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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA 24-243

Filed 17 September 2024

Cumberland County, No. 22 CVD 6293

ANGELA MILES STEPHENS, Plaintiff,

v.

SONTON LUNNERMON, “AKA Sonny Lunnermon”, Defendant.

Appeal by plaintiff from judgment entered 24 July 2023 by Judge Tiffany M. Whitfield in Cumberland County District Court. Heard in the Court of Appeals 29 August 2024.

*Angela Miles Stephens, pro se, for plaintiff-appellant.*

*No brief filed for defendant-appellee.*

PER CURIAM.

Angela Miles Stephens (“plaintiff”) brought this action against Sonton “Sonny” Lunnermon (“defendant”) for breach of contract. The matter was arbitrated. Plaintiff appealed the arbitration award for a trial de novo. The matter was tried by the trial court. The trial court found that Plaintiff failed to meet her burden of proof and, therefore, awarded her no damages. Plaintiff appealed.

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*Opinion of the Court*

On appeal, plaintiff makes no argument that any error of law occurred. Rather, her arguments revolve around the strength of her evidence. However, as the complainant, plaintiff bore the burden of proof. And the trial court, as the fact finder, has the duty to weigh the evidence. The trial court, as the fact finder, weighed the evidence offered at the bench trial below and made its decision; namely, that plaintiff failed to meet her burden of proof. Our Supreme Court has held that the weight or credibility to be given to the evidence in a bench trial is ultimately within the discretion of the trial court. *Phelps v. Phelps*, 337 N.C. 344, 357–58 (1994). We have reviewed the record and conclude that the trial court did not abuse its discretion in assigning weight to the evidence.

We, therefore, affirm the trial court’s judgment.

AFFIRMED.

Panel consisting of Judges ARROWOOD, CARPENTER and WOOD.

Report per Rule 30(e).