

NORTH CAROLINA COURT OF APPEALS

State v. Hunt

Hunt · No. COA23-890-2 · Decided March 4, 2026

SUMMARY

The North Carolina Court of Appeals considers Grant Lee Hunt’s appeal after a Supreme Court remand in light of State v. Reber. The court rejects challenges concerning lay-opinion testimony, closing argument, jury instructions, and ineffective assistance of counsel, but holds that the habitual-felon indictment was defective and that the restitution award lacked sufficient evidentiary support. The court vacates the habitual-felon judgment and the restitution award and remands for resentencing and a new restitution hearing.

CASE DETAILS

COURT	North Carolina Court of Appeals
WRITING FOR THE COURT	Judge Tom Murry; Judge Tyson; Judge Stading
JURISDICTION	North Carolina Court of Appeals
DECIDED	March 4, 2026
DOCKET	COA23-890-2
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Defendant appealed from judgments entered after a jury convicted him of assault with a deadly weapon inflicting serious injury and injury to personal property. The North Carolina Supreme Court vacated and remanded the Court of Appeals' prior decision for reconsideration in light of State v. Reber.
STANDARD OF REVIEW	Unpreserved evidentiary and jury-instruction issues were reviewed for plain error. The failure to intervene ex mero motu during closing argument was reviewed for gross impropriety and abuse of discretion. Ineffective-assistance claims were reviewed de novo. The validity of the habitual-felon indictment was reviewed as a legal issue. The sufficiency of the evidence supporting restitution was reviewed de novo.
PRECEDENTIAL VALUE	Published and precedential
PARTIES	Grant Lee Hunt v. State of North Carolina

TOPICS

criminal procedure

ineffective assistance

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the trial court plainly erred by admitting a state trooper's lay opinion that the collision was intentional.
2. Whether defense counsel's failure to object to the trooper's testimony constituted ineffective assistance of counsel.
3. Whether the trial court was required to intervene ex mero motu during the State's closing argument concerning Hunt allegedly backing over the victim's legs.
4. Whether the trial court's deviation from the agreed jury instruction on weighing evidence constituted reversible or plain error.
5. Whether the habitual-felon indictment was fatally defective because the alleged predicate felonies were overlapping rather than sequential and non-overlapping.
6. Whether Hunt's ineffective-assistance claim based on counsel's failure to challenge the habitual-felon status required decision.
7. Whether the sentencing judgment could incorporate the defective habitual-felon indictment and enhancement.
8. Whether the \$592,000 restitution award was supported by competent, specific, and reliable evidence.

HOLDINGS

1. The trial court did not plainly err by admitting the trooper's opinion that the collision was intentional because the opinion was based on his personal, rational observations of the scene and did not satisfy the plain-error standard in any event.
2. Hunt did not establish ineffective assistance of counsel based on counsel's failure to object to Trooper Covington's testimony.
3. The trial court did not abuse its discretion by declining to intervene ex mero motu during the State's closing argument.
4. The trial court's deviation from the agreed pattern instruction did not constitute reversible plain error because, viewed in context, it did not probably affect the verdict or mislead the jury.
5. The habitual-felon indictment was fatally defective because it alleged predicate felonies that overlapped rather than occurred sequentially and after conviction of the preceding felony. The habitual-felon judgment and enhancement therefore had to be vacated, and the case remanded for resentencing without the habitual-felon enhancement.

6. The \$592,000 restitution award was unsupported by competent, specific, and reliable evidence and had to be vacated for a new restitution hearing.

KEY QUOTATIONS

“First, he must establish the trial court’s ‘fundamental error.’” (at 7)

“Second, he must demonstrate ‘that the error had a ‘probable impact’ on the outcome, meaning that ‘absent the error, the jury probably would have returned a different verdict.’ ” (at 7)

“Because the indictment itself shows the predicate felonies overlapped, it fails to allege the essential element of sequential, non-overlapping convictions required by N.C.G.S. § 14-7.1.” (at 16-17)

“Because the only evidence was either estimated or misstated, and uncorroborated, it falls short of the ‘specificity’ necessary to support a restitution order.” (at 18-19)

FACTUAL BACKGROUND

On 25 January 2019, Hunt's Ford F-250 truck left the roadway and struck Timothy Todd while Todd was riding an ATV in his driveway, causing multiple injuries and leaving Todd unconscious for six weeks. A witness testified that Hunt's truck accelerated, crossed the double yellow lines, and struck the ATV; photographs showed tire marks, the truck's angle toward the ATV, an absence of brake marks, and vehicle damage. A state trooper opined that the collision was intentional. Todd testified to approximately \$525,000 in medical bills and \$42,000 in air-flight bills, but no bills or other corroborating records were introduced.

PROCEDURAL HISTORY

A Robeson County grand jury indicted Hunt for assault with a deadly weapon with intent to kill inflicting serious injury and injury to personal property, and later indicted him as a habitual felon. A jury convicted him of the lesser-included offense of assault with a deadly weapon inflicting serious injury and injury to personal property. The superior court sentenced him as a habitual felon to 120 to 156 months and entered a \$592,000 civil restitution judgment. The Court of Appeals reconsidered the case after the Supreme Court vacated and remanded its prior decision in light of *State v. Reber*.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Vacate the habitual-felon sentencing judgment and resentence Hunt without the habitual-felon enhancement. Vacate the restitution order and conduct a new hearing to determine the amount of damage proximately caused by Hunt's conduct and calculate the correct restitution amount. Further proceedings must be consistent with the opinion.

CASES CITED

- *State v. Hunt*, 296 N.C. App. 245 (2024)

- State v. Reber, 386 N.C. 153 (2024)
- State v. Stroud, 147 N.C. App. 549, 553 (2001)
- State v. Fair, 354 N.C. 131, 166 (2001)
- State v. Gregory, 342 N.C. 580, 584 (1996)
- State v. Frye, 341 N.C. 470, 496 (1995)
- State v. Lawrence, 365 N.C. 506, 518-19 (2012)
- State v. Odom, 307 N.C. 655, 660 (1983)
- State v. Hedgepeth, 350 N.C. 776, 791 (1999)
- State v. Givens, 95 N.C. App. 72, 79 (1989)
- State v. Howard, 215 N.C. App. 318, 325 (2011)
- State v. McVay, 174 N.C. App. 335, 339 (2005)
- State v. Buie, 194 N.C. App. 725, 734 (2009)
- State v. Harshaw, 138 N.C. App. 657, 662 (2000)
- Strickland v. Washington, 466 U.S. 668, 687, 694 (1984)
- State v. Braswell, 312 N.C. 553, 562-63 (1985)
- State v. Wilson, 236 N.C. App. 472, 475 (2014)
- State v. Lane, 271 N.C. App. 307, 313-14 (2020)
- State v. Parker, 377 N.C. 466, 474 (2021)
- State v. Smith, 357 N.C. 604, 614 (2003)
- State v. Davis, 349 N.C. 1, 23 (1998)
- State v. Copley, 374 N.C. 224, 230 (2020)
- State v. Lee, 370 N.C. 671, 676 (2018)
- State v. Ross, 322 N.C. 261, 265 (1988)
- State v. Castaneda, 196 N.C. App. 109, 116 (2009)
- State v. Williams, 362 N.C. 628, 652 (2008)
- State v. Graham, 287 N.C. App. 477, 486-87 (2023)
- State v. Williams, 315 N.C. 310, 327-28 (1986)
- State v. Palmer, 293 N.C. 633, 639 (1977)
- State v. Blakney, 233 N.C. App. 516, 521 (2014)
- State v. Allen, 292 N.C. 431, 433 (1977)
- State v. Jester, 249 N.C. App. 101, 107-08 (2016)
- State v. LePage, 204 N.C. App. 37, 54 (2010)
- State v. Barnett, 223 N.C. App. 65, 71 (2012)
- State v. Mumford, 364 N.C. 394, 403 (2010)
- State v. Moore, 365 N.C. 283, 285 (2011)
- State v. Wright, 212 N.C. App. 640, 645 (2011)
- State v. Buchanan, 260 N.C. App. 616, 623-24 (2018)

- State v. Clagon, 279 N.C. App. 425, 435 (2021)

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