IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA26-439

Filed 18 November 2026

Pitt County, Nos. 22CR054122-730, 22CR054131-730, 22CR054132-730, 23CR000030-730

STATE OF NORTH CAROLINA

v.

JARONTA J. RAYNOR

Appeal by Defendant from judgments entered 31 October 2024 by Judge Wayland J. Sermons Jr. in Pitt County Superior Court. Heard in the Court of Appeals 13 October 2026.

*Attorney General Jeff Jackson, by Special Deputy Attorney General Sarah Cibik Rice, for the State-Appellee.*

*William D. Spence for Defendant-Appellant.*

COLLINS, Judge.

Defendant appeals from judgments entered upon guilty verdicts of one count of statutory rape of a child by an adult, four counts of indecent liberties with a child, and three counts of first-degree statutory sexual offense. Defendant argues that the trial court erred by denying him a bench trial and by admitting certain testimony. Defendant also contends that he received ineffective assistance of counsel based on

his trial counsel's failure to object to certain testimony. Defendant further argues that the cumulative effects of these alleged errors entitles him to a new trial. After careful review, we find no error in part and no prejudicial error in part.

## I. Background

The evidence at trial tended to show the following: Defendant is the biological father of Ann, born in August 2009, and Sue, born in September 2010.[1]

Ann lived in a home with Defendant, her grandmother, her mother, and her brother. Ann testified that, on one occasion, Defendant called her into the back bedroom and instructed her to remove her clothing. Defendant began "touching on [her]" before "putting his private part inside of [her]." Defendant then made her perform oral sex on him and ejaculated into her mouth before directing her to spit it out. Ann also described an incident during which she and Sue were in a hotel room with Defendant, and he made them take turns performing oral sex on him in the bathroom.

Sue did not live with Defendant but visited him every two or three weekends. Sue testified that, during one visit, Defendant called her into a room, unzipped his pants, and made her perform oral sex on him until "little white stuff came out of his penis." She further testified that, on another occasion, Defendant made her and Ann rub across his penis a few times while lying on a bed. Sue also described the incident

[1] We use pseudonyms to protect the identities of the minor children.

at the hotel during which Defendant made her and Ann take turns performing oral sex on him.

Defendant was indicted for one count of statutory rape of a child by an adult, three counts of indecent liberties with a child, and two counts of first-degree statutory sexual offense involving Ann. Defendant was also indicted for one count of first-degree statutory sexual offense and one count of indecent liberties with a child involving Sue.[2] Defendant was found guilty of all charges following a jury trial. The trial court entered judgment for the convictions and sentenced Defendant to four consecutive terms of 300 to 420 months' imprisonment. Defendant appealed.

## II. Discussion

### A. Bench Trial

Defendant first argues that the trial court deprived him of the right to request a bench trial "under the mistaken belief that bench trials were not allowed in North Carolina Superior Courts." (capitalization altered).

Article I, Section 24 of the North Carolina Constitution, as amended in 2014, protects a defendant's right to a jury trial and also provides that a defendant may waive that right in limited circumstances. N.C. Const. art. I, § 24. A defendant's right to a jury trial is codified by N.C. Gen. Stat. § 15A-1201(a), and the waiver of

[2] Defendant was also indicted for three counts of felony child abuse involving Ann and one count of felony child abuse involving Sue, but the State voluntarily dismissed those charges before trial.

that right is codified by N.C. Gen. Stat. § 15A-1201(b). Section 15A-1201(b) provides that, in certain circumstances, a criminal defendant "may, knowingly and voluntarily, in writing or on the record in the court and with the consent of the trial judge, waive the right to trial by jury." N.C. Gen. Stat. § 15A-1201(b) (2025). A defendant may give notice of his intent to waive a jury trial in one of three ways, including by "[g]iving notice of intent to waive a jury trial on the record in open court by the earlier of (i) the time of arraignment or (ii) the calling of the calendar." *Id.* § 15A-1201(c)(3) (2025). Upon such notice, the State shall schedule a hearing before the judge who will preside over the trial to determine whether the judge consents to hear the case without a jury. *Id.* § 15A-1201(d) (2025). "Before consenting to a defendant's waiver," the trial judge must conduct an inquiry of the defendant, in compliance with subsection (d). *Id.*

Here, on the second day of trial and after the jury had been selected, Defendant expressed a desire to represent himself. The trial court then began conducting the required colloquy with Defendant regarding this request. While explaining his desire to represent himself, Defendant stated, "And I also asked my lawyer was it possible for me to have a bench trial and he said it was." The following exchange then occurred:

> THE COURT: No, he didn't. Did you ever tell him that?
>
> [DEFENSE COUNSEL]: Your Honor, we discussed that.
>
> THE COURT: You know that there's no bench trial in Superior Court.

> [DEFENSE COUNSEL]: Your Honor, there is the ability for him to waive it.
>
> THE COURT: There is no bench trial as far as I'm concerned in my courtroom. Some other Judge can hear a bench trial.
>
> [DEFENSE COUNSEL]: And, Your Honor, we did –
>
> THE COURT: But it's never been done in my 44 years of practicing law.
>
> [DEFENSE COUNSEL]: Your Honor, my recollection of that conversation with him, that we discussed it and elected not to proceed in that way.

Defendant's statement does not clearly constitute notice of his intent to waive a jury trial, as he merely indicated that he and his counsel had previously discussed the possibility of a bench trial. Defense counsel likewise informed the trial judge that he and Defendant had "discussed" a bench trial and "elected not to proceed in that way." Even assuming Defendant's statement constituted notice of his intent to waive a jury trial, such notice was untimely. The statute requires a defendant to provide oral notice in open court "by the earlier of (i) the time of arraignment or (ii) the calling of the calendar." *Id.* § 15A-1201(c)(3). Defendant's statement was made on the second day of trial, well beyond the statutory deadline prescribed by N.C. Gen. Stat. § 15A-1201(c)(3). Finally, the statute requires the trial judge to conduct an inquiry of a defendant only "*[b]efore consenting* to a defendant's waiver." *Id.* § 15A-1201(d) (emphasis added). Nothing in the statute requires the trial judge to conduct that inquiry before declining to consent to a defendant's waiver of a jury trial. *See id.* Accordingly, even assuming Defendant properly and timely sought to

waive a jury trial, the trial court was not required to conduct the subsection (d) inquiry before declining to consent to the waiver.

For these reasons, the trial court did not deprive Defendant of the right to request a bench trial.

**B. Expert Testimony**

Defendant next argues that the trial court erred by "allowing Dr. Wright to testify that his physical findings, despite being normal, were consistent with [Ann's] disclosure of 'painful penile vaginal penetration.'" (capitalization altered).

A trial court has broad discretion in determining whether expert testimony is admissible and will be reversed only for an abuse of discretion. *State v. Washington*, 141 N.C. App. 354, 362 (2000). An abuse of discretion results when the trial court's ruling "is manifestly unsupported by reason or is so arbitrary that it could not have been the result of a reasoned decision." *State v. Fincher*, 259 N.C. App. 159, 163 (2018) (quotation marks and citations omitted).

Under Rule 702(a) of the North Carolina Rules of Evidence, a witness qualified as an expert by knowledge, skill, experience, training, or education may testify in the form of an opinion if "scientific, technical or other specialized knowledge will assist the trier of fact to understand the evidence or to determine a fact in issue." N.C. Gen. Stat. § 8C-1, Rule 702(a) (2025). Expert testimony may not directly or indirectly vouch for the credibility of a witness. *See id.* § 8C-1, Rule 608(a) (2025); *State v. Stancil*, 355 N.C. 266, 266-67 (2002).

"In a sexual offense prosecution involving a child victim, the trial court should not admit expert opinion that sexual abuse has *in fact* occurred because, absent physical evidence supporting a diagnosis of sexual abuse, such testimony is an impermissible opinion regarding the victim's credibility." *Stancil*, 355 N.C. at 266-67 (citations omitted). Nevertheless, "an expert witness may testify, upon a proper foundation, as to the profiles of sexually abused children and whether a particular complainant has symptoms or characteristics consistent therewith." *Id.* at 267 (citations omitted). Our Courts have repeatedly held that "a properly qualified expert may testify concerning the symptoms and characteristics of sexually abused children and state the expert's opinion that the symptoms exhibited by the victim were consistent with sexual or physical abuse." *State v. Perdomo*, 276 N.C. App. 136, 142 (2021) (cleaned up); *see also State v. Kennedy*, 320 N.C. 20, 32 (1987).

Here, Dr. Wright testified as follows:

> Q. So did you do a physical examination of [Ann] on July the 6th of 2022?
>
> A. Yes, I did.
>
> Q. And when you did her examination did you find any abnormalities in her examination?
>
> A. Well, the only thing I commented on, it's not specific, unspecific, I said she had a thin posterior hymen, there wasn't as much tissue there as we saw everywhere else. But it's not – you know, there wasn't a distinct defect and it was present all the way around the introitus or the opening to the vagina so it was there, it was just a bit thin.
>
> . . . .
>
> Q. And the findings that you found with [Ann], was that

> not inconsistent with the disclosures that she gave during your interview?
>
> [DEFENSE COUNSEL]: Objection.
>
> THE COURT: Overruled.
>
> A. It was consistent with her disclosure of painful penile vaginal penetration.
>
> Q. So you did not expect to find an abnormal finding?
>
> A. As I said, you know, the probability of us seeing an abnormal finding is in the range of 3 to 5 percent.

Dr. Wright did not testify that Ann had been sexually abused or that Ann was telling the truth. Rather, Dr. Wright testified that Ann's examination findings were consistent with her disclosure and explained both the significance of those findings and why the absence of abnormal findings did not necessarily conflict with her reported history. Although Dr. Wright testified that Ann's findings were consistent with her disclosure of painful penile vaginal penetration, he did not opine that sexual abuse had, in fact, occurred, nor did he otherwise vouch for Ann's credibility. Instead, he provided the jury with specialized knowledge regarding the medical evaluation of suspected child sexual abuse and the interpretation of examination findings. Because the admission of this testimony was not manifestly unsupported by reason or so arbitrary that it could not have been the result of a reasoned decision, the trial court did not err by admitting Dr. Wright's testimony.

**C. Witness Credibility**

Defendant argues that the trial court erred by allowing the State to ask Sue whether she was telling the truth during her testimony. Defendant did not object to

the admission of this testimony at trial, and we therefore review this argument only for plain error.

"For error to constitute plain error, a defendant must demonstrate that a fundamental error occurred at trial." *State v. Lawrence*, 365 N.C. 506, 518 (2012) (citation omitted). "To show that an error was fundamental, a defendant must establish prejudice—that, after examination of the entire record, the error had a probable impact on the jury's finding that the defendant was guilty." *Id.* (quotation marks and citations omitted).

Even assuming arguendo that the challenged testimony was erroneously admitted, Defendant cannot show prejudice in light of the overwhelming evidence of his guilt. Ann testified that, on one occasion, Defendant called her into the back bedroom and instructed her to remove her clothing. She further testified that Defendant "started touching on [her]" before "putting his private part inside of [her]." Defendant then made her put her mouth on his private part and "something went inside [her] mouth and he told [her] to spit it out." Ann also testified that, on another occasion, she and Sue were in a hotel room with Defendant and he made them "put [their] mouth[s] on his private part where he peed."

Sue testified that, during one visit with Defendant, he "made [her] suck his penis" and "little white stuff came out of his penis." Sue also described the incident in the hotel room in which Defendant made her and Ann take turns putting their mouths on his penis. She specifically testified that Defendant "put [Ann] on the side

of him and was touching on her butt as [Sue] sucked his penis and then he took out his phone and recorded it."

In light of this evidence, Defendant cannot establish that the admission of the challenged testimony had a probable impact on the jury's finding that he was guilty.

**D. Ineffective Assistance of Counsel**

Defendant argues that he received ineffective assistance of counsel because his trial counsel failed to object to the State's "improper questions of whether [Sue] was telling the truth." (capitalization altered).

"A defendant's right to counsel includes the right to the effective assistance of counsel." *State v. Braswell*, 312 N.C. 553, 561 (1985) (citation omitted). "To prevail on a claim of ineffective assistance of counsel, a defendant must first show that his counsel's performance was deficient and then that counsel's deficient performance prejudiced his defense." *State v. Jones*, 260 N.C. App. 104, 107 (2018). "Deficient performance may be established by showing that counsel's representation fell below an objective standard of reasonableness." *State v. Allen*, 360 N.C. 297, 316 (2006) (quotation marks and citations omitted). "To establish prejudice, the defendant must show that there is a reasonable probability that, but for counsel's errors, the result of the proceedings would have been different." *State v. Smith*, 292 N.C. App. 662, 667 (2024) (citation omitted).

We review ineffective assistance of counsel claims de novo. *State v. Foreman*, 270 N.C. App. 784, 788 (2020). Under de novo review, we consider the matter anew

and freely substitute our own judgment for that of the lower court. *State v. Williams*, 362 N.C. 628, 632-33 (2008).

Even assuming arguendo that trial counsel's performance was deficient, Defendant cannot establish prejudice. As explained above, the State presented overwhelming evidence of Defendant's guilt through the testimony of Ann and Sue regarding the charged offenses. Given this evidence, Defendant has failed to demonstrate a reasonable probability that the outcome of the trial would have been different had counsel objected to the challenged testimony. Accordingly, Defendant cannot prevail on his ineffective assistance of counsel claim.

**E. Cumulative Errors**

Defendant finally argues that "the cumulative effect of the trial court's errors requires a new trial." (capitalization altered).

"Cumulative errors lead to reversal when taken as a whole they deprived the defendant of his due process right to a fair trial free from prejudicial error." *State v. Wilkerson*, 363 N.C. 382, 426 (2009) (cleaned up). A new trial is required when "none of the trial court's errors, when considered in isolation, were necessarily sufficiently prejudicial to require a new trial, [but] the cumulative effect of the errors created sufficient prejudice to deny defendant a fair trial." *State v. Canady*, 355 N.C. 242, 246 (2002).

Here, Defendant has failed to show that the alleged errors deprived him of a fair trial. As discussed above, the State presented overwhelming evidence of

Defendant's guilt, and Defendant has not demonstrated that the alleged errors, considered collectively, resulted in sufficient prejudice to warrant a new trial. Accordingly, Defendant is not entitled to a new trial based on cumulative errors.

## III. Conclusion

The trial court did not err by denying Defendant's request for a bench trial or by admitting the challenged expert testimony. Defendant has failed to show plain error arising from the admission of the challenged witness testimony and to establish the prejudice necessary to prevail on his ineffective assistance of counsel claim. Because Defendant has failed to establish any prejudicial error, his cumulative error argument likewise fails. Accordingly, we find no error in part and no prejudicial error in part.

NO ERROR IN PART; NO PREJUDICIAL ERROR IN PART.

Chief Judge DILLON and Judge FREEMAN concurs.