

COURT OF APPEALS OF NORTH CAROLINA

State v. Horton

No. COA25-888 · No. COA25-888 · Decided May 6, 2026

SUMMARY

The North Carolina Court of Appeals affirmed the defendant's convictions for common law robbery and assault on a female. The court held that assault on a female is a general-intent crime and that the evidence was sufficient to support denial of the defendant's motion to dismiss.

CASE DETAILS

COURT	Court of Appeals of North Carolina
WRITING FOR THE COURT	Jefferson Griffin; Chief Judge Dillon; Judge Griffin; Judge Wood
JURISDICTION	North Carolina Court of Appeals
DECIDED	May 6, 2026
DOCKET	COA25-888
DISPOSITION	other
PROCEDURAL POSTURE	Defendant appealed from judgments entered after convictions for common law robbery and assault on a female, challenging the denial of his motion to dismiss the assault charge for insufficient evidence of specific intent.
STANDARD OF REVIEW	The denial of a motion to dismiss is reviewed de novo. The court determines whether substantial evidence supports each essential element of the charged offense and the defendant's identity as the perpetrator.
PRECEDENTIAL VALUE	Published opinion; precedential under North Carolina law
PARTIES	Devante Andre Horton v. State of North Carolina

TOPICS

- criminal procedure
- appellate procedure
- standard of review
- statutory interpretation

PRACTICE AREAS

- criminal law
- criminal procedure
- appellate practice

QUESTIONS PRESENTED

1. Whether the trial court erred by denying Defendant's motion to dismiss the charge of assault on a female because the State failed to present evidence that Defendant specifically intended to assault R.B.

HOLDINGS

1. Assault on a female under N.C. Gen. Stat. § 14-33(c)(2) is a general-intent crime; the State need not prove that the defendant specifically intended to assault the particular female victim.
2. The State presented substantial evidence supporting Defendant's conviction because Defendant intended to use pepper spray against someone and R.B. sustained injury from that act.

KEY QUOTATIONS

“Under de novo review, the reviewing court “‘considers the matter anew and freely substitutes its own judgment’ for that of the lower tribunal.”” (at 3)

“General intent crimes “do[] not require that the State prove any specific intent but only that the defendant perform the act which is forbidden by statute.”” (at 4)

“Thus, assault on a female is also a general intent crime and the State need not prove that a defendant acted with specific intent.” (at 4)

“Defendant does not challenge the sufficiency of the State’s evidence concerning Defendant’s status as a male, Defendant’s age, or R.B.’s status as a female.” (at 5)

FACTUAL BACKGROUND

Defendant obtained a vehicle key from locksmith Bradley Boyd but was unable to pay for it. When Defendant later met Boyd in High Point, Boyd turned away to prepare a credit-card reader, and Defendant pepper-sprayed Boyd and Boyd's daughter, R.B., took the key, and fled. R.B. sustained injury from the pepper spray, and Defendant admitted that he intended to use pepper spray against Boyd, although he claimed he sprayed it into the air and did not see R.B.

PROCEDURAL HISTORY

Defendant was indicted for common law robbery and assault on a female arising from an incident in which he pepper-sprayed a locksmith and the locksmith's daughter while taking a vehicle key without paying. After the trial court denied Defendant's motions to dismiss at the close of the State's evidence and again at the close of all evidence, the jury found him guilty of both offenses. The Superior Court entered consecutive sentences, and Defendant timely appealed.

DISPOSITION

other

CASES CITED

- State v. Golder, 374 N.C. 238, 250, 839 S.E.2d 782, 790 (2020)
- State v. Williams, 362 N.C. 628, 632-33, 669 S.E.2d 290, 294 (2008)
- State v. Fritsch, 351 N.C. 373, 378, 526 S.E.2d 451, 455 (2000)
- State v. Smith, 300 N.C. 71, 78-79, 265 S.E.2d 164, 169 (1980)
- State v. Page, 346 N.C. 689, 700, 488 S.E.2d 225, 232 (1997)
- State v. Jones, 339 N.C. 114, 148, 451 S.E.2d 826, 844 (1994)
- State v. Lattimore, 201 N.C. 32, 34, 158 S.E.2d 741, 742 (1931)
- State v. Jeffries, 57 N.C. App. 416, 418, 291 S.E.2d 859, 860-61 (1982)
- State v. Roberts, 270 N.C. 655, 658, 155 S.E.2d 303, 305 (1967)

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