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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA26-199

Filed 7 October 2026

Mecklenburg County, No. 25CV602123-590

JESSICA ROSE KUHLMAN, Plaintiff,

v.

DAVIS TAPP, Defendant.

Appeal by defendant from order entered 16 September 2025 by Judge Roderick G. Davis in Mecklenburg County District Court. Heard in the Court of Appeals 15 September 2026.

Sodoma Law, P.C., by Rebecca K. Watts, for plaintiff-appellee.

James, McElroy & Diehl, P.A., by Richard B. Fennell, for defendant-appellant.

ZACHARY, Judge.

Defendant Davis Tapp appeals from an order granting Plaintiff Jessica Kuhlman’s request for a domestic violence protection order (“DVPO”). After careful review, we conclude that there is sufficient evidence to support the trial court’s finding that Defendant placed Plaintiff in fear of continued harassment at such a level as to inflict substantial emotional distress, which in turn supports its conclusion

that Defendant committed an act of domestic violence. We therefore affirm the trial court's order granting Plaintiff's request for a DVPO.

I. Background

This appeal arises out of the termination of a dating relationship between Plaintiff Jessica Kuhlman and Defendant Davis Tapp.

Plaintiff and Defendant dated from around September of 2023 until sometime in April of 2025. When the relationship began in 2023, both parties lived in Charlotte, North Carolina. In October of 2024, however, Defendant accepted employment at a school in Orlando, Florida, while Plaintiff remained in Charlotte. Coincidentally, Plaintiff's sister attended the same school at which Defendant was employed, and Plaintiff visited Orlando often.

When the parties terminated their relationship in April of 2025, Plaintiff agreed—at Defendant's request—that they would have no contact with one another. Nevertheless, on 4 June 2025, while Plaintiff was visiting her sister in Orlando, Defendant sent Plaintiff two text messages. One read, "F*** you," and the second read, "I bet you have a time." Plaintiff "chose to ignore those messages and not engage with [Defendant]" in an effort to honor the parties' no contact agreement.

A few days later, on 13 June 2025, Plaintiff received "a missed call and a voicemail from [Defendant] apologizing for the text messages," to which Plaintiff again did not respond. On 16 June 2025, Defendant sent Plaintiff an email "where he apologized again for the rude text message[,] . . . he said he was upset and obviously

not in his right state of mind,” and had not realized that he sent the text messages until 16 June. The next day, Defendant left Plaintiff another voicemail expressing a similar apology.

Plaintiff did not hear from Defendant again until 1 July 2025, when Defendant sent Plaintiff a text message at 8:24 p.m. that read, “Remember when you loved me[?]” Plaintiff then replied with a text message “asking [Defendant] to stop all attempts to contact [her], since he[] proceeded to call [her], email [her], text [her], as well as send [her] anonymous packages that were all unwelcome and make [her] feel extremely uncomfortable.” Defendant responded by texting, “Cool, love that you hate me[.]”

A few hours later, beginning at 3:47 a.m. on 2 July 2025, Plaintiff received five more text messages from Defendant: the first stated, “Pay me back for the cruise and wardrobe that I gave you because I loved you and you still hated me”; the second stated, “10K”; followed by “the finger emoji, flipping [Plaintiff] off”; then, “You have my [V]enmo”; and finally, “That includes the f***** banana boat.” These text messages were in reference to a cruise the parties had taken together in February of that year. Upon seeing these text messages the next morning, Plaintiff “blocked [Defendant’s] number,” due to “the panic and anxiety that it was causing [her].”

In addition to the acts described above, Plaintiff testified at the hearing that “almost monthly to the day, I was getting anonymous packages from the day we broke up.”

Plaintiff received no further direct communication from Defendant after blocking his number. Then on 28 August 2025, Plaintiff's friends informed her that Defendant had posted about her in a popular Facebook dating group. While the post indicated that it was submitted by an "[a]nonymous participant," Plaintiff was certain that Defendant had submitted the post "[b]ecause he use[d Plaintiff's] passport photo," which he had in order "to upload [their] official government documents when [they] were on the cruise in February[.]" The post to the Facebook group read:

Just a heads up. [Plaintiff] is mentally ill, has herpes, and is frankly illogical. She also has a massive head. Just know every time you have sex she will cry and then act like it's your fault. She can't be trusted and you should avoid at ALL COSTS. She also lives in Huntersville...yuck.

On 29 August 2025, the day after learning of the Facebook post, Plaintiff filed a complaint requesting that a DVPO be entered against Defendant. On 16 September 2025, this matter came on for hearing in Mecklenburg County District Court.

At the hearing, Plaintiff testified to Defendant's acts described above. When asked about the effects Defendant's conduct had on her, Plaintiff testified, "It's caused me a lot of emotional distress to the point where I've had to take off work multiple days in a row after any attempt to contact or package getting delivered to my house[.]" and "I just don't feel safe."

Plaintiff confirmed that Defendant had never threatened to physically harm her, that he had never sexually assaulted her or threatened to do so, and that the

anonymous packages themselves did not contain anything threatening or harmful. Nonetheless, Plaintiff explained that she feared Defendant: “While he lives in Florida, he lives in Orlando, Florida, and works at an institution where my sister goes to school. Since his communications, I’ve not felt comfortable or safe to go back to Orlando” because “when I’ve gone down there, he’s attempted to contact me.”

At the close of the hearing, the trial court granted Plaintiff’s request for a DVPO against Defendant, and on 16 September 2025, the court entered an order to that effect. On 15 October 2025, Defendant timely appealed to this Court.

II. Discussion

On appeal, Defendant argues that the trial court reversibly erred in granting Plaintiff’s request for a DVPO because there was insufficient evidence to support the trial court’s finding that Defendant’s actions rose “to a level of continued harassment sufficient to inflict substantial emotional distress.” Specifically, Defendant contends that his actions did not constitute harassment because there was insufficient evidence to support a finding that Defendant tormented, terrorized, or terrified Plaintiff; and second, even assuming that Defendant’s conduct met the definition of harassment, there was insufficient evidence to support a finding that Plaintiff suffered substantial emotional distress. We address each argument in turn.

A. Standard of Review

“When the trial court sits without a jury regarding a DVPO, the standard of review on appeal is whether there was competent evidence to support the trial court’s

findings of fact and whether its conclusions of law were proper in light of such facts.” *Kennedy v. Morgan*, 221 N.C. App. 219, 220–21, 726 S.E.2d 193, 195 (2012) (quoting *Hensey v. Hennessy*, 201 N.C. App. 56, 59, 685 S.E.2d 541, 544 (2009)). “Where there is competent evidence to support the trial court’s findings of fact, those findings are binding on appeal.” *Id.* “Competent evidence is evidence that a reasonable mind might accept as adequate to support the finding.” *Ward v. Ward*, 252 N.C. App. 253, 256, 797 S.E.2d 525, 528 (extraneity omitted), *disc. review denied*, 369 N.C. 753, 800 S.E.2d 65 (2017). In addition, “[u]nchallenged findings of fact are deemed to be supported by the evidence and are binding on appeal.” *In re N.L.M.*, 283 N.C. App. 356, 360, 873 S.E.2d 640, 643 (2022) (extraneity omitted). “This Court reviews conclusions of law de novo.” *Shomette v. Needham*, 298 N.C. App. 400, 405, 915 S.E.2d 39, 43 (2025).

B. Harassment

Defendant first contends that his conduct did not amount to harassment because there is insufficient evidence that he “torment[ed], terrorize[d], or terrifie[d]” Plaintiff. We disagree.

The issuance of a DVPO is governed by Chapter 50B of the North Carolina General Statutes. Under section 50B-3, “[i]f the court . . . finds that an act of domestic violence has occurred, the court shall grant a protective order restraining the defendant from further acts of domestic violence.” N.C. Gen. Stat. § 50B-3(a) (2025).

Section 50B-1 defines “domestic violence” as “the commission of one or more of the following acts upon an aggrieved party . . . by a person with whom the aggrieved party has or has had a personal relationship[.]” *Id.* § 50B-1(a). As relevant here, included in the definition of domestic violence is conduct that “[p]lac[es] the aggrieved party . . . in fear of . . . continued harassment, as defined in [N.C. Gen. Stat. §] 14-277.3A, that rises to such a level as to inflict substantial emotional distress[.]” *Id.* § 50B-1(a)(2).

Section 14-277.3A, in turn, defines “harassment” as

Knowing conduct, including written or printed communication or transmission, telephone, cellular, or other wireless telephonic communication, facsimile transmission, pager messages or transmissions, answering machine or voice mail messages or transmissions, and email messages or other computerized or electronic transmissions directed at a specific person that torments, terrorizes, or terrifies that person and that serves no legitimate purpose.

Id. § 14-277.3A(b)(2). In interpreting the terms “torment” and “terrorize,” this Court has explained: “Torment is defined as ‘to annoy, pester, or harass’ ” and “terrorize is defined as ‘to fill or overpower with terror; terrify.’ ” *State v. Watson*, 169 N.C. App. 331, 337, 610 S.E.2d 472, 477 (2005) (extraneity omitted).

Here, as an initial matter, we note that Defendant does not challenge the trial court’s findings of fact describing his conduct; accordingly, those findings are binding on appeal. *See N.L.M.*, 283 N.C. App. at 360, 873 S.E.2d at 643 (“Unchallenged findings of fact . . . are binding on appeal.”).

Instead, Defendant contends that the facts do not support a determination that Defendant’s conduct constituted harassment causing substantial emotional distress. In *Stancill v. Stancill*, from which Defendant attempts to distinguish the case at bar, the trial court found that “[the d]efendant repeatedly texted [the] plaintiff using language that based on the plaintiff’s prior dealings with the defendant and his statements to her about coming to kill her in the past would cause the plaintiff to be put in fear of . . . continued harassment.” 241 N.C. App. 529, 541–42, 773 S.E.2d 890, 898 (2015). The court further found that:

[the p]laintiff has suffered substantial emotional distress in that she has been afraid to show houses as is required in her real estate work. [The p]laintiff has emailed [the] defendant asking him to stop threatening her.

The text messages all came within 40 days of one another with several being within 2 days.

Id. at 542, 773 S.E.2d at 898 (extraneity omitted).

Rejecting the defendant’s contention that the evidence was insufficient to support the trial court’s “finding of ultimate fact that [the] defendant placed [the] plaintiff in fear of continued harassment that rises to such a level as to inflict substantial emotional distress,” this Court emphasized the subjective nature of the inquiry, noting that the plaintiff’s testimony sufficiently established her subjective fear of the defendant. *Id.* at 541–42, 773 S.E.2d at 898–99. We ultimately “defer[red] to the trial court’s assessment of [the] plaintiff’s credibility and h[e]ld that competent evidence support[ed] the trial court’s determination that [the] defendant’s

communications tormented, terrorized, or terrified [the] plaintiff.” *Id.* at 542, 773 S.E.2d at 899. As we explained, “given the statutory language of N.C. Gen. Stat. § 50B-1(a)(2), we examine *only* whether [the] plaintiff was *actually subjectively afraid* and do not examine whether [the] plaintiff’s fear was objectively reasonable.” *Id.* (emphasis added).

In the present case, Plaintiff testified to Defendant’s repeated unwanted text messages, calls, and emails, despite her requests for Defendant not to contact her; her receipt of multiple unwanted anonymous packages; and Defendant’s targeted Facebook post. Plaintiff further testified that, as a result of these communications, she has had to take multiple days off work, does not feel safe, and is afraid to travel to Orlando to see her sister.

After hearing testimony from the parties, the trial court found that Defendant placed Plaintiff in fear of continued harassment. Giving the trial court’s determination the great deference it is due, *see Jarrett v. Jarrett*, 249 N.C. App. 269, 280, 790 S.E.2d 883, 890, *disc. review denied*, 369 N.C. 194, 793 S.E.2d 259 (2016), we conclude that the trial court did not err in determining that Defendant placed Plaintiff in fear of continued harassment.

C. Substantial Emotional Distress

Defendant next argues that the trial court erred in determining that Plaintiff suffered substantial emotional distress. We disagree.

While Chapter 50B does not define “substantial emotional distress,” this Court has noted that such “terms must be given their plain meaning,” explaining that “substantial is defined as ‘considerable in value, degree, amount or extent’” and that “emotional distress” is defined “as ‘a highly unpleasant mental reaction (such as anguish, grief, fright, humiliation, or fury) that results from another person’s conduct.’” *Ramsey v. Harman*, 191 N.C. App. 146, 150, 661 S.E.2d 924, 927 (2008) (extraneity omitted) (citing *State v. Thompson*, 157 N.C. App. 638, 644–45, 580 S.E.2d 9, 13, *disc. review denied*, 357 N.C. 469, 587 S.E.2d 72 (2003)). As with the above analysis, in determining whether a plaintiff has suffered substantial emotional distress, this Court “appl[ies] a subjective test . . . and do[es] not assess whether [the] plaintiff’s actual subjective fear is objectively reasonable under the circumstances.” *Stancill*, 241 N.C. App. at 541, 773 S.E.2d at 898 (citation and quotation marks omitted). Moreover, “[a] level of fear so great that a person cannot perform the tasks required by her employment would likely cause ‘substantial emotional distress.’” *Id.* at 543, 773 S.E.2d at 899.

Here, Defendant states that “[a] plaintiff who no longer feels safe in his own home has experienced the sort of severe and substantial emotional impact contemplated by the statute and recognized by the case law.” Defendant then contrasts that scenario with the present case, in which the evidence “showed only that [Plaintiff] missed work for some days after receiving unwelcome packages and did not wish to visit the institution where [Defendant] worked. Those circumstances

are materially different from being afraid to return home or feeling unsafe in one's own living environment." This argument lacks merit.

The plain language of section 50B-1(a)(2) makes no distinction between a person feeling unsafe to return home and a person feeling unsafe to, for example, go to work or visit family. As this Court has concluded, "[a] level of fear so great that a person cannot perform the tasks required by her employment would likely cause 'substantial emotional distress.' " *Id.* Additionally, we have determined that the phrase substantial emotional distress encompasses substantial mental anguish. *See Ramsey*, 191 N.C. App. at 150, 661 S.E.2d at 927.

In the instant case, Plaintiff testified that she has "had to take off work multiple days in a row after any attempt to contact or package getting delivered to [her] house"; that Defendant "proceeded to call [her], email [her], text [her], as well as send [her] anonymous packages that were all unwelcome and ma[d]e [her] feel extremely uncomfortable"; that Defendant's conduct was causing her "panic and anxiety"; that she "just do[es]n't feel safe"; and has "not felt comfortable or safe to go back to Orlando" because "when [she's] gone down [to Orlando], [Defendant has] attempted to contact [her]."

Thus, the evidence supports a finding that Defendant placed Plaintiff in fear of continued harassment, rising to such a level as to inflict substantial emotional distress. N.C. Gen. Stat. § 50B-1(a)(2).

In sum, "competent evidence . . . support[s] the trial court's findings of fact

and . . . its conclusions of law were proper in light of such facts.” *Williams v. Cabrera*, 298 N.C. App. 611, 614, 916 S.E.2d 281, 286 (2025) (citation omitted). “[B]ecause a single act of domestic violence is sufficient,” and “the findings support at least one act of domestic violence,” we affirm the trial court’s order. *Id.* at 616–17, 916 S.E.2d at 288.

III. Conclusion

For the reasons set forth above, we affirm the trial court’s order.

AFFIRMED.

Judges FLOOD and FREEMAN concur.

Report per Rule 30(e).