IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA26-64

Filed 4 November 2026

Wake County, No. 23CR347415-910

STATE OF NORTH CAROLINA

v.

CHRISTOPHER GRALYN SCOTT

Appeal by Defendant from judgment entered 4 April 2025 by Judge Warren McSweeney in Wake County Superior Court. Heard in the Court of Appeals 29 September 2026.

Attorney General Jeff Jackson, by Assistant Attorney General Reginaldo E. Williams, Jr., for the State-Appellee.

Appellate Defender Glenn Gerding, by Assistant Appellate Defender James R. Grant, for Defendant-Appellant.

COLLINS, Judge.

Defendant Christopher Gralyn Scott appeals from judgment entered upon a jury verdict finding him guilty of first-degree murder under the felony-murder rule. Defendant argues that the trial court erred by denying his motion to dismiss the first-degree murder charge based on felony murder predicated on armed robbery and by instructing the jury on felony murder predicated on armed robbery. He further contends that the trial court abused its discretion in responding to the deliberating jury's request to review testimony. We find no error.

I. Background

Defendant was indicted on one count of first-degree murder. The evidence at trial tended to show the following: Defendant and the decedent, Shakeem Smith, had a volatile relationship marked by Smith's repeated demands for money and violent behavior. Smith had prior convictions for robbery, drug offenses, and assault. Defendant testified that Smith routinely demanded cash from him and became violent when Defendant refused.

Smith went to Defendant's home on 23 June 2023, demanding money and threatening Defendant's girlfriend. When Defendant refused to give Smith money, Smith chased him down the hallway into a bedroom, lifted him off his feet, and placed him in a chokehold. Defendant struck Smith multiple times in the head with a metal baseball bat, and Smith died from blunt-force trauma.

That day, a neighbor saw Defendant leave the house carrying a white trash bag and return without it fifteen to twenty minutes later. Officers later recovered a white plastic bag in a public trash can containing the metal bat and a black and silver Louis Vuitton wallet belonging to Anthony Jones. Jones testified the wallet went missing after Smith visited his home with two other individuals a week to a week and a half earlier. Jones further testified that the wallet contained approximately $1,000, "Half of the thousand was in hundreds. Then probably eight 20s, and then the rest was in five, tens, and ones."

Officers found approximately $750 in Defendant's pocket–six $100 bills, seven $20 bills, and small bills–folded against a second wallet. Four of the $100 bills had blood stains on their edges, consistent with having been inside a wallet. One stained bill had Smith's DNA on it. DNA testing also included Smith as a contributor to DNA found on the wallet.

During deliberations, the jury requested to review testimony from two witnesses and to rewatch body-camera footage The trial court allowed replay of the video but denied the transcript request, explaining that preparing and certifying the transcript would "take some time."

The jury found Defendant not guilty of premeditated first-degree murder but guilty of first-degree murder based on felony murder predicated on armed robbery. The court sentenced Defendant to the mandatory sentence of life without parole for first-degree murder. Notice of appeal was timely entered in open court.

II. Discussion

A. Motion to Dismiss

Defendant first argues that the trial court erred by denying his motion to dismiss the first-degree murder charge based on felony murder predicated on armed robbery and incorrectly instructed the jury on felony murder predicated on armed robbery.

We review the denial of a motion to dismiss de novo, considering "[w]hether the State presented substantial evidence of each essential element of the offense" and

of the defendant's identity as the perpetrator. *State v. Golder*, 374 N.C. 238, 249 (2020). Substantial evidence is "that amount of relevant evidence necessary to persuade a rational juror to accept a conclusion." *State v. Chekanow*, 370 N.C. 488, 492 (2018). We view the evidence in the light most favorable to the State, giving it every reasonable inference. *Id.*

Armed robbery consists of the following essential elements: (1) an unlawful taking or attempt to take personal property; (2) from the person or presence of another; (3) by use or threatened use of a dangerous weapon; (4) whereby the life of a person is endangered or threatened. N.C. Gen. Stat. § 14-87(a)(2025); *State v. Faison*, 330 N.C. 347, 358 (1991). Ownership of the property taken is not required; the State must show only that the property was in the victim's "care, custody, control, management, or possession." *State v. Willis*, 127 N.C. App. 549, 551 (1997) (quoting *State v. Mason*, 279 N.C. 435, 440-41 (1971)).

Defendant admitted to striking Smith in the head with a metal baseball bat until Smith fell. The medical examiner testified Smith died from blunt-force trauma consistent with a bat. A baseball bat used to strike a person's head constitutes a deadly weapon. *State v. Smith*, 187 N.C. 469, 470 (1924).

The State presented the following evidence that Smith possessed Jones's wallet and cash immediately before the killing:

- Jones's wallet went missing after Smith visited his home.

- The wallet was found with the murder weapon in the bag Defendant discarded.
- DNA testing included Smith as a contributor to the DNA found on the wallet.
- Cash found on Defendant matched denominations Jones described as having been in his wallet.
- Four $100 bills had blood staining on their edges consistent with having been inside a wallet.
- One bill contained Smith's DNA with overwhelming statistical certainty.

Viewed collectively, this evidence supports a reasonable inference that Smith possessed the wallet and cash at the time of the fatal struggle, and that Defendant took them during or immediately after killing Smith.

Defendant argues the evidence showed only conjecture that Smith still possessed the wallet or cash on the day of the killing. He emphasizes Smith's drug addiction, the time lapse between the theft and the killing, and discrepancies in denominations. He also testified that Smith threw the wallet at him days earlier and told him to hide it. These arguments go to the weight of the evidence, not its sufficiency. On a motion to dismiss, we do not resolve conflicts in the evidence or assess credibility. *Chekanow*, 370 N.C. at 492. The circumstantial evidence here was adequate to permit a rational juror to find the taking element.

Because substantial evidence supports each element of armed robbery, the trial court properly denied Defendant's motion to dismiss and correctly instructed the jury on felony murder predicated on armed robbery.

B. Jury Request to Review Testimony

Defendant next contends that the trial court abused its discretion in responding to the deliberating jury's request to review testimony.

A trial court's response to a deliberating jury's request to review testimony is reviewed for "abuse of discretion." N.C. Gen. Stat. § 15A-1233(a) (2025); *State v. Weddington*, 329 N.C. 202, 207-09 (1991).

"When the trial court states for the record that, in its discretion, it is allowing or denying a jury's request to review testimony, it is presumed that the trial court did so in accordance with N.C.G.S. § 15A-1233." *Weddington*, 329 N.C. at 208. Additionally, "the trial court must instruct the jury that it must remember and consider the rest of the evidence." *Id.* In *State v. Lewis*, the Court found no abuse of discretion where the trial court denied a jury's transcript request but allowed the jury's request to review exhibits. 321 N.C. 42, 52 (1987). In *State v. Kitchengs*, this Court found no abuse of discretion where the trial court denied the jury's transcript request based on the time required to prepare it. 183 N.C. App. 369, 377-78 (2007).

Here, during deliberations, the jury requested to review testimony from two witnesses and to rewatch body-camera footage. After hearing from both parties, the trial court stated it was exercising its discretion to allow replay of the video but deny

review of the testimony. The trial court explained that preparing, reviewing, and certifying the requested transcript pages would "take some time." The court instructed the jury to rely on its recollection of all evidence.

The trial court considered Defendant's request, articulated a reasoned basis for its ruling, and instructed the jury appropriately. As in *Weddington*, *Lewis*, and *Kitchengs*, the trial court did not abuse its discretion in denying Defendant's request. Defendant's statutory and constitutional arguments to the contrary lack merit.

III. Conclusion

The State presented substantial evidence of armed robbery, and the trial court did not err by denying Defendant's motion to dismiss the first-degree murder charge based on felony murder predicated on armed robbery and by instructing the jury on felony murder predicated on armed robbery. The trial court acted within its discretion in responding to the jury's request during deliberations. We find no error.

NO ERROR.

Judges CARPENTER and FLOOD concur.