

COURT OF APPEALS OF NORTH CAROLINA

State v. Cruz

No. COA25-456 · No. COA25-456 · Decided December 3, 2025

SUMMARY

The North Carolina Court of Appeals affirmed Rogelio Rojas Cruz’s convictions for statutory sexual offense with a child by an adult and indecent liberties with a child. The court held that the State presented sufficient evidence of penetration to withstand Cruz’s motion to dismiss, including the child’s statements, corroborating testimony, medical findings, and DNA evidence.

CASE DETAILS

COURT	Court of Appeals of North Carolina
WRITING FOR THE COURT	Allegra Collins; Arrowood; Hampson
JURISDICTION	North Carolina Court of Appeals
DECIDED	December 3, 2025
DOCKET	COA25-456
DISPOSITION	other
PROCEDURAL POSTURE	Defendant appealed from a judgment entered after a jury convicted him of statutory sex offense with a child by an adult and indecent liberties with a child. He challenged the denial of his motion to dismiss the statutory-sex-offense charge for insufficient evidence of penetration.
STANDARD OF REVIEW	The denial of a motion to dismiss for insufficient evidence is reviewed de novo. The court views the evidence in the light most favorable to the State, gives the State the benefit of every reasonable inference, disregards defendant's evidence unless favorable to the State, and asks whether substantial evidence supports each essential element and defendant's identity as the perpetrator.
PRECEDENTIAL VALUE	Published North Carolina Court of Appeals opinion
PARTIES	Rogelio Rojas Cruz v. State of North Carolina

TOPICS

- criminal procedure
- evidence
- standard of review
- appellate procedure

PRACTICE AREAS

Criminal law

Criminal procedure

Evidence

Appellate practice

QUESTIONS PRESENTED

1. Whether the State presented substantial evidence of penetration, an essential element of statutory sex offense with a child by an adult under N.C. Gen. Stat. §§ 14-27.28(a) and 14-27.20(4), sufficient to withstand Defendant's motion to dismiss.

HOLDINGS

1. The State presented substantial evidence of penetration and of Defendant's identity as the perpetrator. The victim's testimony that Defendant inserted his fingers into her vagina, corroborating testimony, evidence of genital injury, and DNA evidence were sufficient for jury consideration; therefore, the trial court properly denied Defendant's motion to dismiss.

KEY QUOTATIONS

“The question for a court on a motion to dismiss for insufficient evidence 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.” (9)

“We therefore conclude that the State’s evidence supporting the element of penetration “is sufficient for jury consideration” on whether Defendant committed the offense of statutory sex offense with a child by an adult.” (12)

FACTUAL BACKGROUND

Four-year-old Sarah reported that Defendant, her cousins' grandfather, touched her vaginal area and inserted his fingers, causing pain and bleeding. A pediatric forensic nurse observed redness on Sarah's hymen and a laceration extending into the vagina, and testified that the injuries were consistent with blunt-force trauma. A DNA analyst testified that a partial male YSTR profile from the inside front panel and waistband of Sarah's underwear was consistent with Defendant's DNA profile. Defendant denied touching Sarah and testified that he had been drinking and asleep at the time.

PROCEDURAL HISTORY

Defendant was indicted in Mecklenburg County Superior Court on 24 May 2021. Following a jury trial beginning 5 February 2024, the jury returned guilty verdicts on 19 February 2024. The trial court entered judgment on 26 February 2024, consolidated the convictions, sentenced Defendant to 300 to 420 months of imprisonment, and ordered him to register as a sex offender for thirty years. The Court of Appeals reviewed the denial of Defendant's renewed motion to dismiss and found no error.

DISPOSITION

other

CASES CITED

- State v. Crockett, 368 N.C. 717, 720 (2016)
- State v. Williams, 362 N.C. 628, 632-33 (2008)
- State v. Tucker, 380 N.C. 234, 236-37 (2022)
- State v. Burns, 278 N.C. App. 718, 721 (2021)
- State v. Barnes, 334 N.C. 67, 75-76 (1993)
- State v. Stone, 323 N.C. 447, 452 (1988)
- State v. Fritsch, 351 N.C. 373, 379 (2000)
- State v. Lucas, 302 N.C. 342, 346 (1981)
- In re J.D., 376 N.C. 148, 157 (2020)
- State v. Corbett, 264 N.C. App. 93, 99 (2019)