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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA23-769

Filed 18 June 2024

New Hanover County, No. 21 JA 200

IN THE MATTER OF: K.R.M-A.

Appeal by Respondent-Mother from order entered 2 May 2023 by Judge J. H. Corpening, II, in New Hanover County District Court. Heard in the Court of Appeals 28 May 2024.

*No brief filed for Petitioner-Appellee New Hanover County Department of Social Services.*

*BJK Legal, by Benjamin J. Kull, for Respondent-Appellant Mother.*

*No brief filed for Respondent-Appellant Father.*

*Administrative Office of the Courts, by GAL Staff Attorney Brittany T. McKinney, for guardian ad litem.*

GRIFFIN, Judge.

Mother appeals from the trial court's order adjudicating her child, Karoline, to be an abused and neglected juvenile.<sup>1</sup> Counsel for Mother filed a no-merit brief under

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<sup>1</sup> We use a pseudonym for ease of reading and to protect the identity of the juvenile. See N.C. R. App. P. 42(b).

Rule 3.1(e) of the North Carolina Rules of Appellate Procedure. Upon review, we affirm the trial court's order.

### **I. Factual and Procedural Background**

In March 2008, Mother gave birth to Karoline in Honduras. Karoline then lived with her paternal grandmother in Honduras until she and Mother moved to Mexico. While living with Mother in Mexico, Karoline was routinely subjected to domestic violence, openly used drugs and alcohol, and was beaten and gang raped.

At some point, Mother met a man, S.C., and devised a plan in which she and Karoline would attempt to cross the border into the United States. Mother arranged for S.C., who was already in the United States, to sponsor Karoline.

In March 2021, after attempting to cross the border, Karoline was detained by immigration officials. Karoline was then transported by officials to Philadelphia where she was later picked up by S.C. and taken to live with him in Caldwell County, North Carolina. While living with S.C., Karoline was physically and sexually abused by S.C.

On 17 May 2021, Caldwell County DSS ("CCDSS") received a report alleging S.C. was physically and sexually abusing Karoline and began investigating the matter. On 24 June 2021, CCDSS closed its investigation as Karoline had made no disclosures of abuse. However, in August 2021, Karoline's paternal aunt took Karoline to live with her in New Hanover County. Karoline began disclosing the abuse she had suffered and New Hanover County DSS became involved in the matter.

After investigation, on 19 October 2021, New Hanover County DSS filed a petition alleging Karoline was an abused and neglected juvenile.

The initial adjudication and disposition hearings were heard over the course of seven days between 9 March 2022 and 7 July 2022 in New Hanover County District Court. On 2 May 2023, the trial court entered an order adjudicating Karoline to be an abused and neglected juvenile.

On 9 May 2023, Mother timely filed notice of appeal.

## **II. Analysis**

On 19 September 2023, Mother's counsel filed a no-merit brief pursuant to Rule 3.1(e). Mother's counsel also advised Mother of her right to file a pro se brief on her own behalf within 30 days and provided her with the documents to do so. Mother submitted her pro se brief more than 30 days later, on 24 October 2023.

Under Rule 3.1(e), this Court conducts an independent review of any issues identified in appellant-counsel's no-merit brief and in the appellant's pro se brief. *See* N.C. R. App. P. 3.1(e); *see also In re L.E.M.*, 372 N.C. 396, 402, 831 S.E.2d 341, 345 (2019).

In his brief, Mother's counsel seemingly identified one issue for our review: Whether there exists any meritorious appellate issue. Counsel additionally stated:

The adjudication of the allegations in this case boiled down to the question of whether the trial court believed the evidence indicating that sexual abuse had occurred. The trial court believed that evidence. Such evaluations of evidence are not subject to appellate review.

Mother, in addition to being untimely, failed to make a substantive argument in her pro se brief.

Upon review, we hold there is no merit in the potential issue raised in Mother's counsel's no-merit brief. Moreover, even assuming arguendo Mother timely filed her pro se brief, we see no meritorious issue.

### **III. Conclusion**

For the aforementioned reasons, we affirm the order of the trial court adjudicating Karoline abused and neglected.

AFFIRMED.

Judges FLOOD and THOMPSON concur.

Report per Rule 30(e).