

NORTH CAROLINA COURT OF APPEALS

State v. Tyson

No. COA25-604 · No. COA25-604 · Decided June 3, 2026

SUMMARY

The North Carolina Court of Appeals affirmed the defendant’s convictions, holding that the State presented sufficient evidence to submit the charge of second-degree sexual exploitation of a minor to the jury. The court concluded that N.C. Gen. Stat. § 14-190.17(a)(2) does not require proof that the solicited sexual material actually existed when the defendant solicited it. The court therefore held that the trial court properly denied the defendant’s motion to dismiss for insufficient evidence.

CASE DETAILS

COURT	North Carolina Court of Appeals
WRITING FOR THE COURT	April Wood; Hampson; Murry
JURISDICTION	North Carolina Court of Appeals
DECIDED	June 3, 2026
DOCKET	COA25-604
DISPOSITION	other
PROCEDURAL POSTURE	Defendant appealed from superior-court judgments entered after a jury convicted him of five counts of taking indecent liberties with a child, five counts of solicitation of a child by computer, and one count of second-degree sexual exploitation of a minor. He challenged the denial of his motion to dismiss the second-degree sexual-exploitation charge for insufficient evidence.
STANDARD OF REVIEW	A motion to dismiss for insufficient evidence is reviewed de novo. The court determines whether substantial evidence supports each essential element of the offense and the defendant's identity as the perpetrator, viewing the evidence in the light most favorable to the State and giving the State the benefit of every reasonable inference.
PRECEDENTIAL VALUE	Published and precedential North Carolina Court of Appeals opinion
PARTIES	Breon Jaquel Williams Tyson v. State of North Carolina

TOPICS

criminal procedure

statutory interpretation

standard of review

appellate procedure

PRACTICE AREAS

criminal law

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QUESTIONS PRESENTED

1. Whether N.C. Gen. Stat. § 14-190.17(a)(2) requires that solicited material containing a visual representation of a minor engaged in sexual activity actually exist before a defendant may be convicted.
2. Whether the State presented substantial evidence that Defendant solicited material containing a visual representation of a minor engaged in sexual activity and knew the character or content of the solicited material.

HOLDINGS

1. A prosecution under N.C. Gen. Stat. § 14-190.17(a)(2) does not require proof that the solicited material was actually created or existed; the State need prove that the defendant knowingly solicited material that would contain a visual representation of a minor engaged in sexual activity.
2. The State presented substantial evidence supporting the charge because Defendant's repeated requests for videos of Ian's private parts and masturbation permitted a reasonable jury to find that Defendant knowingly solicited material containing a visual representation of a minor engaged in sexual activity.

KEY QUOTATIONS

“We conclude the State presented sufficient competent evidence from which a reasonable jury could find Defendant knew the character or content of the material he was soliciting would necessarily contain a “visual representation of a minor engaged in sexual activity.”” (9)

“The State presented evidence sufficient to submit the charge of second-degree sexual exploitation of a minor to the jury.” (10)

FACTUAL BACKGROUND

In April 2023, Defendant employed Ian, a fourteen-year-old minor, at an ice cream shop and communicated with him by text message and Snapchat. The communications became sexual, and Defendant repeatedly requested videos of Ian's private parts and masturbation, while also directing Ian to expose himself on one occasion. The State introduced Ian's testimony, sexually explicit messages, and evidence from Defendant's interview; although Ian did not send the requested video and no such video was introduced, the messages supported an inference that Defendant solicited material he knew would depict a minor engaged in sexual activity.

PROCEDURAL HISTORY

Defendant was indicted in New Hanover County on eleven offenses arising from sexually explicit communications with a fourteen-year-old employee. The trial court joined the offenses for trial, denied Defendant's motions to dismiss at the close of the State's evidence and at the close of all evidence, and the jury returned guilty verdicts on all charges. The court consolidated the convictions into three judgments, imposed

consecutive sentences with portions suspended for supervised probation, and Defendant gave oral notice of appeal.

DISPOSITION

other

CASES CITED

- In re J.D., 376 N.C. 148, 852 S.E.2d 36 (2020)
- State v. Blagg, 377 N.C. 482, 858 S.E.2d 268 (2021)
- State v. Yisrael, 255 N.C. App. 184, 804 S.E.2d 742 (2017)
- State v. Fletcher, 370 N.C. 313, 807 S.E.2d 528 (2017)
- State v. Walker, 293 N.C. App. 316, 900 S.E.2d 145 (2024)