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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA26-75

Filed 18 November 2026

Rowan County, Nos., 23CR445614-790, 23CR445620-790, 23CR445627-790, 23CR445635-790, 23CR445642-790, 23CR448221-790

STATE OF NORTH CAROLINA

v.

MADYSON CLONTZ, Defendant.

Appeal by Defendant from judgments entered 22 May 2025 by Judge Michael S. Adkins in Rowan County Superior Court. Heard in the Court of Appeals 15 September 2026.

Attorney General Jeff Jackson, by Assistant Attorney General Victor A. Unnone III, for the State.

Matthew J. Barton for Defendant-Appellant.

CARPENTER, Judge.

Madyson Clontz ("Defendant") appeals from judgments entered after a jury convicted her of one count of felony kill an animal by starvation, six counts of felony cruelty to animals, and thirty-six counts of misdemeanor cruelty to animals. On appeal, Defendant argues: (1) the indictments and verdict sheets were constitutionally deficient; and (2) the trial court erred by denying Defendant's motion

to dismiss ("the Motion") at the close of all the evidence. After careful review, we discern no error.

I. Factual & Procedural Background

In June 2024, Defendant was indicted on forty-five counts of felony cruelty to animals, and one count of felony kill an animal by starvation. The indictments each contained: (1) Defendant's name; (2) Defendant's address; (3) the county; (4) statutory names for each offense; (5) statutory citations for each offense; (6) the date of each offense; (7) an indication of what type of animal was tortured by starvation and inadequate living conditions, for each count; and (8) a numerical designation to differentiate the animals, for each count. The case proceeded to trial in May 2025, and the evidence tended to show the following:

In October 2023, a Rowan County animal control officer began investigating Defendant for animal cruelty after a rescue group found Defendant's dog. The dog was microchipped, and the registered address belonged to Defendant. The dog was also emaciated and malnourished. The officer, along with the Sheriff's Department, went to Defendant's house and found a multitude of bedraggled animals living in poor conditions, lacking food and water, and residing amongst deceased animals. Later, a lieutenant from the Sheriff's Department executed a search warrant of Defendant's home while wearing a bodycam. The search revealed forty-five animals, including dogs, cats, snakes, chickens, guinea pigs, goats, pigs, lizards, turtles, fish, roosters, and ducks. The lieutenant found decomposed snake; a decomposed goat; and a

decomposing Great Dane. A necroscopy revealed the Great Dane died of starvation.

At the close of the State's evidence, Defendant moved to dismiss, alleging that the State failed to present evidence of felony cruelty to animals and that she could not adequately prepare a defense because the indictments did not name and describe each animal in detail. The trial court denied Defendant's motion to dismiss. Defendant testified that some of the animals belonged to her and some belonged to her ex, Mr. Smith. Defendant further testified that she no longer lived at the residence with the animals. Nevertheless, Defendant acknowledged that she was responsible for caring for and maintaining the health of the animals that belonged to her. Mr. Smith testified that Defendant was correct about the animals she owned, and that he agreed to help care for the animals.

At the close of evidence, Defendant again moved to dismiss, arguing there was not substantial evidence that the animals were deprived of sustenance and that the multitude of animals in the indictments made it too difficult for her attorney to prepare a defense. The trial court denied the Motion, recognizing the State presented evidence that the animals were "in bad shape," which included the bodycam footage of the animals. The trial court further emphasized its standard in evaluating the Motion was whether the State presented "substantial evidence necessary to persuade a reasonable jury."

The trial court decided the verdict sheets would be delineated to match the indictments, and Defendant did not object. The jury ultimately found Defendant

guilty of one count of felony kill an animal by starvation, six counts of felony cruelty to animals, and thirty-six counts of misdemeanor cruelty to animals. After the jury returned its verdicts, the trial court sentenced Defendant, and Defendant timely appealed.

II. Jurisdiction

This Court has jurisdiction under N.C. Gen. Stat. §§ 7A-27(b)(1) and 15A-1444(a) (2025).

III. Issues

The issues are whether: (1) the indictments and verdict sheets were constitutionally deficient; and (2) the trial court erred by denying the Motion.

IV. Analysis

A. Indictments & Verdict Sheets

Defendant first argues the indictments were constitutionally defective because they lacked specific descriptions of the animals. She similarly argues the verdict sheets—because they corresponded with the indictments—were constitutionally defective. We disagree.

1. Indictments

This Court reviews the sufficiency of indictments de novo. *See State v. Williams*, 242 N.C. App. 361, 369, 774 S.E.2d 880, 886 (2015). Under a de novo review, this Court " 'considers the matter anew and freely substitutes its own judgment' for that of the lower tribunal." *State v. Williams*, 362 N.C. 628, 632–33,

669 S.E.2d 290, 294 (2008) (quoting *In re Greens of Pine Glen Ltd. P'ship*, 356 N.C. 642, 647, 576 S.E.2d 316, 319 (2003)).

"The purpose of an indictment is to give a defendant notice of the crime for which he is being charged . . . to enable him to prepare his defense against the charges." *State v. Garrett*, 277 N.C. App. 493, 496, 860 S.E.2d 282, 285 (2021) (cleaned up). Errors in indictments may raise jurisdictional or non-jurisdictional concerns. *See State v. Singleton*, 386 N.C. 183, 184–85, 900 S.E.2d 802, 805 (2024). Jurisdictional concerns arise "only when [an indictment] wholly fails to charge a crime against the laws or people of this State." *Id.* at 184–85, 900 S.E.2d at 805. On the other hand, indictments "that contain non-jurisdictional deficiencies will not be quashed or cast aside by reason of any informality when they express the crime charged in a plain, intelligible, and explicit manner such that the defendant has notice sufficient to prepare a defense and to protect against double jeopardy." *Id.* at 185, 900 S.E.2d at 805 (cleaned up). Thus, "[t]o obtain relief on the basis of a non-jurisdictional defect, a defendant must 'show that the indictment contained a statutory or constitutional defect and that such error was prejudicial.' " *State v. Simpson*, 295 N.C. App. 425, 429, 906 S.E.2d 72, 77 (2024) (quoting *State v. Stewart*, 386 N.C. 237, 240, 900 S.E.2d 652, 655 (2024)).

A constitutional defect exists where an indictment fails to provide " 'notice sufficient to prepare a defense and to protect against double jeopardy.' " *Singleton*, 386 N.C. at 210, 900 S.E.2d at 821 (quoting *State v. Lancaster*, 385 N.C. 459, 462, 895

S.E.2d 337, 340 (2023)). Even where an indictment is constitutionally defective, it does "not implicate modern jurisdictional concerns," so a defendant "must demonstrate not only that such an error occurred, but also that such error was prejudicial." *Id.* at 210, 900 S.E.2d at 821 (citations omitted). Our general statutes provide the appropriate test for constitutional indictment errors: "[a] violation of the defendant's rights under the Constitution of the United States is prejudicial unless the appellate court finds that it was harmless beyond a reasonable doubt. The burden is upon the State to demonstrate, beyond a reasonable doubt, that the error was harmless." N.C. Gen. Stat. § 15A-1443(b) (2025).

Here, Defendant concedes the indictments contained no jurisdictional defects. So too the indictments contained no constitutional defects. *See Singleton*, 386 N.C. at 210, 900 S.E.2d at 821. The indictments each contained: (1) Defendant's name; (2) Defendant's address; (3) the county of the offenses; (4) statutory names for each offense; (5) statutory citations of each offense; (6) the date of each offense; (7) an indication of what type of animal was tortured by starvation and inadequate living conditions, for each count; and (8) a numerical designation to differentiate between the various animals, for each count. Thus, the indictments contained sufficient information such that Defendant was provided with " 'notice sufficient to prepare a defense and protect[ion] against double jeopardy.' " *See id.*, 386 N.C. at 210, 900 S.E.2d at 821.

Furthermore, Defendant's assertion that the indictments must contain specific

descriptions of each animal is unavailing. Defendant cites to a string of mid-century larceny cases, *see State v. Nugent*, 243 N.C. 100, 89 S.E.2d 781 (1955); *State v. Ingram*, 271 N.C. 538, 157 S.E.2d 119 (1967); *State v. Smith*, 267 N.C. 755, 148 S.E.2d 844 (1966), largely ignoring *Singleton*, *see Singleton*, 386 N.C. at 185, 900 S.E.2d at 805. Moreover, in *State v. Boomer*, this Court held that "[a] specific description of the animal, such as its color, age, weight, sex, markings or brand, is not necessary." 33 N.C. App. 324, 330. 235 S.E.2d 284, 288 (1977); *see also State v. Lawson*, 285 N.C. App. 404, 410, 878 S.E.2d 1, 6 (2022) ("[I]t has long been held that it is acceptable to identify subject animals by general description in indictments.")

Because the indictments gave Defendant notice, thereby allowing her to prepare a defense and protect herself from double jeopardy, the indictments were free from constitutional defects, and will not be quashed or cast aside. *See Singleton*, 386 N.C. at 185, 900 S.E.2d at 805.

2. Verdict Sheets

The general rule is that a " 'failure to raise a constitutional issue at trial generally waives that issue for appeal.' " *State v. May*, 368 N.C. 112, 118, 772 S.E.2d 458, 462 (2015) (quotation omitted); *see also State v. Cummings*, 352 N.C. 600, 613, 536 S.E.2d 36, 47 (2000) (quoting *State v. Greene*, 351 N.C. 562, 566, 528 S.E.2d 575, 578 (2000) ("[W]e have previously decided that plain error analysis applies only to instructions to the jury and evidentiary matters.")). Because Defendant did not object to the verdict sheets, this argument is waived. *See May*, 368 N.C. at 118, 772 S.E.2d

at 462.

B. Motion to Dismiss

Defendant next argues the trial court erred by denying the Motion because the indictments were constitutionally defective. She further asserts the trial court applied the wrong standard in evaluating the Motion. We disagree.

This Court reviews the trial court's denial of a motion to dismiss de novo, *see State v. Miles*, 222 N.C. App. 593, 599, 730 S.E.2d 816, 822 (2012), meaning we "consider the matter anew and freely substitute own judgment for that of the lower tribunal," *see Williams*, 362 N.C. at 632–33, 669 S.E.2d at 294 (cleaned up).

In reviewing a motion to dismiss, "the question for the Court is whether there is substantial evidence (1) of each essential element of the offense charged, or of a lesser offense included therein, and (2) of defendant's being the perpetrator of such offense." *State v. Powell*, 299 N.C. 95, 98, 261 S.E.2d 114, 117 (1980). "Substantial evidence is such relevant evidence as a reasonable mind might accept as adequate to support a conclusion." *State v. Smith*, 300 N.C. 71, 78–79, 265 S.E.2d 164, 169 (1980). Courts view the evidence "in the light most favorable to the State, giving the State every reasonable inference therefrom, and resolving any contradictions or discrepancies in the State's favor." *Miles*, 222 N.C. App. at 599, 730 S.E.2d at 822.

It is the jury's role to resolve any contradictions in the evidence and "decide whether the facts, taken singly or in combination, satisfy them beyond a reasonable doubt that the defendant is actually guilty." *State v. Taylor*, 337 N.C. 597, 604, 447

S.E.2d 360, 365 (1994) (cleaned up). Therefore, "[a]s long as the evidence presented ultimately supports a reasonable inference of the defendant's guilt, the trial court should deny the motion to dismiss, regardless of whether the evidence also permits a reasonable inference of the defendant's innocence." *State v. Ford*, 388 N.C. 713, 720, 923 S.E.2d 549, 554 (2025) (citation omitted).

Sections 14-360(b)–(c) provide the relevant framework for felony animal cruelty:

> (b) If any person shall maliciously torture, mutilate, maim, cruelly beat, disfigure, poison, or kill, or cause or procure to be tortured, mutilated, maimed, cruelly beaten, disfigured, poisoned, or killed, any animal, every such offender shall for every such offense be guilty of a Class H felony . . . .
>
> (c) As used in this section, the words "torture", "torment", and "cruelly" include or refer to any act, omission, or neglect causing or permitting unjustifiable pain, suffering, or death. As used in this section, the word "intentionally" refers to an act committed knowingly and without justifiable excuse, while the word "maliciously" means an act committed intentionally and with malice or bad motive . . . .

N.C. Gen. Stat. § 14-360(b)–(c) (2025).

As set forth above, Defendant's arguments regarding the indictments are unavailing. So too is Defendant's contention that the trial court applied the incorrect standard in evaluating the Motion. On the contrary, the trial court applied the proper standard when reviewing the Motion:

> I think they put on enough evidence to get to the jury.

> Whether or not it is enough evidence in each case to convince a reasonable jury beyond a reasonable doubt of guilt remains to be seen, but that's not the standard I have to apply at this time, that is, *my standard is substantial evidence necessary to persuade a reasonable jury*.

(emphasis added). Thus, the trial court applied the proper standard for evaluating a motion to dismiss. *See Powell*, 299 N.C. at 98, 261 S.E.2d at 117.

Furthermore, the State presented substantial evidence that Defendant maliciously tortured the animals by permitting unjustifiable pain, suffering, or death. *See* N.C. Gen. Stat. § 14-360(b)–(c). The State's witnesses detailed their encounters with the bedraggled and malnourished animals. Moreover, the bodycam footage of the search depicted the animals and their deplorable living conditions. Because the State presented substantial evidence to support a reasonable inference of Defendant's guilt, the trial court properly denied the Motion. *See Ford*, 388 N.C. at 720, 923 S.E.2d at 554.

V. Conclusion

We hold the indictments provided Defendant with adequate notice to prepare a defense and protect herself from double jeopardy. We further hold the trial court did not err by denying the Motion because the State presented substantial evidence to support a reasonable inference of Defendant's guilt.

NO ERROR.

Judges STROUD and GORE concur.

Report per Rule 30(e).