IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA26-110

Filed 18 November 2026

Forsyth County, No. 24CR208246-330

STATE OF NORTH CAROLINA,

v.

CEDRIC DENARD INGRAM, Defendant.

Appeal by Defendant from judgment entered 25 April 2025 by Judge Aaron J. Berlin in Forsyth County Superior Court. Heard in the Court of Appeals 14 September 2026.

Attorney General Jeff Jackson, by Assistant Attorney General Gabriel H. Jimenez-Medina, for the State.

Lebedev Law Services, by Anton M. Lebedev, for Defendant–Appellant.

MURRY, Judge.

Cedric D. Ingram (Defendant) appeals from judgment entered following a jury verdict convicting him of felony speeding to elude arrest. On appeal, Defendant argues that the trial court erred (1) by denying his request to instruct the jury on the affirmative defense of necessity and (2) by instructing the jury on flight. For the following reasons, this Court dismisses in part and holds no error in part.

I. Background

It is undisputed that Defendant fled from a traffic stop on 11 January 2024. The evidence at trial tended to show the following:

That night, Defendant was driving home from a local sweepstakes establishment after winning around $2,100. At that time, Deputies Faison and McGowan of the Forsyth County Sherriff's Department were patrolling the area in an unmarked Toyota Camry. When the officers observed Defendant driving a black vehicle with illegal window tint, Deputy Faison activated his vehicle's blue lights and siren to initiate a traffic stop. Defendant pulled over. Soon after, Deputy Paran pulled up next to Defendant's car in an unmarked Nissan Pathfinder with activated lights and sirens to assist. Before the officers could speak with Defendant, he sped away after making an illegal U-turn.

The officers pursued Defendant past another officer stopped at an intersection with lights and sirens activated. The officers continued chasing Defendant at a high rate of speed until their captain cancelled the chase due to unsafe speeds. Deputy Faison continued driving in the direction of Defendant's travel at a normal speed until he saw skid marks and debris, realizing that Defendant had hit a curb and crashed. When the officers approached, they saw Defendant exiting his vehicle and running toward a wooded area. They eventually apprehended and arrested him.

On 3 June 2024, a grand jury indicted Defendant for felony speeding to elude arrest by motor vehicle. This matter came on for trial on 24 April 2025. At trial, Defendant testified that he "initially pulled over when he thought he was being

stopped by law enforcement" and "only fled when he thought he was being boxed in by robbers." Specifically, he explained that he initially pulled over upon seeing Deputy Faison's blue lights because he "didn't have no concerns at that point," thought "maybe it's the police," and "pulled over and stopped for them." But when an "SUV came and blocked [his] door in," he began to suspect that "it wasn't the police" and "assumed it could have been a robbery or anything." At this point, he believed "someone might have been after [him] from leaving that sweepstakes," so he "did a U-turn" and "took off the other way."

Defendant explained that his fear stemmed from his knowledge that he was traveling through a high-crime area after having won money at the sweepstakes, describing the area as "quite dangerous" and recognizing that the sweepstakes "had been robbed" in the past. But Defendant also acknowledged that, while at the sweepstakes, no one had ever threatened him, followed him to his car, shot at him, or brandished a firearm at him. Deputy Faison testified that Defendant's route included many well-lit shopping centers, large gas stations, a bank, a health care facility, and many homes. Defendant, however, maintained that pulling over at any of those establishments would not have been a reasonable alternative to driving away because he did not "think a gas station could have saved" him "if they was robbers." And as to why Defendant did not call for help despite having two cell phones, he explained that he did not call anyone because he "wasn't thinking about calling nobody at the moment."

During the charge conference, Defendant requested the jury be instructed on the affirmative defense of necessity. The trial court denied Defendant's request, reasoning that while Defendant had testified that the area was "quite dangerous" and that the sweepstakes "had been robbed" in the past, he presented no evidence that "any threats were made[;] . . . that there were any weapons or words . . . that could incite fear[;] . . . that anyone followed him out of the . . .sweepstakes business[;] . . . [nor that] anyone saw . . . [him] w[i]n $2,000 while he was in the sweepstakes business." In addition, the trial court recognized that "there were multiple businesses on th[e] road that a reasonable person could and would have pulled in if there were some issue of necessity," that Defendant did not call anyone despite having two phones, and that he "was traveling at least 80, if not upwards of 90 miles per hour, on th[e] road, which, again, would not be something that a reasonable person would do under the circumstances," noting that "even after . . . [D]efendant crashed his car, he got out and began to run as well." Furthermore, the trial court noted that the officers "did not in any way present themselves as anyone other than law enforcement" and that there "has been no evidence that there was anything unusual or suspicious about how the blue lights were depicted in the car. And, once again, sirens were also on [as to] both vehicles." The trial court denied Defendant's request for a necessity instruction, reasoning that should "a necessity defense be given under these circumstances" it would "almost inevitably have to be

given in every case where there is a high-crime area where police are following protocols to effectuate a valid, legal stop."

Additionally, the State requested the trial court to instruct the jury on flight according to N.C.P.I.-Crim 104.35. Defendant objected as follows:

> Well, I think that normally this instruction would be given in a situation where somebody's charged with some other offense and then they flee from the police. And the gist of the flight instruction is they ran because they knew they were guilty of this other offense. I think it's a little bit confusing to give the instruction where the underlying offense is flight itself. I suppose, you know, there's a technical argument that he gets out of the car and runs on foot, but I'm not sure that that's how the jury would receive it, that that's what that means. So I just don't really think it should apply where the underlying offense is, in fact, flight itself.

Alternatively, Defendant requested the trial court remove the pattern jury instruction's language that Defendant denied fleeing because he "doesn't deny that he fled." At no point did Defendant argue that the flight instruction was overbroad nor did he ask the trial court to modify the instruction to distinguish between conduct underlying the pre-crash and post-crash flight. The trial court decided to give the flight instruction, reasoning that "[g]iven the fact that he did get out of the car and start to run, how much weight [the jurors] give to that is within their purview, but taking together all the circumstances of it, one could find that this portion was or contributed to his consciousness of guilt." Accordingly, the trial court instructed on flight as follows:

> The State contends that the defendant fled. Evidence of flight may be considered by you together with all other facts and circumstances in this case in determining whether the combined circumstances amount to an admission or show a consciousness of guilt. However, proof of the circumstance is not sufficient, in itself, to establish [D]efendant's guilt.

On 25 April 2025, the jury convicted Defendant of felony speeding to elude arrest by motor vehicle. The trial court sentenced Defendant to an active term of 6–17 months imprisonment. Defendant timely appealed.

II. Jurisdiction

This Court has jurisdiction over Defendant's appeal from the trial court's final judgment under N.C.G.S. §§ 7A-27(b)(1), 15A-1444. *See* N.C.G.S. § 7A-27(b)(1) (2025) (final judgment); *id*. § 15A-1444(a) (pleaded not guilty but found guilty).

III. Analysis

On appeal, Defendant argues that the trial court erred (1) by denying his request to instruct the jury on the affirmative defense of necessity and (2) by instructing the jury on flight. For the following reasons, we disagree and conclude that Defendant received a fair trial free of prejudicial error.

A. Necessity Instruction

Defendant first argues that the trial court erred by denying his request for a jury instruction on the affirmative defense of necessity. Specifically, he characterizes the evidence as showing he "fled because he reasonably believed he was being targeted by robbers in unmarked vehicles after leaving a location associated with a

recent armed robbery." For the following reasons, we disagree and hold no error.

We review *de novo* whether substantial evidence supports Defendant's request for a necessity instruction, *State v. Osorio*, 196 N.C. App. 458, 466 (2009), because the trial court *must* "instruct the jury on all substantial features of a case," *State v. Stephens*, 275 N.C. App. 890, 893 (2020), including "[a]ny defense raised by the evidence," *State v. Hudgins*, 167 N.C. App. 705, 708 (2005). Thus, when a defendant requests a jury instruction, the trial court must give his requested instruction "at least in substance, if . . . proper and supported by the evidence." *State v. Edwards*, 239 N.C. App. 391, 392 (2015). "[S]ubstantial evidence of each element . . . viewed in the light most favorable to the defendant" must support any requested jury instruction. *Hudgins*, 167 N.C. App. at 709; *see State v. Smith*, 300 N.C. 71, 78-79 (1980) ("Substantial evidence is 'such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.'"). But an erroneous jury instruction "requires a new trial only if there is a reasonable possibility that, had the error in question not been committed, a different result would have been reached at the trial out of which the appeal arises." *State v. Castaneda*, 196 N.C. App. 109, 116 (2009) (quotation omitted).

Legal necessity is an affirmative defense that excuses a defendant's otherwise criminal conduct if he acts "under a duress of circumstances to protect life or limb or health in a reasonable manner and with no other acceptable choice." *State v. Gainey*, 84 N.C. App. 107, 110 (1987); *see State v. Brown*, 109 N.C. 802, 807 (1891) ("This

extraordinary rule" is generally limited to situations where "a human was thereby saved from death or peril, or relieved from severe suffering."). To establish a necessity defense, a defendant must prove three elements: "(1) defendant's action [while illegal] was reasonable; (2) defendant's action was taken to protect life, limb, or health of a person; and (3) no other acceptable choices were available to the defendant." *State v. Templeton*, 293 N.C. App. 161, 164 (2024); *see State v. Miller*, 258 N.C. App. 325, 327 (2018) (Because necessity is "an affirmative defense, the burden rests upon the defendant to establish this defense, unless it arises out of the State's own evidence, to the satisfaction of the jury."). Ultimately, "if the evidence presented at trial, viewed in the light most favorable to [the d]efendant and ignoring all contradictory evidence, [is] sufficient to permit the jury to *reasonably infer* the existence of these three elements," then the trial court must give the necessity instruction so the jury may "determine whether, based upon those facts, [the d]efendant had met his burden of proving necessity to the satisfaction of the jury." *Miller*, 258 N.C. App. at 328 (emphasis added). But a defendant may not avail himself of the defense of necessity where he "has presented no such evidence on the lack of acceptable alternatives or the reasonableness of his actions." *Templeton*, 293 N.C. App. at 165.

Here, Defendant asserts that while he "probably did not have a slam dunk necessity defense, he presented sufficient evidence on each element that would [have] require[d] deferring ultimate judgment . . . to a jury." Defendant's argument rests largely on his fear that the vehicles pulling him over contained robbers instead of law

enforcement officers. He explains that he "initially pulled over when he thought he was being stopped by law enforcement and only fled when he thought he was being boxed in by robbers." According to Defendant's own brief, although he was "was followed by cars that *besides the lights and sirens* looked like tinted civilian vehicles," he "did not have ample time and opportunity to realize the vehicles were actually law enforcement" because "a perpetrator can also obtain fake police sirens and lights." (emphasis added). Defendant cites to his own experience having "purchased a used former police car with some remaining equipment," but nevertheless suggests that "[t]inted windows would have prevented [him] from seeing" the police officers' uniforms. But that logic fails. If Defendant could reasonably dismiss blue lights because civilians can easily obtain them, then the same reasoning would apply to police uniforms that civilians can purchase at any costume store.

Defendant devotes much of his brief to arguing that he fled due to a reasonable fear of imminent robbery. But Defendant's focus on fear misses the point. The elements of a necessity defense are "(1) reasonable action, (2) taken to protect life, limb, or health of a person, and (3) no other acceptable choices available." *Miller*, 258 N.C. App. at 333 (quoting *Hudgins*, 167 N.C. App. at 710-11). Fear is not an element of necessity. Although a defendant's "mental state *could* be potentially relevant in analyzing the required elements," this Court has recognized that "fear itself is simply

not an element of the [necessity] defense." *See id.* at 332 (emphasis added).[1] Even if Defendant reasonably feared that two unmarked vehicles displaying lights and sirens contained disguised robbers seeking his sweepstakes winnings, that fear is insufficient to establish a necessity defense. Defendant's fear is only relevant insofar as it informs our inquiry into the *actual* elements of necessity.

The issue is not whether the evidence tends to show that Defendant reasonably feared he was being robbed. It is whether the evidence, viewed in the light most favorable to Defendant, tends to show each *element* of necessity "pursuant to an objective standard of reasonableness, not a subjective standard," such that the trial court should have given the instruction. *Id.* Certainly, Defendant's fear may inform that inquiry, but only to the extent that it bears on whether his act of fleeing was a "reasonable action" to "protect life, limb, or health" in the absence of any acceptable alternative. *Id.* at 333. In other words, evidence of Defendant's fear, however sincerely held, cannot relieve him of his burden of presenting evidence supporting each element of the necessity defense. *See id*, at 327.

In *State v. Templeton*, we held that the trial court did not err by failing to instruct the jury on the defense of necessity because substantial evidence did not

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[1] Notably, this Court has also observed that "[i]n potential contrast, the first element of duress, as established by precedent and as presented in N.C.P.I. Crim. 310.10, suggests a subjective standard—that the defendant acted based upon *his* 'reasonable fear that [he or another] would suffer immediate death or serious bodily injury' absent his actions." *State v. Miller*, 258 N.C. App. 325, 333-334 (2018). Defendant did not advance a duress defense.

support each element of the defense. 293 N.C. App. at 163. There, the defendant was charged with felony speeding to elude arrest after police officers attempted to pull him over with blue lights and sirens, and the defendant fled in a high-speed police chase. *Id*. At trial, the defendant testified that he refused to stop because he had been threatened earlier that day by a motorcycle gang and requested that the trial court instruct on necessity. *Id*. The trial court refused to do so, finding that the evidence, viewed in the light most favorable to him, failed "to demonstrate no other acceptable choices were available." *Id*. We affirmed the trial court's ruling, holding that he "did not establish his actions were reasonable nor that there were no other acceptable choices available to him." *Id*. at 164. Given the officers' lights and sirens and the length of the chase, we reasoned that the defendant had "had ample time and opportunity to realize the vehicles pursuing him were law enforcement." *Id*. In contrast to direct threats such as gunshots, the defendant there had "at most received vague threats from a motorcycle gang, making his reasons for fleeing from patrol cars less compelling." *Id*. at 165.

The same logic governs here. Even when viewed in the light most favorable to him, Defendant fails to establish that his actions were either a "reasonable" or "acceptable alternative" to pulling over in due course. *Templeton*, 293 N.C. App. at 164. First, the evidence shows that Defendant had ample time and opportunity to realize—and, in fact, *did* realize—that at least one of the vehicles pursuing him was law enforcement. According to Defendant's own testimony, he initially "pulled over"

after seeing the first officer's blue lights, thought "maybe it's the police" and indicated "no concerns at that point." It was not until the second police vehicle pulled up and "blocked [his] door in," that he thought "it wasn't the police no more" and instead concluded the vehicles must belong to robbers impersonating police. While Defendant testified that his belief stemmed from the fact that the area is "quite dangerous" and that the sweepstakes "had been robbed" in the past, he offered no evidence to support the reasonableness of his belief, *e.g.*, evidence that anyone knew he had won money, had threatened to rob him, displayed a weapon, or fired a shot at him. *Cf. Miller*, 258 N.C. App. at 344 (substantial evidence that defendant's actions were reasonable based on real, present threats made with a deadly weapon).

Second, the evidence shows that Defendant had reasonable alternatives to fleeing. Although Deputy Faison testified that Defendant's route included many well-lit shopping centers, large gas stations, a bank, a health care facility, and many homes and businesses, Defendant explained that he could not reasonably pull over or stop at these establishments because that "seems like easy access for them to go and do what they was gonna do if they was robbers," nor could he use one of his two cell phones to call 911 because he "wasn't thinking about calling nobody at the moment." Here, as in *Templeton*, the evidence failed to show (1) that Defendant reasonably believed fleeing was necessary to protect his life and (2) that he had no reasonable alternatives to driving away at a high rate of speed. Defendant has therefore failed to meet his burden of establishing each element of the necessity defense. As the trial

court aptly stated,

> Should a necessity defense be given under these circumstances, at any high crime area where there was an attempt to stop a person with a car in the rear and in front, that necessity instruction would almost inevitably have to be given in every case where there is a high-crime area where police are following protocols to effectuate a valid, legal stop.

Thus, the trial court properly denied Defendant's request for a necessity instruction. *See Templeton*, 293 N.C. App. at 164.

B. Flight

Defendant next argues that the trial court erred by instructing the jury on flight. At first, he appears to challenge the trial court's decision to give the flight instruction as a whole, arguing that it "was inaccurate and misleading because it permitted the jury to infer [Defendant's] guilt from the automobile pursuit itself when flight is an essential element of the offense" of felony speeding to elude arrest. But then goes on to explain that "by instructing the jury that it could consider evidence of *pre-crash* flight as an inference of an admission or consciousness of guilt, the trial court allowed the jury to draw an improper inference from the very conduct that formed the basis of the charge." (emphasis added). Specifically, he asserts that the trial court should not have instructed the jury on flight because his "*pre-crash* flight . . . was not solely post-crime conduct but also constituted the charged offense itself," creating "a risk of circular reasoning" by "permitting the jury to use the alleged offense itself as evidence that [he] possessed the requisite guilty intent." Defendant

separately argues that "there was no evidentiary basis for a pre-crash flight instruction."

But Defendant does not make the same arguments with respect to his post-crash flight. Although he characterizes the post-crash evidence as "relatively thin," he does not argue that it was insufficient to support a flight instruction. To the contrary, he repeatedly treats the post-crash evidence as sufficient to support a flight instruction and expressly argues that "the trial court erred by *not* instructing the jury to make inferences of admission or consciousness of guilt from *only* the possible post-crash flight." (emphasis added.) Defendant thus appears to accept, at least for the purposes of his argument, not only that the evidence of his post-crash conduct could independently support an inference of consciousness of guilt, but also that the trial court could properly instruct the jury on flight based on that conduct alone. His argument on appeal, then, is not that the trial court erred by giving a flight instruction altogether, but that it erred by doing so without expressly limiting the instruction to post-crash conduct. To this end, Defendant argues that the trial court should have "tailored [the instruction] to exclude any inference from the [pre-crash] conduct that constituted the charged offense itself."

Defendant's objection at trial, however, was not that the flight instruction was overbroad. Instead, Defendant objected to giving the flight instruction at all because flight is an element of felony speeding to elude arrest. At the charge conference, he argued a flight instruction would be proper where a defendant is "charged with some

other offense and then they flee from the police" because "the gist of the flight instruction is they ran because they knew they were guilty of this other offense." Although Defendant acknowledged "a technical argument that he gets out of the car and runs on foot," he maintained that it would be "a little bit confusing to give the instruction where the underlying offense is flight itself." At no point did Defendant distinguish between his pre-crash and post-crash conduct, much less request that the trial court limit the flight instruction to only his post-crash conduct. Nevertheless, Defendant's argument on appeal makes much of this distinction.

For the first time on appeal, Defendant argues that the trial court should have "tailored [the instruction] to exclude any inference from the [pre-crash] conduct that constituted the charged offense itself." He contends that this error prejudiced him "because the trial court . . . did not explicitly limit the jury's consideration to [Defendant's] possible flight after the crash." But Defendant never asked the trial court to tailor the instruction. Our appellate rules explain that in "order to preserve an issue for appellate review, a party must have presented to the trial court a timely request, objection, or motion, stating the specific grounds for the ruling the party desired the court to make if the specific grounds were not apparent from the context." N.C. R. App. P. 10(a)(1). Rule 10's specificity requirement "prevents unnecessary retrials by calling possible error to the attention of the trial court so that the presiding judge may take corrective action if it is required." *State v. Bursell*, 372 N.C. 196, 199 (2019). Furthermore, "the law does not permit parties to swap horses between courts

in order to get a better mount." *Weil v. Herring*, 207 N.C. 6, 10 (1934); *accord State v. Sharpe*, 344 N.C. 190, 194–95 (1996) (refusing to address a party's new argument made for the first time on appeal). Because Defendant failed to request an instruction distinguishing between pre-crash and post-crash flight and does not allege that the trial court's flight instruction amounts to plain error, he fails to preserve this issue for appellate review. *See State v. Frye*, 341 N.C. 470, 496 (1995) (holding that the defendant failed to preserve additional grounds for review on appeal where he made a specific objection at trial and the defendant failed to specifically and distinctly argue plain error on appeal). We therefore dismiss Defendant's claim as unpreserved.

But even assuming *arguendo* that Defendant preserved this argument and the trial court erred, we nonetheless conclude that Defendant fails to demonstrate prejudice. *See* N.C.G.S. § 15A-1443 (2025); *Castaneda*, 196 N.C. App. at 116. It is well-settled that the trial court may instruct the jury on flight when there is "some evidence in the record reasonably supporting the theory that the defendant fled after the commission of the crime charged." *State v. Allen*, 346 N.C. 731, 741 (1997) (quotation omitted); *see State v. Bagley*, 183 N.C. App. 514, 520 (2007) ("Flight is defined as leaving the scene of the crime and taking steps to avoid apprehension."). Indeed, " '[t]he wicked flee when no man pursueth, but the righteous are bold as a lion.' Proverbs 28, the first verse." *State v. Irick*, 291 N.C. 480, 494 (1977) (quoting *Proverbs 28:1, King James Version*).

Crucially, however, "evidence of flight *does not create a presumption of guilt* but is only some *evidence of guilt* which may be considered with the other facts and circumstances in the case in determining guilt." *Id.* (emphasis added); *see State v. Lampkins*, 283 N.C. 520, 523 (1973) (explaining that the jury may consider evidence of a defendant's flight alongside other facts and circumstances in determining "whether all the circumstances amount to an admission of guilt or reflect a consciousness of guilt"). Nor is "proof of flight, standing alone . . . sufficient to establish guilt." *Irick*, 291 N.C. at 494. Instead, it "is only one circumstance bearing on defendant's guilt and is open to explanation and rebuttal by the defendant." *State v. Ashley*, 54 N.C. App. 386, 389 (1981); *Lampkins*, 283 N.C. at 523 (acknowledging that a defendant "may explain admitted evidence of flight by showing other reasons for his departure or that there, in fact, had been no departure"). Ultimately, "[s]o long as there is some evidence in the record reasonably supporting the theory that defendant fled after commission of the crime charged, the instruction is properly given. The fact that there may be other reasonable explanations for defendant's conduct does not render the [flight] instruction improper." *Irick*, 291 N.C. at 494.

As discussed above, Defendant does not dispute that his post-crash conduct provided sufficient (albeit "relatively thin") evidence to support a flight instruction permitting the jury to infer that evidence of consciousness of guilt. Rather, he argues that the trial court erred by failing to *tailor* the instruction to limit the jury's consideration to post-crash conduct, thereby "allow[ing] the jury to infer

consciousness of guilt from the very conduct constituting the charged offense (the alleged fleeing), creating circular reasoning and effectively easing the State's burden on intent." But the trial court did not give such an instruction. To the contrary, the trial court expressly cautioned the jury that evidence of flight, standing alone, was insufficient to establish guilt and instructed it to consider evidence of flight alongside "all other facts and circumstances . . . in determining whether the combined circumstances amount to an admission or show a consciousness of guilt." Because we presume that jurors "follow the trial court's instructions," we hold that the trial court's cautionary language corrected any potential prejudice. *State v. Taylor*, 362 N.C. 514, 541 (2008) (no prejudicial error where the "trial court's instruction correctly informed the jury that proof of flight was not sufficient by itself to establish guilt and would not be considered as tending to show premeditation and deliberation"); *see State v. Riley*, 154 N.C. App. 692, 697 (2002) (no prejudicial error in felonious speeding-to-elude prosecution where trial court's flight instruction cautioned that flight alone was insufficient to establish guilt). Accordingly, this Court holds that the trial court did not prejudicially err in instructing the jury on flight.

IV. Conclusion

For the reasons stated above, the trial court did not err by declining to instruct the jury on necessity. Accordingly, we hold no error in part. As Defendant waived appellate review of any error that may have resulted from the trial court's flight instruction, we dismiss that portion of his appeal.

DIMISSSED IN PART; NO ERROR IN PART.

Judges COLLINS and STADING concur.