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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA25-1080

Filed 21 October 2026

Mecklenburg County, Nos. 23CR009355-590, 23CR307375-590

STATE OF NORTH CAROLINA

v.

GRAYLAND LAVAR WELCH

Appeal by defendant from judgment entered 14 March 2025 by Judge Craig R. Collins in Mecklenburg County Superior Court. Heard in the Court of Appeals 30 September 2026.

Attorney General Jeff Jackson by Assistant Attorney General Rebecca E. Lem, for the State.

J. Hunter Murphy Law, PC, by J. Hunter Murphy, for the defendant-appellant.

TYSON, Judge.

Grayland Lavar Welch (“Defendant”) appeals from judgments entered upon a jury’s verdict for robbery with a dangerous weapon, possession of a firearm by a felon, and attaining the status of an armed habitual felon. We discern no error.

I. Background

Two men robbed Holly Baucom on 15 May 2023, as she returned to her car, which was parked at a QuikTrip convenience store in Charlotte. One of the individuals was a shorter man in dark clothing with hair in very long dreadlocks, who was also wearing an ankle monitor. Ms. Baucom identified him as Defendant at trial. The other man was taller and wore a white t-shirt and red shoes.

The evidence tended to show Defendant had approached Ms. Baucom from behind and he pushed an object she was certain was a gun against the back of her neck. Defendant stated: “If you don’t stop moving, I’m going to kill you[]” and “I’m gonna f**kin’ kill you, white bitch.” Defendant’s accomplice took Ms. Baucom’s wallet and both men ran north toward South Boulevard.

Mr. Parrish, an unarmed security guard, was stationed at a construction site across the street and noticed a disturbance at the QuikTrip store. He saw two individuals run from the store and acquired a “positive ID” on a black adult male with dreadlocks. He observed an object in one of the men’s hands but could not recall which man held it. He described the object as “short and black and metallic in nature” and stated, “it appeared to be what could be a firearm, a handgun.” Mr. Parrish had handled firearms since age eleven, carried a firearm since age twenty-one, and handled firearms as part of his security job.

The QuikTrip security camera captured the robbery. The video shows Defendant pointing the gun into Ms. Baucom’s neck while his accomplice searched for her wallet before taking it.

Defendant's electronic ankle monitor locator placed him at the QuikTrip at the time of the robbery. A law enforcement officer drove Ms. Baucom to a nearby house where Defendant was located and sitting on the porch. Ms. Baucom identified him as the man who had robbed her. Defendant did not have Ms. Baucom's property or the gun on his person.

Officers arrested Defendant on charges of robbery with a dangerous weapon and possession of a firearm by a felon. A Mecklenburg County Grand Jury indicted Defendant on the charges on 30 May 2023 and subsequently indicted him as an Armed Habitual Felon on 24 July 2023.

At trial, the parties stipulated Defendant had been convicted on 30 July 2009 for a felony he had committed on 8 October 2007. The felony conviction barred Defendant from lawfully possessing a firearm. Defendant moved to dismiss the charges at the close of the State's evidence. The trial court denied the motion. Defendant renewed the motion to dismiss at the close of all evidence, which was again denied. The court instructed the jury on robbery with a dangerous weapon and possession of a firearm by a felon during the first phase of the bifurcated trial. The jury's verdict found Defendant guilty of both charges.

The trial then proceeded to the second portion of the bifurcated trial to determine whether Defendant had attained Armed Habitual Felon status. The State presented evidence of Defendant's prior firearm-related conviction for robbery with a dangerous weapon. Defendant moved to dismiss the charge at the close of the State's

evidence. The trial court denied the motion. The court instructed the jury on armed habitual felon status. The jury's verdict also found Defendant guilty as an Armed Habitual Felon.

The trial court sentenced Defendant to an active sentence term of 120 to 156 months for robbery with a dangerous weapon, enhanced by his armed habitual felon status. The court also sentenced Defendant in the presumptive range to a consecutive, active sentence of 17 to 30 months for possession of a firearm by a felon. Defendant appeals.

II. Jurisdiction

Jurisdiction lies in this Court pursuant to N.C. Gen. Stat. § 15A-1444(a) (2025) and § 7A-27(b) (2025).

III. Possession of a Firearm

Defendant argues the trial court erred by denying his motions to dismiss the charges of possession of a firearm by a felon and attaining the status of an armed habitual felon. Defendant asserts the State's evidence merely created a suspicion the object possessed by defendant during the robbery was a firearm. We disagree.

A. Standard of Review

"Whether the State presented substantial evidence of each essential element of the offense is a question of law; therefore, we review the denial of a motion to dismiss de novo." *State v. Chekanow*, 370 N.C. 488, 492, 809 S.E.2d 546, 550 (2018) (citations and quotation marks omitted).

“When ruling on a defendant's motion to dismiss, the trial court must determine whether there is substantial evidence[:] (1) of each essential element of the offense charged, and[,] (2) that the defendant is the perpetrator of the offense.” *State v. Smith*, 186 N.C. App. 57, 62, 650 S.E.2d 29, 33 (2007) (citations omitted). “Substantial evidence is such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.” *Id.* (citation omitted).

“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.” *State v. Golder*, 374 N.C. 238, 249–50, 839 S.E.2d 782, 790 (2020) (citation and quotation marks omitted). “Circumstantial evidence may withstand a motion to dismiss and support a conviction even when the evidence does not rule out every hypothesis of innocence. The evidence need only give rise to a reasonable inference of guilt[.]” *State v. Ambriz*, 286 N.C. App. 273, 277, 880 S.E.2d 449, 457 (2022) (quoting *State v. Shelman*, 159 N.C. App. 300, 304–05, 584 S.E.2d 88, 92 (2003)) (quotation marks omitted).

B. Analysis

To convict a defendant of felonious possession of a firearm by a felon, the State must prove: (1) the defendant was previously convicted of a felony; and, (2) the defendant thereafter possessed a firearm. *State v. Battle*, 253 N.C. App. 141, 144, 799 S.E.2d 434, 437 (2017); *see also* N.C. Gen. Stat. § 14-415.1 (2025). The parties

stipulated to Defendant's prior felony conviction. Defendant disputes whether the object he possessed during the robbery at bar was a firearm "and not just something that resembled a firearm." "Actual possession requires that a party have physical or personal custody of the item." *State v. Chevallier*, 264 N.C. App. 204, 215, 824 S.E.2d 440, 449 (2019) (citation and quotation marks omitted). "Possession can be shown by circumstantial evidence." *State v. Grady*, 274 N.C. App. 429, 438, 852 S.E.2d 631, 638 (2020) (citation omitted).

This Court recently addressed a similar challenge in *State v. Pride*, 302 N.C. App. 684, 685–87, 926 S.E.2d 468, 470–71 (2026). A witness saw the defendant hold "something in his hand," reported a person with a gun at her door, and provided doorbell footage. *Id.* at 685–86, 926 S.E.2d at 470. Officers never recovered a firearm. *Id.* at 686, 926 S.E.2d at 470.

This Court held the witness's statements, footage, and surrounding circumstances supported a reasonable inference that the defendant possessed a firearm. *Id.* at 686–687, 926 S.E.2d at 471. The State did not have to disprove the speculative possibility that he instead held an airsoft gun. *Id.* at 687, 926 S.E.2d at 471.

Here, the State presented similar evidence which this Court found to be sufficient in *Pride*. Ms. Baucom testified Defendant had approached her from behind and pressed what she described as a gun against the back of her head. She also testified she saw him wield the "chrome, silver" gun and felt the "cold" gun in her

hand. The QuikTrip surveillance footage shown during trial supported her testimony. Ms. Baucom identified Defendant, as the footage played, as the person pointing the object at her head, while his accomplice searched for and took her wallet. Defendant also repeatedly and profanely threatened to kill Ms. Baucom during the robbery. Mr. Parrish, a trained security guard, also testified he saw an object, which appeared to be a firearm in one fleeing man's hand, although he could not recall which man held it.

The Court must consider that evidence together and in the light most favorable to the State. *Golder*, 374 N.C. at 249-50, 839 S.E.2d at 790. The evidence must be sufficient for a reasonable mind to accept it as adequate to conclude Defendant had possessed a firearm while committing an armed robbery. The State did not have to recover the gun or disprove Defendant's suggestion the object merely resembled a firearm. *Pride*, 302 N.C. App. at 686–687, 926 S.E.2d at 471. The trial court properly denied the motion to dismiss.

IV. Conclusion

Viewed in the light most favorable to the State, the State's evidence supported a reasonable inference Defendant possessed a firearm. *Id.* The trial court properly denied Defendant's motion to dismiss. Defendant received a fair trial, free from prejudicial errors he preserved and argued. *It is so ordered.*

NO ERROR.

Judges Stading and Murry concur.

STATE V. WELCH

Opinion of the Court

Report per Rule 30(e)