

No. COA25-970

FORTY-THIRD DISTRICT

**NORTH CAROLINA COURT OF APPEALS**

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JONAH CAREY,

Plaintiff-Appellee,

v.

From Jackson County

AMANDA WOODALL,

Defendant-Appellant.

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**BRIEF OF APPELLEE**

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**TABLE OF CONTENTS**

TABLE OF AUTHORITIES ..... 3

STATEMENT OF THE ISSUES PRESENTED ..... 3

STATEMENT OF THE CASE ..... 4

STATEMENT OF FACTS ..... 4

STANDARD OF REVIEW ..... 5

ARGUMENT ..... 6

    I. DEFENDANT-APPELLANT’S BRIEF MISCHARACTERIZES THE RECORD  
    AND IMPROPERLY SEEKS REWEIGHING OF THE EVIDENCE ..... 6

    II. THE TRIAL COURT PROPERLY DENIED THE RULE 12(b)(6)  
    MOTION ..... 7

    III. COMPETENT EVIDENCE SUPPORTED THE FINDING THAT  
    DEFENDANT-APPELLANT ENGAGED IN HARASSMENT ..... 8

    IV. THE DOMESTIC VIOLENCE PROTECTIVE ORDER DOES NOT  
    VIOLATE THE FIRST AMENDMENT ..... 9

    V. BISHOP AND SHACKELFORD DO NOT CONTROL THIS CASE ..... 10

    VI. THIS COURT MAY AFFIRM ON MULTIPLE INDEPENDENT  
    GROUNDS ..... 10

CONCLUSION ..... 11

CERTIFICATE OF COMPLIANCE ..... 12

CERTIFICATE OF SERVICE ..... 12

## **TABLE OF AUTHORITIES**

### **Cases**

Ashcroft v. ACLU, 542 U.S. 656 (2004)

In re T.N.H., 372 N.C. 403, 831 S.E.2d 54 (2019)

Keenan v. Keenan, 285 N.C. App. 133, 877 S.E.2d 97 (2022)

Quackenbush v. Groat, 271 N.C. App. 249, 844 S.E.2d 26 (2020)

State v. Bishop, 368 N.C. 869, 787 S.E.2d 814 (2016)

State v. Shackelford, 264 N.C. App. 542, 825 S.E.2d 689 (2019)

Virginia v. Black, 538 U.S. 343 (2003)

### **Statutes**

N.C. Gen. Stat. § 1A-1, Rule 12(b)(6)

N.C. Gen. Stat. § 14-277.3A

N.C. Gen. Stat. § 50B-1

## **STATEMENT OF THE ISSUES PRESENTED**

1. Whether the trial court properly denied Defendant-Appellant's Rule 12(b)(6) motion where the complaint alleged a continuing course of online conduct directed at Plaintiff-Appellee sufficient to state a Chapter 50B claim.
2. Whether competent evidence supported the trial court's findings that Defendant-Appellant engaged in harassment within the meaning of Chapter 50B and N.C. Gen. Stat. § 14-277.3A.
3. Whether Defendant-Appellant's arguments attacking the trial court's factual findings amount to an impermissible request that this Court reweigh evidence and reassess witness credibility.

## **STATEMENT OF THE CASE**

Plaintiff-Appellee filed a Complaint and Motion for Domestic Violence Protective Order pursuant to Chapter 50B of the North Carolina General Statutes alleging that Defendant-Appellant had engaged in repeated online conduct directed toward him. In the allegations and evidence presented in the District Court below, Defendant-Appellant posted videos and statements identifying Plaintiff-Appellee, accusing him of serious wrongdoing and disclosing personally identifying information in a manner that invited continuous harassment and emotional distress. (R pp. 16-20.)

The District Court conducted an evidentiary hearing at which Plaintiff-Appellee presented testimony and other evidence regarding the content, repetition, and effect of Defendant-Appellant's communications. Defendant-Appellant did not appear but was represented by counsel and contested the relief sought and argued, among other things, that the complaint was insufficient. (T pp. 34-83.)

At the conclusion of the hearing, the District Court entered a Domestic Violence Protective Order on 2 June 2025, concluding that Defendant-Appellant committed acts of domestic violence and granting relief authorized by Chapter 50B. (R pp. 25-30.)

## **STATEMENT OF FACTS**

Because Defendant-Appellant prevailed on none of the factual disputes below, the facts on appeal must be viewed through the lens of the trial court's findings and the competent evidence supporting them. The evidence showed that Defendant-Appellant did not make a single isolated statement. Rather, she engaged in repeated communications over time, used social-media to identify Plaintiff-Appellee by name, and linked those accusations to content reasonably calculated to expose him to ridicule, hostility, and ongoing fear. (T pp. 19-38.)

Plaintiff-Appellee testified that Defendant-Appellant's posts accused him of serious criminal conduct, disseminated personally identifying information and continued despite the obvious distress the posts caused. Specifically, he has been accused of being a rapist, predator and sexual abuser. (T p. 23) He described the effect those posts had on his personal safety, emotional well-being, and daily life, including fearing for his safety, loss of sleep and fear for the safety of his family. (T pp. 23-25) The trial court was entitled to credit that testimony in full, especially since the Defendant-Appellant failed to appear and testify to contradict any of the testimony. (T pp. 14-15)

The trial court likewise heard evidence that the online activity served no legitimate purpose. The significance of the evidence was not merely in the words used on any single day but in the cumulative effect of repeated posts, their public nature, and the extent to which they targeted a private person rather than discussing a matter in the abstract. The District Court found that this course of conduct constituted harassment, and that finding is the central factual determination challenged on appeal. (R p. 84)

### **STANDARD OF REVIEW**

In reviewing a Domestic Violence Protective Order, this Court examines whether the trial court's findings of fact are supported by competent evidence and whether those findings support the conclusions of law. *Keenan v. Keenan*, 285 N.C. App. 133, 877 S.E.2d 97 (2022). Where competent evidence supports the findings, those findings are binding on appeal even if evidence exists that could support a contrary result. *In re T.N.H.*, 372 N.C. 403, 831 S.E.2d 54 (2019).

A Rule 12(b)(6) ruling is reviewed *de novo*, but North Carolina remains a notice-pleading jurisdiction. Dismissal is appropriate only when the complaint discloses that no law supports the

claim, no facts sufficient to make a good claim are alleged, or some fact necessarily defeats the claim. See *Quackenbush v. Groat*, 271 N.C. App. 249, 844 S.E.2d 26 (2020).

Constitutional questions are reviewed *de novo*. Even so, *de novo* review of a constitutional issue does not authorize the appellate court to recast a factually specific Domestic Violence case as though the Court were deciding the controversy in the first instance. When a constitutional argument turns on the scope and nature of the conduct, the evidence must still be understood in the light most favorable to the prevailing party.

## **ARGUMENT**

### **I. DEFENDANT-APPELLANT’S BRIEF MISCHARACTERIZES THE RECORD AND IMPROPERLY SEEKS REWEIGHING OF THE EVIDENCE.**

A substantial portion of Defendant-Appellant’s brief rests on the premise that Plaintiff-Appellee failed to prove targeted harassment, distress or lack of legitimate purpose. But those assertions describe Defendant-Appellant’s preferred view of the evidence, not the standard for appellate review.

Plaintiff-Appellee testified that Defendant-Appellant repeatedly posted content identifying him, publicly accused him of serious criminal conduct and disseminated personally identifying information. (T pp. 23-25) The District Court found that testimony to be credible. Once credited, it constitutes competent evidence supporting the findings. In North Carolina, this Court does not reweigh that testimony, draw contrary inferences in Defendant-Appellant’s favor or substitute its view of witness credibility for that of the trial court.

Defendant-Appellant also attempts to segment the evidence into isolated statements and then argue that each statement, viewed in isolation, was not enough. That framing ignores the theory on which the Domestic Violence case was tried and decided: a continuing course of

conduct. Harassment often lies not in a single utterance but in repetition, escalation, and targeting. The District Court was entitled to evaluate the conduct as a whole.

Once the proper standard is applied, Defendant-Appellant's challenge to the facts very simply collapses.

## **II. THE TRIAL COURT PROPERLY DENIED THE RULE 12(b)(6) MOTION.**

North Carolina follows notice pleading. A complaint need only provide sufficient notice of the transactions, occurrences or series of transactions and occurrences intended to be proven. *Quackenbush* clarifies that the question at the pleading stage is whether the allegations are sufficient to state a claim, not whether the plaintiff has already proved every element.

The complaint here alleged far more than conclusory labels. It described repeated online posts identifying Plaintiff-Appellee, accusations of serious wrongdoing, dissemination of personal information, and an ongoing pattern of conduct directed specifically toward him. (R pp. 8-10.) Those allegations were more than adequate to state a Chapter 50B claim premised on stalking and harassment pursuant to N.C. Gen. Stat. § 14-277.3A.

Defendant-Appellant's attempt to demand evidentiary detail at the pleading stage misstates the law. A Rule 12(b)(6) motion does not test whether the plaintiff will prevail; it tests only whether the law affords relief if the allegations are true. Taking the allegations as true and drawing reasonable inferences in Plaintiff-Appellee's favor, the District Court correctly denied dismissal.

Moreover, after a full evidentiary hearing and final order, any abstract pleading complaint carries little force where the trial court heard the evidence and entered findings on the merits. The case proceeded beyond the pleading stage, and the final record confirms the sufficiency of the merits of the claim.

### **III. COMPETENT EVIDENCE SUPPORTED THE FINDING THAT DEFENDANT-APPELLANT ENGAGED IN HARASSMENT.**

Chapter 50B permits relief when the defendant commits domestic violence, including conduct amounting to harassment. The evidence before the Court clearly established each essential feature of harassment: knowing conduct, directed at a specific person, serving no legitimate purpose and causing fear or substantial emotional distress. (T pp. 23-35)

First, the conduct was knowing and directed. Plaintiff-Appellee was not an unnamed participant in a broad public debate. The evidence showed that Defendant-Appellant identified him and used social-media postings to direct accusations toward him personally and to expose him to the public writ large. The District Court easily found targeted conduct from that evidence.

Second, the trial court could find lack of legitimate purpose. Whatever speech rights citizens generally possess, Chapter 50B does not require a trial court to treat repeated accusations, doxxing-style disclosures and continuing targeted online activity as legitimate simply because they appear on a social-media platform. The manner, repetition, and personal focus of the conduct supported the court's conclusion that the campaign served no legitimate purpose.

Third, the trial court could find emotional distress and fear. Plaintiff-Appellee testified to the distress caused by the ongoing posts and their public dissemination. The Court was not required to disregard that testimony or to demand some heightened form of corroboration before it could enter a Domestic Violence Protective Order.

In short, there was competent evidence from which the District Court could conclude that Defendant-Appellant engaged in harassment which is the end of the matter on appeal.

#### **IV. THE DOMESTIC VIOLENCE PROTECTIVE ORDER DOES NOT VIOLATE THE FIRST AMENDMENT.**

Defendant-Appellant's constitutional argument fails because it treats this case as though the order punished abstract expression based solely on its content. That is not what occurred. The District Court entered civil relief after finding a specific course of conduct constituting harassment against a private individual.

The First Amendment does not provide blanket immunity for speech used as a vehicle for intimidation, harassment or threats. See *Virginia v. Black*, 538 U.S. 343 (2003). Nor does it disable courts from issuing protective orders where a defendant's communications are part of a pattern of abuse directed at an identified victim. Chapter 50B addresses conduct constituting domestic violence; it does not impose a broad censorship regime on public discussion.

The order here is also narrowly tailored in the way protective orders inherently are. It does not purport to silence Defendant-Appellant on every subject, in every forum, for all purposes. Instead, it addresses her conduct toward Plaintiff-Appellee. The focus is on protecting a specific victim from further targeted harassment, not suppressing viewpoints.

Defendant-Appellant's contrary argument would have alarming consequences. Under her logic, a person could engage in a sustained online campaign of accusations, exposure of personal information and targeted intimidation and then claim constitutional immunity because they used words rather than fists. The First Amendment does not compel such a result, and Chapter 50B does not permit it.

## **V. BISHOP AND SHACKELFORD DO NOT CONTROL THIS CASE.**

Defendant-Appellant's reliance on *State v. Bishop* and *State v. Shackelford* is misplaced because those decisions addressed criminal statutes and doctrinal questions materially different from the civil protective order at issue here. *Bishop* involved a content-based criminal restriction on certain online speech. *Shackelford* likewise addressed the constitutionality of a criminal cyberstalking provision. Those cases turned on the structure and breadth of the statutes being enforced and the First Amendment standards applicable to criminal punishment.

This case is different in at least three ways. First, the order here arose from a civil Chapter 50B proceeding focused on protecting a victim after a full evidentiary hearing. Second, the District Court acted upon findings of a targeted course of conduct toward a specific private person, not merely on the existence of disfavored words. Third, the relief is individualized and protective rather than a generally applicable criminal prohibition.

Nothing in *Bishop* or *Shackelford* holds that courts are powerless to protect victims from targeted harassment merely because the harassing conduct is carried out through digital media. To the contrary, those cases underscore the need to distinguish between broad content-based criminal laws and narrower, conduct-based remedies. Chapter 50B falls in the latter category as applied here.

Accordingly, Defendant-Appellant's constitutional authorities do not undermine the Protective Order entered.

## **VI. THIS COURT MAY AFFIRM ON MULTIPLE INDEPENDENT GROUNDS.**

Affirmance is proper for several independent reasons. First, the complaint was sufficient under notice pleading and Rule 12(b)(6). Second, the District Court's findings are supported by

competent evidence. Third, the constitutional argument fails on the merits because the Protective Order addresses targeted harassment and is narrow in operation.

Where multiple independent bases support the judgment, the failure of any one appellate argument does not require reversal if the Order remains sustainable on another ground. That principle especially matters here because Defendant-Appellant's brief attempts to collapse distinct standards of review into a single narrative but the Court need not do so. The Order survives under each standard.

For all of these reasons, the judgment of the District Court should be affirmed in full.

### CONCLUSION

The District Court heard the evidence, assessed the credibility of the witnesses who testified and found that Defendant-Appellant engaged in a targeted course of conduct amounting to harassment under Chapter 50B. Those findings are supported by competent evidence and support the conclusion that domestic violence occurred.

The Rule 12(b)(6) motion was properly denied. The factual challenges fail under the deferential standard of review and the constitutional challenge lacks merit.

Plaintiff-Appellee respectfully requests that this Court affirm the Domestic Violence Protective Order entered 2 June 2025.

Respectfully Submitted this the 25<sup>th</sup> day of March, 2026.

  
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**CERTIFICATE OF COMPLIANCE**

Pursuant to Rule 28(j) of the North Carolina Rules of Appellate Procedure, counsel certifies that this brief complies with the applicable type and contains no more than 2500 words.

**CERTIFICATE OF FILING AND SERVICE**

The undersigned hereby certifies that a copy of the foregoing Brief of Plaintiff-Appellee was served upon counsel for Defendant-Appellant in compliance with the North Carolina Rules of Appellate Procedure as follows:

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Respectfully submitted this 25<sup>th</sup> day of March, 2026.



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