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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA26-553

Filed 18 November 2026

Wake County, No. 25CV602394-910

RISHAWNA D. WOODS, Plaintiff,

v.

CLAYTON J. JONES, JR., Defendant.

Appeal by plaintiff from order entered 17 February 2026 by Judge Kevin M. Boxberger in Wake County District Court. Heard in the Court of Appeals 27 October 2026.

RiShawna D. Woods, pro se, plaintiff-appellant.

Thomas, Ferguson & Beskind, LLP, by Kellie Mannette, for defendant-appellee.

FREEMAN, Judge.

RiShawna D. Woods (plaintiff) appeals from the trial court's order denying plaintiff's request for a Domestic Violence Protective Order (DVPO), pursuant to Chapter 50B of the North Carolina General Statutes. After careful review, we affirm the trial court's order.

I. Factual and Procedural History

Clayton Jones, Jr. (defendant) was in a six-year, "on again, off again" relationship with plaintiff. On 1 December 2025, plaintiff filed a Complaint for a Domestic Violence Protective Order against defendant. In support of her complaint, plaintiff alleged a number of instances of domestic violence:

Plaintiff alleged that on 29 November 2025, an incident occurred after defendant and plaintiff argued about the brakes on plaintiff's car. Plaintiff and defendant went to a mechanic's shop, then went to get auto parts from a store, where their argument began to escalate. They then returned to the mechanic's shop with the parts. As defendant was leaving the mechanic's shop and was walking to the car, defendant saw plaintiff walking away with the car keys. Defendant yelled for plaintiff to give him the keys, and she threw the keys in front of her. Defendant testified that he ran past her, picked up the keys, and left. Plaintiff testified that after she threw the keys, defendant lunged at her, grabbed her throat, and threatened her. The mechanic testified that he saw plaintiff throw the keys but did not see defendant assault plaintiff at any point.

Plaintiff alleged other incidents between her and defendant: On 5 November 2025, defendant came to her house after she had told him not to, and he began arguing and yelling. On 8–9 March 2025, defendant came to her home after an argument and left her belongings, and then later returned, rang her doorbell, and

covered the doorbell hole. On 22–23 November 2024,[1] defendant came to her home and threw belongings that she had left at his house on her doorstep. Defendant later returned intoxicated and upset, and they argued for a little less than an hour.

On 17 February 2026, after considering all of the evidence, the trial court denied plaintiff's request for a DVPO, stating that there was insufficient, credible evidence that defendant committed an act of domestic violence. On 22 February 2026, plaintiff filed written notice of appeal.

II. Jurisdiction

Appeal lies of right directly to the Court of Appeals from any final judgment of a district court in a civil action. N.C.G.S. § 7A-27(b)(2) (2025). Accordingly, we have jurisdiction over plaintiff's appeal.

III. Standard of Review

"[W]here the trial court sits without a jury, to review the issuance of 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." *Jay v. Jay*, 389 N.C. 61, 65 (2026) (citing *State v. Williams*, 362 N.C. 628, 632 (2008)). "Where there is competent evidence to support the trial court's findings of fact, those findings are binding on appeal." *Id.* The fact finding in a DVPO matter must comply with Rule 52 of the North Carolina Rules of Civil Procedure. *Id.*

[1] Both alleged incidents on 8–9 March and 22–23 November started on the first day but bled into the next as both happened late at night.

Interpreting these rules is a form of statutory interpretation which we review de novo. *Id.*

IV. Discussion

Plaintiff raises four arguments on appeal: (1) "the trial court's findings of fact are insufficient to support its conclusions of law"; (2) "the trial court abused its discretion by permitting extensive collateral impeachment and irrelevant character evidence that diverted the hearing from the statutory issues presented under Chapter 50B"; (3) "the trial court's off-the-record disclosures, preserved in the settled Rule 11(c) narrative, together with the absence of findings regarding material evidence, prevent meaningful appellate review"; and (4) "the cumulative effect of the trial court's procedural rulings deprived plaintiff of a fair hearing and frustrated appellate review." We address plaintiff's arguments in turn.

A. Findings of Fact

Plaintiff first argues that the trial court's findings of fact were insufficient to support its conclusions of law. We disagree.

"In all actions tried upon the facts without a jury or with an advisory jury, the court shall find the facts specially and state separately its conclusions of law thereon and direct the entry of the appropriate judgment." N.C.G.S. § 1A-1, Rule 52(a)(1). The purpose of this rule "is to allow a reviewing court to determine from the record whether the judgment—and the legal conclusions which underlie it—represent a correct application of the law." *Coble v. Coble*, 300 N.C. 708, 712 (1980). The trial

court must determine which reasonable inferences to consider "where different reasonable inferences can be drawn from the evidence" presented at trial. *Brandon v. Brandon*, 132 N.C. App. 646, 651 (1999). Those findings "turn in large part on the credibility of the witnesses, [and] must be given great deference by this Court." *Id.* at 652.

> Rule 52(a), however, does not require the trial court to recite all the evidentiary facts before it. Rather, rule 52(a) only requires the court to find those facts which are material and necessary to the determination of whether the findings are supported by the evidence and whether they support the legal conclusions reached. Moreover, when a court fails to make appropriate findings or conclusions, this Court is not required to remand the matter if the facts are not in dispute and only one inference can be drawn from them.

Green Tree Fin. Servicing Corp. v. Young, 133 N.C. App. 339, 341 (1999) (citations omitted).

Here, at the end of trial, the trial court stated: "Based on all of the evidence, I cannot find that the defendant committed an act of domestic violence. There is certainly some evidence, but based on all the evidence, the eyewitness testimony, credibility of all the witnesses, I just can't make that finding at this point." The trial court's written order stated:

> Plaintiff and Defendant were in a dating relationship. Plaintiff alleges Defendant assaulted her on November 29, 2025. Defendant was charged and the case has since been resolved. The Court heard from multiple witnesses regarding the alleged assault, namely an eyewitness who said he did not see an assault occur. Plaintiff also admitted

> evidence about other incidents wherein Defendant came to her house and they began arguing. Overall, there is insufficient, credible evidence that Defendant committed an act of domestic violence.

The trial court's written order also stated: "Based on these facts, . . . plaintiff has failed to prove grounds for issuance of a domestic violence protective order."

Plaintiff argues that "Rule 52 required the trial court to do more than announce its ultimate conclusion. It was required to identify the facts it found, apply those facts to the governing law, and separately state its conclusions of law." However, the trial court did more than announce its ultimate conclusion. Both verbally and through the written order, the trial court stated what facts and evidence it considered in coming to its conclusion that there was insufficient evidence that defendant committed an act of domestic violence. The trial court stated that it heard from multiple witnesses, including an eyewitness, and considered their credibility. The eyewitness, the mechanic, testified that he did not see an attack occur at any point. Further, defendant testified that he ran past plaintiff to get the keys and left without attacking her. Therefore, there was competent evidence to support the findings of fact, and those findings were sufficient to support the trial court's conclusion that an act of domestic violence did not occur.

Plaintiff attempts to make other arguments under this issue. "An appellant's brief shall contain . . . the contentions of the appellant with respect to each issue presented. Issues not presented in a party's brief, or in support of which no reason

or argument is stated, will be taken as abandoned." N.C. R. App. P. 28(b)(6). "The body of the argument . . . shall contain citations of the authorities upon which the appellant relies." *Id.* "[I]t is the appellant's burden to show error occurring at the trial court, and it is not the role of this Court to create an appeal for an appellant or to supplement an appellant's brief with legal authority or arguments not contained therein." *Thompson v. Bass*, 261 N.C. App. 285, 292 (2018). Arguments consisting of "conclusory sentences that fail to apply any legal authority to the evidence presented below or to explain how the trial court's order was inconsistent with the law" are deemed abandoned. *K2HN Constr. NC, LLC v. Five D Contrs., Inc.*, 267 N.C. App. 207, 214 (2019). If an appellant's brief fails to cite any legal authority in support of his position, this Court should dismiss the assignment(s) of error. *See Hatcher v. Harrah's N.C. Casino Co., LLC*, 169 N.C. App. 151, 159 (2005); *see also Joyner v. Adams*, 97 N.C. App. 65, 71 (1990) (holding when a party fails to cite to case authority, this Court deems his issue abandoned).

The remaining arguments in plaintiff's brief under this issue are mainly a recitation of the facts, some of which are not supported by the record. Plaintiff largely fails to cite legal authority. The little case law cited mainly appears in the standard of review, not the argument. The argument mainly contains factual arguments, has conclusory sentences regarding statutes, and fails to use supporting legal authority. Additionally, some of the citations fail to include the necessary identifying information for us to determine the case plaintiff is referring to. Therefore, the rest

of plaintiff's arguments under this issue are deemed abandoned.

B. Impeachment and Irrelevant Character Evidence

Plaintiff next argues that the trial court abused its discretion by allowing extensive collateral impeachment and irrelevant character evidence. Here, plaintiff failed to cite case law in support of her argument. The only legal authority cited was a statement regarding what protections Rule 403 offers, and plaintiff did not use it in support of her argument. Therefore, this issue is deemed abandoned and will not be considered on appeal.[2] *Joyner*, 97 N.C. App. at 71.

C. Bench Conference

Next, plaintiff argues that the trial court's off-the-record disclosures during a bench conference precludes appellate review. The judge stated that he was familiar with the case due to a news article and would grant a motion to recuse him but felt confident he could set anything he had read aside. Both parties' attorneys agreed for the judge to remain on the case. If plaintiff "fail[s] to move that the trial judge recuse himself, he cannot later raise on appeal the judge's alleged bias based on an undesired outcome." *Sood v. Sood,* 222 N.C. App. 807, 812 (2012). Here, there was no objection, motion, or ruling on the matter. Therefore, plaintiff has not preserved this issue for

[2] Even if this argument was not abandoned, the first line of questioning plaintiff argues on appeal, the testimony of the private investigator, was not objected to and therefore the issue is also waived. N.C. R. App. P. 10. Further, the second line of questioning that plaintiff argues on appeal was almost entirely unobjected to, and therefore also waived. The only objection lodged during the questioning was on relevance grounds, not a Rule 403 objection. Plaintiff does not argue relevance in her brief, only Rule 403. Therefore, this issue is also waived. N.C. R. App. P. 10.

appellate review and this argument is dismissed.[3]

D. Cumulative Error

Lastly, plaintiff argues that the cumulative errors of the trial court's rulings deprived her of a fair hearing. Plaintiff again fails to cite any legal authority and therefore this argument is abandoned. *Joyner*, 97 N.C. App. at 71. Additionally, it is important to mention that cumulative error does not apply in civil cases, as our Supreme Court held to not expand this scarcely-utilized doctrine to civil matters. *In re J.D.O.*, 381 N.C. 799, 822 (2022).

V. Conclusion

Because there was sufficient evidence to support the findings of fact and those findings supported the trial court's conclusion of law, we affirm the trial court's order denying plaintiff's request for a DVPO.

AFFIRMED.

Judges Hampson and Flood concur.

Report per Rule 30(e).

[3] Even if the issue was preserved, any error would be invited error, as defendant's attorney consented to the judge remaining. *See Sain v. Adams Auto Grp., Inc.,* 244 N.C. App. 657, 669 (2016) ("[A] legal error that is not a cause for complaint because the error occurred through the fault of the party now complaining.").