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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA26-162

Filed 4 November 2026

Halifax County, Nos. 22CR000533-410, 22CR051062-410

STATE OF NORTH CAROLINA

v.

JAMAZIA TILLERY

Appeal by defendant from judgment entered 6 March 2025 by Judge William D. Wolfe in Halifax County Superior Court. Heard in the Court of Appeals 15 October 2026.

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

Vernetta Alston, for defendant-appellant.

ARROWOOD, Judge.

Jamazia Tillery ("defendant") appeals from judgment entered following jury trial where he was convicted of first-degree murder and assault with a deadly weapon. For the following reasons, we find no error.

I. Introduction

Defendant and Montasia Arrington ("Montasia") were in a relationship and

had a young son. In April 2022, following a serious domestic violence incident, Montasia and her child were staying with her mother, Teresa Arrington ("Teresa"), in Littleton, North Carolina. A domestic violence protective order was issued against defendant on 4 April 2022. The testimony at trial tended to establish the following series of events.

On the morning of 19 April 2022, Eboni Holt drove defendant to Teresa's apartment, parked down the street and waited in the car while defendant went inside. Teresa was asleep in the apartment's living room and Montasia and her son were asleep in the rear bedroom. Teresa was awoken by a loud bang, the smell of gunpowder, and Montasia saying "Jay, no." Teresa went to the back bedroom, where she saw defendant in the room with Montasia and her son, and defendant and Montasia were "tussling for the gun." Teresa and defendant then struggled over the weapon while Montasia ran out of the room. After defendant regained control over the weapon, Teresa ran into the hallway, and defendant shot her in the left thigh. Defendant followed Montasia out of the apartment, and Teresa heard more gunfire shortly thereafter.

Teresa quickly removed the child from the apartment to a nearby gas station, where an employee called 911. Meanwhile, defendant returned to Ms. Holt's car and they drove away.

Montasia's body was discovered at the front entrance of a neighboring apartment, with gunshot wounds to her head, hands, and torso. Investigators found

blood throughout Teresa's apartment and on the ground between the apartment and Montasia's body.

At trial, the State asked that defendant briefly stand so that the jury could observe his height because this was "an issue in the case." Defense counsel lodged no objection. The court asked defendant, "[W]ould you mind standing up for me, and just step a little bit outside of the table just a second. Right there. Thank you. That's good. You can be seated again." Defendant was wearing a silver chain between his ankles, as he was in custody during the trial. The lower part of his body was not visible to the jury at any other time during the trial. The trial court did not see the ankle chain either before defendant stood for the jury or while he stood.

Later that day, after the jury was excused, defense counsel moved for a mistrial because she believed the ankle chain "would have been visible to the jury[.]" The court took the motion under advisement overnight and the parties made additional argument the following morning. The court entered findings that defendant's chain had stayed hidden until he stood, at which time the chain was exposed for "not even a second[,]" that the court itself had been unaware of the chain, and that defense counsel had not objected to the request to stand. Any violation, therefore, would have been "unintentional" and "vanishingly brief[,]" such that "it was not clear at all whether or not the jurors even saw the restraints[.]"

Nevertheless, the court announced it would question the jurors about the incident without mentioning the chain, following *State v. Dennis*, 129 N.C. App. 686

(1998), as follows:

> I'm going to ask them . . . if anything has happened, either inside the courtroom or out, that would cause them to be unfairly prejudiced against either the defendant or the state. I'm not going to identify what I'm asking about, and I'm also gonna tell them that I'm not talking about the evidence. I'm talking about something other than that that may have happened inside the courtroom or out that may cause them to have a prejudice for or against either party . . . I want the individual juror to raise their hands without specifying what it is . . . and I'll deal with it after that . . . I'll make specific inquiry, but if not, then I'm gonna consider defendant's motion for mistrial denied.

The court told defense counsel that it assumed "that you object to that procedure" and asked if defense counsel had anything else to put on the record, which she declined to do.

The court asked the jury whether "anything ha[d] happened during the three days of the trial . . . other than the evidence, whether it happened inside the courtroom or out, that would cause you to have an unfair prejudice against either the State or the defendant[.]" No juror responded. As a result, the court denied the defense's mistrial motion, finding that the incident "although unfortunate and unintentional[ ] did not constitute a substantial actual or irreparable prejudice to the defendant[.]"

Defendant presented no evidence in his defense. Following deliberations, the jury unanimously found defendant guilty of first-degree murder and assault with a deadly weapon.

II. Discussion

Defendant argues on appeal that it was erroneous to deny defense counsel's motion for a mistrial after the jury possibly noticed the ankle chain. A trial court must declare a mistrial for "substantial and irreparable prejudice to the defendant's case." N.C.G.S. § 15A-1061 (2025). "Absent an abuse of discretion, therefore, the trial court's ruling will not be disturbed on appeal." *State v. Taylor*, 362 N.C. 514, 538 (2008) (citing *State v. Thomas*, 350 N.C. 315, 341 (1999)). A ruling is considered an abuse of discretion when it is " 'manifestly unsupported by reason, which is to say it is so arbitrary that it could not have been the result of a reasoned decision.' " *Id.* (quoting *State v. T.D.R.*, 347 N.C. 489, 503 (1998)).

Defendant argues that the presumption of his innocence was implicated by his visible shackling, such that his Constitutional right to a fair and impartial trial was abridged, which would have required the court to grant the defense's motion for a mistrial. Defendant cites *State v. Tolley*, 290 N.C. 349, 364 (1976) and *Deck v. Missouri*, 544 U.S. 622, 630 (2007) in support of his assertion that the court was required to make findings of material circumstances establishing that his "exposure to the jury was 'necessary[.]' "

Defendant is correct that a court may order a criminal defendant be restrained during trial "when the judge finds the restraint to be reasonably necessary to maintain order, prevent the defendant's escape, or provide for the safety of persons." N.C.G.S. § 15A-1031 (2025). If the court issues such an order, it must both make a

record of "the reasons for [the] action" and instruct the jury that the restraint "is not to be considered in weighing evidence or determining the issue of guilt." *Id.*

Here, however, the record establishes that the trial court never issued such an order and was unaware of the restraint until the defense counsel's motion for a mistrial. This distinguishes the instant case from both *Tolley* and *Deck*, wherein the trial court issued the orders requiring the defendant to wear restraints. *See Tolley*, 290 N.C. at 370–71; *see also Deck*, 544 U.S. at 625. The court's statutory duty to make findings and instruct the jury only arises when it issues such an order itself, but the court has no such statutory duties where it neither issues the order nor knows about the restraint.

Instead, the court was obliged to grant the defense's mistrial motion only upon a showing of "substantial and irreparable prejudice" resulting from the jury's possible sighting of the ankle chain. Here, while defendant was seated, neither the court nor the jury could see the chain. Accordingly, the moment defendant stood up was the only possible occurrence that could have given rise to prejudice.

By comparison, in *State v. Montgomery*, 291 N.C. 235 (1976), the defendant and the jurors passed one another outside the courtroom while he was being escorted from jail in handcuffs. *Montgomery*, 291 N.C. at 249. Our Supreme Court affirmed the court's resulting denial of a mistrial motion, holding that the "only basis" for granting the motion would have been that "the fleeting view of the handcuffed defendant . . . may have suggested to some of the jurors that defendant was 'an

obviously bad and dangerous person whose guilt is a foregone conclusion.' " *Id.* at 250. The Court held that the incident did not warrant a new trial because the officer was escorting someone "charged with a serious and violent crime" and therefore it was preferable for the officer to have authority to "handcuff him while escorting him in an open, public area." *Id.* at 252.

Likewise, in *State v. Perry*, 316 N.C. 87 (1986), because the defendant was "routinely handcuffed" while escorted to and from jail, at least one juror "inadvertently" saw him in handcuffs and others "may have seen him in the custody of an officer." *Perry*, 316 N.C. at 109. There, the trial court "conducted an extensive hearing and found no misconduct or prejudice." *Id.* Defense counsel then declined the court's offer to conduct inquiries with the jury. *Id.* Our Supreme Court found the trial court correctly denied defense's motion for a mistrial. *Id.*

Finally, in *State v. Dennis*, we affirmed the court's denial of defense counsel's mistrial motion after it found no prejudice arose after the jury saw the defendant "in handcuffs while he was being transported from the jail to the courtroom by the Sheriff's deputies[.]" *Dennis*, 129 N.C. App. at 688. There, the escorting sergeant testified that the sighting would have lasted "about 10 seconds at the most" and no juror responded affirmatively to the court's questioning "whether there is anything that's occurred since this trial began, either you've seen, heard or that's been done, that would cause you to be prejudiced against the defendant, if there's anything at all." *Id.* at 689. This Court affirmed the finding that the defendant was not

prejudiced because "no juror responded positively" to the question, which the court asked "without giving them an idea of what the Court was looking for." *Id*. We noted that the court "went further than the trial court in *Perry*" by "fashion[ing] its inquiry so as not to draw attention to the fact that defendant had been handcuffed," and "did not abuse its discretion by denying defendant's motion for a mistrial." *Id*. at 691.

In the instant case, the court's decision to deny this motion was not an abuse of discretion, as it was neither "arbitrary" nor "manifestly unsupported by reason." The jury's view of the ankle restraint was only possible, not certain, and did not last as long as the sighting in *Dennis*. Nevertheless, the court followed the procedure we approved in that case, and no jurors referred to the ankle restraint. Accordingly, the court's finding that there was no "substantial and irreparable prejudice" was not manifestly unsupported by reason, and it was proper to deny the defense's mistrial motion.

Moreover, even had there been error on this issue, it would have been harmless, as the State presented overwhelming evidence of defendant's guilt at trial. On this point, the State persuasively points to the verdict sheets themselves. The State argues, and we agree, that following Teresa's testimony that defendant shot her in the thigh during the altercation, the jury's unanimous decision to convict defendant of misdemeanor assault with a deadly weapon rather than assault with a deadly weapon with intent to kill "shows a jury weighing evidence, not a chain[.]" In sum, defendant cannot establish that the jury's possible split-second sighting of his

ankle restraint gave rise to any "substantial and irreparable prejudice" that would have obligated the court to grant his mistrial motion.

III. Conclusion

For the above reasons, we find no error and affirm the trial court's judgment.

NO ERROR.

Judges ZACHARY and STADING concur.

Report per Rule 30(e).