 331 N.C. at 677. A defendant “cannot claim ineffective assistance on the part of standby counsel beyond the limited scope of the duties assigned to such counsel by the statute or the defendant or voluntarily assumed by such counsel.” *Id.*

Here, defendant waived her right to counsel. Two different judges found defendant to be competent after conducting colloquies. The first judge granted defendant’s motion for proceed pro se, found that defendant has capacity to represent herself and proceed to trial, and appointed standby counsel. A second judge found

that defendant “voluntarily, knowingly, and intelligently elected in open court to be tried without the assistance of counsel.”

Defendant’s brief mentions cognitive impairment affected her right to a fair trial. The record shows defendant made references to a brain injury at trial. Defendant stated in court that any brain injury does not impair her representing herself:

THE COURT: . . . Do you suffer from any mental or physical handicaps, impairments, anything at all that would affect your ability to think clearly and represent yourself?

[DEFENDANT]: I have hypoxic brain injury.

THE COURT: Okay. And when did that occur?

[DEFENDANT]: In 2019.

THE COURT: Okay. But since then, you’ve undertaken your own defense, and you believe that— does it impair you in any way in representing yourself?

[DEFENDANT]: No. I’m just a little bit like— no, it doesn’t. It does not.

After one of the references, the court reminded defendant: “The position that you’ve taken throughout this case is that you were capable of representing yourself. An evaluation indicated you were capable, competent, able to represent yourself.”

After careful review of the record, we conclude that defendant’s decision to represent herself was voluntary and her due process rights were not violated.

III. Conclusion

For the foregoing reasons we hold that defendant received a fair trial free from reversible error.

NO ERROR.

Judges STROUD and HAMPSON concur.

Report per Rule 30(e).