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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA26-228

Filed 18 November 2026

Onslow County, No. 24CR225994-660

STATE OF NORTH CAROLINA

v.

CHRISTOPHER MARK CLEMENTS, Defendant.

Appeal by defendant from judgment entered 10 February 2025 by Judge Henry L. Stevens IV in Onslow County Superior Court. Heard in the Court of Appeals 14 October 2026.

Attorney General Jeff Jackson, by Assistant Attorney General Yvonne B. Walker, for the State.

Emehel Law PLLC, by Johneric C. Emehel, for defendant-appellant.

FLOOD, Judge.

Defendant Christopher Mark Clements appeals his conviction for assault by strangulation. On appeal, Defendant argues, first, the trial court erroneously admitted video evidence of the alleged strangulation insufficient to satisfy Rule 901 of our Rules of Evidence; second, the trial court erroneously admitted evidence of a prior violent incident toward the alleged victim in violation of Rule 404(b) of our Rules

of Evidence, and the same should have been excluded under Rule 403; and third, the alleged errors, taken together, require a new trial on the basis of cumulative error. As the trial court properly authenticated the video evidence Defendant challenges under Rule 901, it did not err in admitting that evidence. Moreover, Defendant has preserved neither his Rule 404(b) argument nor his Rule 403 argument, and he has not requested our review for plain error; thus, we dismiss his appeal in those respects. Finally, as Defendant has not shown prejudicial error in the admission of any of the challenged evidence, his cumulative error argument likewise fails.

I. Factual and Procedural Background

This case arises from a domestic incident on 2 February 2024 involving Defendant and his then-romantic-partner, Rebekah Barrow. Defendant was indicted on 2 July 2024, and his trial started on 4 February 2025.

The evidence at trial tended to show that Defendant, Barrow, and another man named Ryan McNeil were living in Richlands, North Carolina. By Barrow's account, she and Defendant would argue frequently about her lack of employment at the time, and Defendant would belittle her. She testified that, on one occasion in July of 2023, "there was an instance [when she and Defendant were] arguing to where it became physical and [she] had gotten thrown [] against the wall and thrown around[,]" but she did not report the incident to anyone. Defendant did not object to the testimony regarding the 2023 incident.

Barrow further testified that, on the date of the incident giving rise to the

proceedings against Defendant, Defendant was playing a video game in the same room as Barrow when Defendant began arguing with her about household finances and her lack of employment. McNeil attempted to deescalate the situation, and he and Defendant left the room for thirty to sixty minutes; however, when Defendant returned to the room, he was intoxicated and began teasing Barrow. Barrow attempted to make Defendant stop, both verbally and by "mush[ing] him off of [her,]" and she tried to walk away; however, Defendant followed her, put his arms around her, and "proceed[ed] to choke [her] in the kitchen." McNeil then removed Defendant from Barrow, directed Barrow outside to his truck, and attempted to leave the home with her. Defendant responded to their withdrawal by throwing a car battery charger through the truck's passenger-side window. Barrow then exited the vehicle, at which point Defendant chased her down and began choking her again. McNeil once again removed Defendant from Barrow, and Barrow ran to a neighbor's house, where she was allowed in for shelter.

In addition to Barrow's testimony, the State's evidence consisted, in relevant part, of photographs of McNeil's truck with a broken window and the car battery charger that Defendant had thrown to shatter it, a brief cell phone video of the second instance of Defendant choking Barrow taken by Defendant's neighbor, Ring camera footage from the same neighbor depicting Defendant chasing Barrow down the street and hurling profanities, testimony from the neighbor responsible for the recordings recounting that he had witnessed Defendant choking Barrow as he took the cell phone

video, and law enforcement testimony indicating that Barrow was distraught and had red marks on her neck when the police arrived. At the time the Ring camera footage was admitted, only Barrow had testified, and, after she indicated that she had reviewed the videos and that they were fair and accurate depictions of her flight from Defendant outside the home, Defendant objected. The trial court overruled the objection and played the Ring camera footage for the jury.

Ultimately, the jury found Defendant guilty of assault inflicting injury by strangulation, and he timely appealed.

II. Jurisdiction

This Court has jurisdiction to hear Defendant's appeal from a final judgment of a superior court pursuant to N.C.G.S. § 7A-27(b)(1) (2025).

III. Analysis

On appeal, Defendant argues (A) the trial court erroneously admitted video evidence of the alleged strangulation insufficient to satisfy Rule 901 of our Rules of Evidence; (B) the trial court erroneously admitted evidence of a prior violent incident toward the alleged victim in violation of Rule 404(b) of our Rules of Evidence and that the same should have been excluded under Rule 403; and (C) the alleged errors, taken together, require a new trial on the basis of cumulative error. We address each in turn.

A. Rule 901

First, Defendant argues the trial court erred in admitting, over his objection,

the Ring camera evidence he contends was improperly authenticated. "[T]he appropriate standard of review for authentication of evidence is de novo." *State v. Clemons*, 274 N.C. App. 401, 409 (2020).

Under Rule 901 of our Rules of Evidence, "[t]he requirement of authentication or identification as a condition precedent to admissibility is satisfied by evidence sufficient to support a finding that the matter in question is what its proponent claims." N.C.G.S. § 8C-1, Rule 901(a) (2025). Rule 901(b) of our Rules of Evidence provides, in relevant part, for authentication of evidence by the following means:

> By way of illustration only, and not by way of limitation, the following are examples of authentication or identification conforming with the requirements of this rule:
>
> (1) Testimony of Witness with Knowledge.--Testimony that a matter is what it is claimed to be.
>
> . . . .
>
> (9) Process or System.--Evidence describing a process or system used to produce a result and showing that the process or system produces an accurate result.

N.C.G.S. 8C-1, Rule 901(b)(1), (9) (2025). With respect to the authentication of video evidence, we have said that

> [t]he prerequisite that the offeror lay a proper foundation for [a] videotape can be met by: (1) testimony that the motion picture or videotape fairly and accurately illustrates the events filmed, (illustrative purposes); (2) proper testimony concerning the checking and operation of the video camera and the chain of evidence concerning the videotape; (3) testimony that the photographs introduced

> at trial were the same as those [the witness] had inspected immediately after processing (substantive purposes); or (4) testimony that the videotape had not been edited, and that the picture fairly and accurately recorded the actual appearance of the area photographed.

State v. Mason, 144 N.C. App. 20, 25 (2001) (citation and internal quotation marks omitted).

Defendant contends that, in this case, the State was required—and failed—to authenticate the Ring camera evidence under Rule 901(b)(9), which permits authentication by "[e]vidence describing a process or system used to produce a result and showing that the process or system produces an accurate result." N.C.G.S. § 8C-1, Rule 901(b)(9) (2025). For this proposition, Defendant cites the following excerpt from our Supreme Court's opinion in *State v. Snead*:

> Rule 901(a) requires that evidence be authenticated by showing that the matter in question is what its proponent claims. Rule 901(b) lists ten examples of authentication that meet the requirements of subsection (a). Recordings such as a tape from an automatic surveillance camera can be authenticated as the accurate product of an automated process under Rule 901(b)(9). Evidence that the recording process is reliable and that the video introduced at trial is the same video that was produced by the recording process is sufficient to authenticate the video and lay a proper foundation for its admission as substantive evidence.

State v. Snead, 368 N.C. 811, 814 (2016) (citations and internal quotation marks omitted). According to Defendant, this passage from *Snead* sets out the exclusive standard by which video evidence may be authenticated. Specifically, he argues the *Snead* standard operates to the exclusion of authentication under Rule 901(b)(1),

which permits authentication by testimony from a witness with knowledge that the evidence in question "is what it is claimed to be." N.C.G.S. § 8C-1, Rule 901(b)(1) (2025).

We think this is a misreading of *Snead*. First, and most saliently, *Snead*, by its own terms, spoke to a *sufficient* means of authenticating evidence, not a necessary one. *Snead*, 368 N.C. at 814 ("Evidence that the recording process is reliable and that the video introduced at trial is the same video that was produced by the recording process is *sufficient* to authenticate the video and lay a proper foundation for its admission as substantive evidence." (emphasis added)). *Snead*, therefore, purported to neither invalidate other recognized means of authenticating video evidence nor create an indispensable requirement for authentication.

Second, *Snead* contained a recognition that authentication by a witness with knowledge was not at issue pursuant to Rule 901(b)(1), either at trial or on appeal. *Id*. at 812–13 ("[D]efense counsel argued that[,] because [the authenticating witness] was not at Belk on the date of the theft, he could not properly testify that the video captured fairly and accurately what occurred on that date." (internal quotation marks omitted)). Many of our cases have contained similar acknowledgements. *See State v. Mason*, 144 N.C. App. 20, 27 (2001) (remarking as to the absence of "testimony from any witness that the tapes made on days immediately preceding and following the robbery had been examined"); *State v. Sibley*, 140 N.C. App. 584, 586 (2000) ("The State did not call any witnesses to testify that the camera was operating properly *or*

that the information depicted on the videotape was an accurate representation of the events at the time of filming." (emphasis added)). The clear implication of these remarks in our appellate courts' analyses is that testimony by a witness with knowledge remains a viable avenue for the authentication of video evidence.

Here, the trial court properly authenticated the Ring camera evidence through Barrow's testimony that the video fairly depicted what happened on 2 February 2024. The trial court, therefore, did not err under Rule 901.

B. Rule 404(b)

Defendant next argues the trial court erred under Rule 404(b) and Rule 403 by allowing Barrow to testify as to Defendant's episode of physical violence toward her in 2023. He also argues the trial court offered an inadequate instruction limiting the jury's consideration of that prior act during the jury charge. According to Defendant, all of these arguments were preserved on the basis that he made a single objection to the contents of the limiting instruction during the charge conference. In attempting to represent this single, nonspecific objection as adequate to preserve all three of these arguments on appeal, he has relinquished even the limited review to which he might have otherwise been entitled.

Under our Rules of Appellate Procedure, "[i]n 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) (2025). Failure to observe the requisite timeliness and specificity requirements will result in the dismissal of inadequately preserved issues on appeal; moreover, our Supreme Court has cautioned that an objection or motion "is not sufficient to preserve for appeal the question of admissibility of evidence if the defendant does not object to that evidence *at the time it is offered at trial*." *State v. Grooms*, 353 N.C. 50, 76 (2000) (emphasis added) (citation omitted). And, while a defendant may allege on appeal that the admission of evidence of his prior bad acts was erroneous under a plain error standard, he is entitled to such review only if he "specifically and distinctly" alleges that the admission amounted to plain error. *State v. Dennison*, 359 N.C. 312, 312–13 (2005).

Here, Defendant did not timely object to the evidence of the 2023 incident. Although he objected during the charge conference, his objection to the proposed jury instruction did not communicate—explicitly or contextually—that the basis for the objection was the failure to correct a purported impropriety in the fact that the prior bad act testimony was admitted. Indeed, it is unclear that Defendant's instructional argument on appeal actually embraces a defect in the instruction, as he challenges it exclusively on bases that relate back to the initial admission of the evidence. *Cf. State v. Norris*, 287 N.C. App. 302, 313 (2022) ("[The d]efendant did not seek our review for plain error, and we will not entertain an improperly appealed instructional error argument simply because it arrived within the Trojan horse of a fatal variance heading in [the d]efendant's brief."). Moreover, Defendant has not acknowledged his

failure to preserve these issues for appeal, let alone "specifically and distinctly" sought our review for plain error. *Dennison*, 359 N.C. at 312–13.

Consequently, none of the issues Defendant raises pertaining to prior bad act evidence are properly before us, and we dismiss his appeal with respect to those issues.

C. Cumulative Error

Finally, Defendant contends that the cumulative effect of the alleged errors requires reversal. "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) (quoting *State v. Canaday*, 355 N.C. 242, 254 (2002)). "[C]umulative error requires there be multiple significant errors before an appellate court can conclude that a defendant has met the high bar of demonstrating that he has been wholly deprived of his due process right to a fair trial free from prejudicial error." *State v. Gillard*, 386 N.C. 797, 852 (2024) (citations and internal quotation marks omitted).

Here, for the reasons explained above, Defendant has not identified any instance of prejudicial error at his trial. Furthermore, even assuming, *arguendo*, the trial court had erred in the respects he identified, the alleged errors—the failure to adequately authenticate a video with contents corroborated robustly across the remainder of the State's evidence and the admission of a brief reference to an episode of domestic violence in 2023 to which Defendant did not object—would not constitute

"multiple significant errors" such that reversal on cumulative error grounds would be appropriate. *Id*. As such, Defendant's argument lacks merit.

IV. Conclusion

Defendant has not shown error in the admission of the Ring camera videos he contests under Rule 901, and he has failed to preserve his challenge to the admission of prior bad act testimony altogether. As a result, Defendant also has not established that reversal is required on the basis of cumulative error.

NO ERROR IN PART; DISMISSED IN PART.

Judges STROUD and GRIFFIN concur.

Report per Rule 30(e).