An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority. Citation is disfavored, but may be permitted in accordance with the provisions of Rule 30(e)(3) of the North Carolina Rules of Appellate Procedure.

IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA25-695

Filed 4 November 2026

Guilford County, No. 16CR088977-400

STATE OF NORTH CAROLINA

v.

KHALID EDWARD COCHRAN, Defendant,
FINANCIAL CASUALTY & SURETY INC, Surety,
and JOSEPH M. DAVIS, SR., Petitioner.

Appeal by Petitioner from order entered 9 December 2024 by Judge Tonia A. Cutchin in Guilford County Superior Court. Heard in the Court of Appeals 25 March 2026.

Hall & Dixon, PLLC, by Ronard Dixon, Jr., for Petitioner-Appellant.

Brooks, Pierce, McLendon, Humphrey & Leonard, L.L.P., by Mae N. Zeitouni and Daniel L. Colston, for Appellee Guilford County Board of Education.

CARPENTER, Judge.

Petitioner appeals from the trial court's order denying his motion to remit judgment of forfeiture. On appeal, Petitioner argues that the trial court failed to exercise its discretion. After careful review, we dismiss.

I. Factual & Procedural Background

Petitioner is a bail bondsman that posted bond for Defendant Khalid Cochran.[1] After Defendant Cochran failed to appear on 16 January 2024, the trial court entered an order for his arrest and bond forfeiture. The Guilford County Clerk of Superior Court (the "Clerk") subsequently entered the bond forfeiture according to the information listed on Cochran's Appearance Bond. Due to a clerical error, on 25 January 2025, the Clerk mistakenly sent the notice of bond forfeiture to the wrong surety company. On 29 February 2024, the Clerk corrected the error and sent Petitioner and both surety companies notice of the forfeiture. No party filed a motion to set aside the forfeiture, and the trial court entered final judgment on 23 June 2024.

Petitioner filed a motion to remit judgment of forfeiture, and on 9 December 2024, the trial court conducted a hearing on the matter. During the hearing, Petitioner testified that "extenuating circumstances" existed to justify relief from forfeiture because (1) he did not receive notice of the forfeiture until 23 June 2024; and (2) police apprehended Defendant Cochran on 29 February 2024. Petitioner later acknowledged that the Clerk sent him a corrected notice on 29 February 2024. The trial court asked Petitioner if he could provide any other extraordinary circumstances. When Petitioner offered no other extraordinary circumstances, the trial court stated that Petitioner "ha[d] not established one or more of the reasons

[1] Petitioner did not include a statement of the procedural background or a statement of facts within his appellate brief. We derived our factual and procedural background from Appellee's brief, which cites to the record on appeal.

specified by the statute . . . ." The trial court entered an order that day, denying Petitioner's motion and finding that Petitioner had not established an extraordinary circumstance to justify relief from the forfeiture judgment. Petitioner filed timely notice of appeal.

II. Jurisdiction

At the outset, we must address Petitioner's numerous violations of our Rules of Appellate Procedure. In his appellate brief, Petitioner failed to include a statement of grounds for appellate review, a statement of the case, and a statement of facts. He also failed to reference the record on appeal in his argument.

An appellant's brief shall contain: "a concise statement of the procedural history of the case;" a "statement of the grounds for appellate review;" and a "full and complete statement of the facts . . . which are necessary to understand all issues presented for review, supported by [citations to the record on appeal]." N.C. R. App. P. 28(b) (3)–(5) (2025). The Rules of Appellate Procedure are necessary "to enable the courts properly to discharge their dut[y] of resolving disputes." *Dogwood Dev. & Mgmt. Co. L.L.C. v. White Oak Transp. Co.*, 362 N.C. 191, 193, 657 S.E.2d 361, 362 (2008). Compliance with the rules, therefore, is mandatory. *Id.* at 194, 657 S.E.2d at 362.

Yet "noncompliance with the appellate rules does not, *ipso facto*, mandate dismissal of an appeal." *Id.* at 194, 657 S.E.2d at 363. Noncompliance with Rule 28(b) is a nonjurisdictional violation. *Id.* at 198, 657 S.E.2d at 365. Nonjurisdictional

rule violations, "while perhaps indicative of inartful appellate advocacy, do[ ] not ordinarily give rise to the harms associated with review of unpreserved issues or lack of jurisdiction." *Id.* at 198, 657 S.E.2d at 365. "[T]he appellate court faced with a default of this nature possesses discretion in fashioning a remedy to encourage better compliance with the rules." *Id.* at 198, 657 S.E.2d at 365. In exercising that discretion, this Court considers whether the violations are "substantial," frustrate the adversarial process, or impair the Court's ability to conduct meaningful review. *Id.* at 200, 657 S.E.2d at 366–67.

Here, Petitioner's violations are substantial and impair our ability to conduct meaningful review. *See id.* at 200, 657 S.E.2d at 366–67. Petitioner's appellate brief does not include a statement of facts, a statement of the case, or a statement of the grounds for appellate review, in violation of Rules 28(b)(3), (4), and (5). *See* N.C. R. App. P. 28(b) (3)–(5). Most notably, Petitioner fails to provide adequate citation to the record in several portions of the argument and, at points, advances assertions unsupported by any citation at all. *See* N.C. R. App. P. 28(b)(6) (requiring that arguments contain "citations of the authorities upon which the appellant relies" and "reference[s] to the record on appeal"). These deficiencies hinder meaningful appellate review by requiring this Court to search the record for support of Petitioner's contentions. *See Dogwood Dev. & Mgmt. Co. L.L.C.*, 362 N.C. at 200, 657 S.E.2d at 366–67. Moreover, Petitioner's violations frustrate the adversarial process. *See id.* at 200, 657 S.E.2d at 366–67. Because Petitioner included no statement of

facts, Appellee had to provide this Court with the requisite facts needed to understand any of Petitioner's arguments. Because these violations foreclose review, we exercise our discretion and dismiss Petitioner's appeal. *See id.* at 200, 657 S.E.2d at 366–67.

III. Conclusion

Because Petitioner's violations of our Rules of Appellate Procedure hinder our review, we exercise our discretion and dismiss his appeal.

DISMISSED.

Judges STROUD and HAMPSON concur.

Report per Rule 30(e).