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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA26-234

Filed 16 September 2026

Guilford County, Nos. 23JA000320-400, 23JA000321-400, 23JA000322-400

IN THE MATTER OF:

A.O., D.O., E.O.

Appeal by Respondent-Father from orders entered 26 August 2025 and 13 November 2025 by Judge Brian K. Tomlin in Guilford County District Court. Heard in the Court of Appeals 14 July 2026.

*Office of the Parent Defender, by Parent Defender Annick Lenoir-Peek and Assistant Parent Defender Benjamin J. Kull, for Respondent-Appellant Father.*

*Mercedes O. Chut for Petitioner-Appellee Guilford County Department of Health and Human Services.*

*NC GAL Appellate Counsel Matthew D. Wunsche for Guardian ad Litem.*

PER CURIAM.

Father appeals from orders adjudicating one of his children abused, neglected, and dependent; adjudicating two of his children neglected and dependent; and ceasing reunification efforts to all three of his children. Father's counsel filed a no-merit brief under Rule 3.1(e) of the North Carolina Rules of Appellate Procedure.

A no-merit brief filed under Rule 3.1(e) must "identify any issues in the record

on appeal that arguably support the appeal and must state why those issues lack merit or would not alter the ultimate result.” N.C. R. App. P. 3.1(e). Additionally, “[c]ounsel must provide the appellant with a copy of the no-merit brief, printed record, transcripts, copies of exhibits and other items included in the record on appeal pursuant to Rule 9(d), and any supplement prepared pursuant to Rule 11(c).” *Id.* Further, “[c]ounsel must inform the appellant in writing that the appellant may file a pro se brief and that the pro se brief is due within thirty days after the date of the filing of the no-merit brief” and “attach evidence of this communication to the no-merit brief.” *Id.* “The appellant then may file a pro se brief within thirty days after the date of the filing of counsel’s no-merit brief.” *Id.*

Here, counsel fully complied with the requirements of Rule 3.1(e). First, he identified six issues for our independent review: (1) whether the trial court erred in admitting residual hearsay evidence, (2) whether the trial court erred in adjudicating D.O. as an abused and neglected juvenile, (3) whether the trial court erred in adjudicating A.O. and E.O. as neglected juveniles, (4) whether the trial court erred in adjudicating all three children as dependent juveniles, (5) whether the trial court erred in eliminating reunification efforts, and (6) whether the trial court had subject matter jurisdiction over the matter. Counsel then explained why those issues lack merit or would not alter the ultimate result.

Counsel also provided Father with a copy of the no-merit brief, along with the trial transcript, the record on appeal, and a letter advising Father of his right to file

a pro se brief within thirty days of the date of the no-merit brief's filing.

Father timely filed his own brief. Father articulates the following issues on appeal:

I. The trial court erred in admitting hearsay under North Carolina Rule of Evidence 803(24).

IA. The trial court erred in finding the statements more probative than othe[r] reasonably available evidence (Rule 803(24)(B)).

IB. The trial court abused its discretion in finding the statements contained circumstantial guarantees of trustworthiness (Rule 803(24)(C)).

II. Defendant was denied effective assistance of counsel because of his trial counsel's failure to investigate and prepare, leading to deficient cross-examination of witnesses Kenya Herndon and Dr. Belinda Brittain.

III. Defendant was denied effective assistance of counsel because of his trial counsel's failure to challenge search warrant, leading to admission of evidence.

(capitalization altered).

This Court has conducted an independent review of the issues raised in the no-merit brief. *See In re L.E.M.*, 372 N.C. 396, 402 (2019). For the reasons articulated by counsel in the no-merit brief, the issues raised lack merit. This review and conclusion also encompass Father's challenge to the hearsay evidence admitted under North Carolina Rule of Evidence 803(24), which overlaps with the first issue raised in the no-merit brief.

Furthermore, we are satisfied that the trial court's adjudicatory findings of fact

are supported by “clear and convincing” evidence and support the conclusions of law that one of his children was abused, neglected, and dependent, and two of his children were neglected and dependent. *In re A.L.T.*, 241 N.C. App. 443, 446 (2015). Additionally, because Father does not challenge any of the dispositional findings, they are binding on appeal. *In re K.H.*, 281 N.C. App. 259, 270 (2022). Those findings amply support the conclusion that elimination of reunification efforts between Father and his children was in the best interests of the children, and we thus determine that the trial court did not abuse its discretion when it ceased reunification efforts. *Id.*

Father argues he received ineffective assistance of counsel because his counsel’s failure to investigate and prepare led to a deficient cross-examination of two witnesses and because his trial counsel’s failure to challenge a search warrant led to the erroneous admission of evidence.

The Juvenile Code affords indigent parents a statutory right to assistance of counsel. N.C. Gen. Stat. § 7B-1101.1(a) (2026). Included in this right is “the right to effective assistance of counsel.” *In re C.D.H.*, 265 N.C. App. 609, 612 (2019) (citation omitted). “To prevail in a claim for ineffective assistance of counsel, respondent must show: (1) [his] counsel’s performance was deficient or fell below an objective standard of reasonableness; and (2) [his] attorney’s performance was so deficient [he] was denied a fair hearing.” *In re J.A.A.*, 175 N.C. App. 66, 74 (2005) (citation omitted).

Father argues that his counsel’s performance was deficient because counsel failed to “effectively cross-examine the State’s witnesses, missing several

opportunities to impeach their credibility[.]” He further argues that his counsel’s failure to challenge a search warrant was deficient performance, as the photographs obtained through the search warrant were “inadmissible.”

“Assuming *arguendo* that counsel’s performance was deficient in these respects, these deficiencies did not deprive [Father] of a fair hearing.” *In re Dj.L.*, 184 N.C. App. 76, 86 (2007) (determining that counsel’s deficiencies in failing to make proper objections to testimony, failing to develop legal defenses, and failing to subpoena witnesses did not deprive parent of a fair hearing). “[A]lleged deficiencies [do] not deprive [a parent] of a fair hearing when [the parent’s] counsel vigorously and zealously” represents the parent and “the record contain[s] overwhelming evidence supporting” the trial court’s decision to cease reunification efforts. *Id.* (quotation marks and citation omitted). Here, DSS presented overwhelming evidence to support the grounds of abuse, neglect, and dependency. The evidence supports the findings and, in turn, the conclusion that elimination of reunification efforts between Father and his children was in the best interests of the children. Any “deficiencies alleged by [Father] did not deprive [him] of a fair hearing.” *Id.* at 87.

Accordingly, we affirm the trial court’s orders.

AFFIRMED.

Panel consisting of Judges COLLINS, CARPENTER, and FLOOD.

Report per Rule 30(e).