

COURT OF APPEALS OF NORTH CAROLINA

State v. Robinson

No. COA25-199 · No. COA25-199 · Decided January 21, 2026

SUMMARY

The North Carolina Court of Appeals affirmed the judgment against Emily Jean Robinson for drug-related offenses arising from a fentanyl sale and resulting death. The court held that any error concerning the order of closing arguments was not prejudicial, that testimony regarding machine-generated toxicology data did not violate the Confrontation Clause, and that separate punishment for death by distribution and sale of a controlled substance did not violate double jeopardy. The court also rejected Robinson's ineffective-assistance claim and found no prejudicial error.

CASE DETAILS

COURT	Court of Appeals of North Carolina
WRITING FOR THE COURT	Judge Jefferson Griffin; Judge Collins; Judge Stading
JURISDICTION	North Carolina Court of Appeals
DECIDED	January 21, 2026
DOCKET	COA25-199
DISPOSITION	other
PROCEDURAL POSTURE	Defendant appealed from an Alamance County Superior Court judgment entered after a jury found her guilty of drug-related offenses and the trial court imposed a consolidated sentence. She challenged the allocation of opening and closing arguments, admission of toxicology testimony, multiple punishment for death by distribution and sale of a controlled substance, and ineffective assistance of counsel.
STANDARD OF REVIEW	Denial of a motion for mistrial is reviewed for abuse of discretion. Alleged Confrontation Clause violations and alleged constitutional violations concerning multiple punishment are reviewed de novo, although unpreserved constitutional issues ordinarily are not considered. Ineffective-assistance claims on direct review are decided on the merits only when the cold record shows that no further investigation is required.
PRECEDENTIAL VALUE	Published opinion

PARTIES

Emily Jean Robinson v. State of North Carolina

TOPICS

criminal procedure

sixth amendment

expert testimony

double jeopardy

ineffective assistance

PRACTICE AREAS

criminal law

criminal procedure

appellate practice

evidence

constitutional law

QUESTIONS PRESENTED

1. Whether the trial court erred under North Carolina Rule of Superior and District Courts 10 by denying Robinson the opportunity to present both the opening and closing jury arguments and by denying a mistrial.
2. Whether admission of an expert's testimony concerning machine-generated toxicology data violated the Sixth Amendment's Confrontation Clause.
3. Whether imposing punishment for both death by distribution and sale of a controlled substance violated the Double Jeopardy Clause.
4. Whether trial counsel was ineffective for failing to object to the toxicology testimony and the multiple punishments.

HOLDINGS

1. Assuming the trial court erred by denying Robinson the right to both open and close the jury arguments, Robinson failed to demonstrate a reasonable possibility of a different verdict; therefore, the alleged Rule 10 error did not warrant a new trial or mistrial.
2. An expert's testimony concerning toxicology data generated by laboratory machines through liquid chromatography did not violate the Sixth Amendment's Confrontation Clause.
3. Sale and/or delivery of a controlled substance is not a lesser-included offense of death by distribution, and the Double Jeopardy Clause did not prohibit punishment for both offenses.
4. Robinson failed to establish ineffective assistance of counsel because the alleged failures concerned objections to testimony and sentencing rulings that the court determined were not erroneous.

KEY QUOTATIONS

"In all cases, civil or criminal, if no evidence is introduced by the defendant, the right to open and close the argument to the jury shall belong to him." (at 5)

"The output of the drug screening results, produced by liquid chromatography, is not an out-of-court statement barred by the Confrontation Clause." (at 10)

"These sentiments of the General Assembly signal death by distribution and sale of a controlled substance are offenses intended to be separately punishable." (at 15)

FACTUAL BACKGROUND

Robinson sold fentanyl to Robert Starner and Kora Bott after they traveled to a residence to obtain drugs. Starner used the drugs and later died in a vehicle; Bott survived an apparent overdose. Police interviewed Robinson, who eventually admitted using and selling fentanyl to Starner and Bott, and a search of her home uncovered suspected drugs, scales, baggies, and bindles. Toxicology testing detected fentanyl and other substances in Starner's urine, with the testing data generated through liquid chromatography.

PROCEDURAL HISTORY

A jury found Robinson guilty of possession with intent to sell or deliver fentanyl, maintaining a dwelling to keep a controlled substance, and possession of drug paraphernalia; the opinion also addresses sentencing for death by distribution and sale of a controlled substance. The superior court entered judgment on 28 May 2024 and imposed a single consolidated sentence of 60 to 84 months' imprisonment. The Court of Appeals affirmed without finding prejudicial error.

DISPOSITION

other

CASES CITED

- State v. McDougald, 279 N.C. App. 25, 862 S.E.2d 877 (2021)
- State v. Raper, 203 N.C. 489, 166 S.E. 314 (1932)
- State Tr. Co. v. Braznell, 227 N.C. 211, 41 S.E.2d 744 (1947)
- State v. Lee, 277 N.C. 205, 176 S.E.2d 765 (1970)
- State v. Mitchell, 321 N.C. 650, 365 S.E.2d 554 (1988)
- State v. Malachi, 371 N.C. 719, 821 S.E.2d 407 (2018)
- State v. Griffin, 298 N.C. App. 85, 914 S.E.2d 8 (2025)
- State v. Conner, 335 N.C. 618, 440 S.E.2d 826 (1994)
- State v. English, 194 N.C. App. 314, 669 S.E.2d 869 (2008)
- State v. Matthews, 218 N.C. App. 277, 720 S.E.2d 829 (2012)
- State v. Shuler, 135 N.C. App. 449, 520 S.E.2d 585 (1999)
- State v. Hennis, 184 N.C. App. 536, 646 S.E.2d 398 (2007)
- State v. Wells, 171 N.C. App. 136, 613 S.E.2d 705 (2005)
- State v. Macon, 346 N.C. 109, 484 S.E.2d 538 (1997)
- State v. Pabon, 380 N.C. 241, 867 S.E.2d 632 (2022)
- State v. Wiley, 355 N.C. 592, 565 S.E.2d 22 (2002)
- Smith v. Arizona, 602 U.S. 779 (2024)
- Crawford v. Washington, 541 U.S. 36 (2004)
- State v. Lester, 387 N.C. 90, 910 S.E.2d 642 (2025)

- United States v. Washington, 498 F.3d 225 (4th Cir. 2007)
- State v. Cromartie, 257 N.C. App. 790, 810 S.E.2d 766 (2018)
- State v. Schalow, 251 N.C. App. 334, 795 S.E.2d 567 (2016)
- State v. Mulder, 233 N.C. App. 82, 755 S.E.2d 98 (2014)
- Blockburger v. United States, 284 U.S. 299 (1932)
- United States v. Dixon, 509 U.S. 688 (1993)
- State v. Gardner, 315 N.C. 444, 340 S.E.2d 701 (1986)
- State v. Nickerson, 365 N.C. 279, 715 S.E.2d 845 (2011)
- State v. Braswell, 312 N.C. 553, 324 S.E.2d 241 (1985)
- Strickland v. Washington, 466 U.S. 668 (1984)
- State v. Allen, 360 N.C. 297, 626 S.E.2d 271 (2006)
- State v. Roache, 358 N.C. 243, 595 S.E.2d 381 (2004)
- Wiggins v. Smith, 539 U.S. 510 (2003)
- Harrington v. Richter, 562 U.S. 86 (2011)
- State v. Fair, 354 N.C. 131, 557 S.E.2d 500 (2001)
- State v. Thompson, 359 N.C. 77, 604 S.E.2d 850 (2004)