IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA16-694

Filed: 20 December 2016

Mecklenburg County, No. 15 CVD 18570

GLEN HOWARD HARDIN, Plaintiff,

v.

ALFRED EARL COULSTON, Defendant.

Appeal by defendant from order entered 18 February 2016 by Judge Donnie Hoover in Mecklenburg County District Court. Heard in the Court of Appeals 16 November 2016.

Winfred R. Ervin, Jr. for plaintiff-appellee.

Madeline J. Trilling and Kenneth T. Davies for defendant-appellant.

DIETZ, Judge.

Defendant Alfred Coulston challenges the trial court's entry of a no-contact order for stalking Plaintiff Glen Hardin. Following a hearing, the trial court found two incidents of knowing conduct in which Coulston tormented, terrorized, or terrified Hardin. The record on appeal does not contain a transcript or narrative of the evidence introduced at that hearing. Thus, we must accept the trial court's findings for purposes of this appeal. These findings satisfy the statutory criteria for entry of a no-contact order. Accordingly, we affirm the trial court.

Facts and Procedural History

Plaintiff Glen Hardin and Defendant Alfred Coulston (through a business entity) own adjoining tracts of land in Mecklenburg County. In 2015, a dispute arose concerning Hardin's use of an access road that crosses Coulston's property.

On 9 October 2015, Hardin filed a complaint for a no-contact order asserting that Coulston was "stalking" him as that term is defined in the General Statutes. On 18 February 2016, after a hearing that stretched across two days, the trial court entered a no-contact order. Coulston voluntarily dismissed a series of counterclaims without prejudice and timely appealed the trial court's no-contact order.

Analysis

On appeal, Coulston argues that the trial court erred by entering the no-contact order against him. As explained below, we reject Coulston's argument and affirm the trial court's order.

This Court reviews a trial court's no-contact order to determine whether the trial court's findings are supported by competent evidence and whether those findings, in turn, support the court's conclusions of law. *Tyll v. Willets*, 229 N.C. App. 155, 158, 748 S.E.2d 329, 331 (2013).

Our review of this appeal is constrained by the limited record. The trial court held a hearing on 17 and 18 February 2016 before issuing the challenged order. But the record does not include a transcript of that proceeding or a narrative as described

in Rule 9(c)(1) of the Rules of Appellate Procedure. As a result, we are unable to review the trial court's findings of fact. *See Davis v. Durham Mental Health/Dev. Disabilities/Substance Abuse Area Auth.*, 165 N.C. App. 100, 111–12, 598 S.E.2d 237, 245 (2004). Instead, our review is limited to determining whether the trial court's findings support its conclusions of law. *Okwara v. Dillard Dep't Stores, Inc.*, 136 N.C. App. 587, 591–92, 525 S.E.2d 481, 484 (2000).

To support a no-contact order in this context (which does not involve nonconsensual sexual conduct), the trial court must find that the petitioner "suffered unlawful conduct," defined as one or more acts of stalking. N.C. Gen. Stat. §§ 50C–5(a), 50C–1(7). "Stalking" is further defined by statute as,

> [o]n more than one occasion, following or otherwise harassing, as defined in G.S. 14–277.3A(b)(2), another person without legal purpose with the intent to do any of the following:
>
> a. Place the person in reasonable fear either for the person's safety or the safety of the person's immediate family or close personal associates.
>
> b. Cause that person to suffer substantial emotional distress by placing that person in fear of death, bodily injury, or continued harassment and that in fact causes that person substantial emotional distress.

Id. § 50C–1(6).

"Harassing" is defined by statute to include a communication "directed at a specific person that torments, terrorizes, or terrifies that person and that serves no legitimate purpose." *Id.* § 14–277.3A(b)(2).

The trial court's ultimate findings support its decision to impose a no-contact order under the statutory criteria. The court found that Coulston twice engaged in knowing conduct that tormented, terrorized, or terrified Hardin:

> The plaintiff has suffered unlawful conduct by defendant in that: On 6-9-15, Defendant drove his vehicle towards Plaintiff at a high rate of speed; exited the vehicle and charged towards Plaintiff with a fist balled up, yelling obscenities, and ordered one of his employees to roll over the Plaintiff with a dump truck. On 8-28-15, Defendant blocked the access road with two vehicles, which was the only means of ingress and egress for Plaintiff and others living at the end of the road, and specifically blocked and detained Plaintiff for at least 5 minutes on one attempt to exit the road. These two incidents constituted "knowing conduct . . . directed at [Plaintiff] that torment[ed], terrorize[d] or terrifie[d] the Plaintiff" thereby constituting stalking as defined in G.S. 14–277.3A(b)(2).

As explained above, the record does not permit us to review these findings of fact, and we must accept them as true for purposes of this appeal. *See Okwara*, 136 N.C. App. at 591–92, 525 S.E.2d at 484. Because the trial court found "two incidents" in which Coulston engaged in "knowing conduct . . . directed at [Plaintiff] that torment[ed], terrorize[d] or terrifie[d] the Plaintiff," the court's findings support its conclusion that Hardin suffered unlawful conduct justifying imposition of the no-

contact order against Coulston. *See* N.C. Gen. Stat. §§ 50C–1(6)-(7), 14–277.3A(b)(2). Accordingly, we affirm the trial court.

Conclusion

For the reasons set out above, we affirm the trial court.

AFFIRMED.

Judges ELMORE and STEPHENS concur.

Report per Rule 30(e).