

NO. COA26-668

SIXTEENTH DISTRICT

NORTH CAROLINA COURT OF APPEALS

DURHAM COUNTY,
EX REL: Maggie Clapp,

Petitioner-Appellee,

v.

AMANDA SHENELLE WALLACE,

Respondent-Appellant.

From Durham County

25CV012521-310

RESPONDENT-APPELLANT'S OPENING BRIEF

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ISSUES PRESENTED

- I. DOES THE NO-CONTACT ORDER VIOLATE RESPONDENT'S FIRST AND FOURTEENTH AMENDMENT RIGHTS?
- II. DID THE DISTRICT COURT ERR IN ENTERING A NO-CONTACT ORDER UNDER THE WORKPLACE VIOLENCE PREVENTION ACT?

INTRODUCTION

This case is about whether public officials can use North Carolina's Workplace Violence Prevention Act (WVPA) to silence criticism they dislike and protest they find discomfiting.

Respondent-Appellant Amanda Wallace opposes government interference in the lives of families, particularly when "child welfare" agencies remove

children from their homes. To express these views, she regularly protests the Durham County Department of Social Services' (DSS) activities under the leadership of its director, Maggie Clapp. Ms. Wallace's tactics are sometimes brash and her rhetoric sometimes harsh, but it is undisputed that her protests are nonviolent. Rather than tolerate or ignore Ms. Wallace's criticisms, Durham County turned to the WVPA—a statute crafted to protect survivors of intimate partner violence—to seek a no-contact order. The Court granted the petition and entered a no-contact order (“the Order”). This appeal concerns that Order, which prohibits Ms. Wallace from using certain words, restricts her freedom of movement on public streets, and limits her rights to peacefully urge changes in governmental policies and leadership.

In entering the Order, the district court opined that Ms. Wallace's speech needed to be “toned down.” (T p 147:17–20). But the First Amendment protects speech that is uncomfortable, disfavored, harsh, or caustic. And the Fourteenth Amendment requires that legal orders be sufficiently clear to avoid chilling protected speech.

The WVPA cannot be used to prohibit peaceful protest directed at government officials. This Court should vacate the Order and remand with instructions to dismiss the petition, or at minimum, should remand with instructions to excise its unconstitutional content-based restrictions, as well as its

restrictions on Ms. Wallace’s right to telephone Director Clapp, the distance she must remain from DSS buildings while protesting, and her access to the area surrounding Durham Central Park. Allowing the Order to stand not only silences Ms. Wallace; it chills voices of dissent across the political spectrum and throughout the state.

STATEMENT OF THE CASE

Petitioner-Appellee Durham County, on behalf of Durham County DSS director Maggie Clapp, filed a petition for temporary and permanent no-contact orders under the WVPA against Respondent-Appellant Amanda Wallace in the Durham County District Court on 18 November 2025. (R pp 2–5). The court issued a temporary no-contact order ex parte on 19 November 2025. (R pp 11–12). The court then held a hearing on the petition on 5 December 2025. (R p 16; T pp 1–159). At the close of the hearing, the court issued a permanent no-contact order (“the Order”), set to expire after one year (R pp 34–39; T pp 142–58).

Respondent-Appellant timely noticed an appeal of the Order on 2 January 2026. On 16 March 2026, Respondent-Appellant sought relief from the Order in the district court pursuant to North Carolina Rule of Civil Procedure 60(b)(6). (R S p 52). The district court dismissed the Rule 60 motion on 23 April

2026, concluding that it lacked jurisdiction to address the motion. (R S p 69).

Respondent-Appellant timely filed the record on appeal on 13 July 2026, and the appeal was docketed on 28 July 2026. (R p 1).

GROUND FOR APPELLATE REVIEW

The Order is a “final judgment of a district court in a civil action” and this court has jurisdiction under N.C.G.S. § 7A-27(b)(2). *See also Durham Cnty. Dep’t of Soc. Servs. v. Wallace*, 295 N.C. App. 440, 444 (2024).

STATEMENT OF THE FACTS

Amanda Wallace worked as a child welfare system investigator in North Carolina for ten years. (T p 98:14–18). Through that experience, she came to believe that the “child welfare system”—what many call the “family policing system”—is “oppressive” and “harmful” to the families involved. (T pp 98:22–24, 100:1–7, 107:12–22). After trying to make change as a system insider, Ms. Wallace concluded that was “not possible.” (T p 99). So, she launched Operation Stop CPS (OSCPS)—a grassroots campaign that “educat[es] the community about the realities of the [family policing] system,” supports families navigating the system, and fights to abolish the system. (T pp 97:20–98:12).

Ms. Wallace’s criticism of the system echoes that of a broader, cross-

ideological national movement opposing family interference and separation by the government.¹ Some of these critics, including Ms. Wallace, use the terms “kidnapping,” “hostage taking,” and “genocide” to describe the effect of the “systematic removal” of Black children from their families, and the term “civil death penalty” to describe the termination of parental rights. (T pp 92:17–93:10, 93:21–94:10).

Since founding OSCPS, Ms. Wallace has engaged in regular public protest against the family separation activities of the DSS and its directors. On 2 November 2024, Ms. Wallace registered for and protested at a Sneaker Ball adoption event held by DSS at the Hilton Hotel, where Director Clapp was present. (T p 38:3–5).² Once DSS realized Ms. Wallace and others from OSCPS

¹ See, e.g., Ashley Albert et al., *Ending the Family Death Penalty; Building a World We Deserve*, 11 COLUM. J. RACE & L. 861 (2021), <https://journals.library.columbia.edu/index.php/cjrl/article/view/8753>; DOROTHY ROBERTS, *TORN APART* (2022); Cory Best & Sarah Katz, *True Narratives: Framing Pain, Punishment, and the Lethality of Termination of Parental Rights*, 106:2 FAMILIES IN SOCIETY 570 (2025), <https://ssrn.com/abstract=5131600>; Brandon J. Logan, *Reclaiming Foster Care: An America First Vision for Protecting Children and Strengthening Families*, AMERICA FIRST POLICY INSTITUTE (Nov. 13, 2025), <https://www.americafirstpolicy.com/issues/reclaiming-foster-care-an-america-first-vision-for-protecting-children-and-strengthening-families>; John Whitehead, *The Tyranny of the Nanny State, Where the Government Knows What's Best for You*, RUTHERFORD INSTITUTE (Aug. 11, 2014), https://www.rutherford.org/publications_resources/john_whiteheads_commentary/the_tyranny_of_the_nanny_state_where_the_government_knows_whats_best_f.

² While it is undisputed that Ms. Wallace registered for the Sneaker Ball, the parties dispute whether the event was open to the public. Director Clapp testified that it was not, but she could not remember whether the event was

were present, DSS called for security. (T p 38:14–23). As OSCPS members were escorted out, they chanted and video-recorded while exiting. (T p 41:9–11). Ms. Wallace routinely records as a safety protocol when she protests. (T pp 117:2–4).

Throughout 2025, Ms. Wallace protested outside the DSS building and the courthouse. (R p 35 ¶¶ 10–11; T pp 24:16–25:24). Ms. Wallace also protested at monthly public DSS board meetings and spoke during the public comment sections. (R p 35 ¶ 13; T pp 12:3–6, 31:6–20, 70:3–17, 102:5–105).

In April 2025, Ms. Wallace sent Director Clapp an email to her publicly available, official email address, stating that Director Clapp should be ashamed of herself, should release the children she is “holding hostage,” and should quit her job. (R pp 35–36 ¶ 15).

On 7 November 2025, Ms. Wallace and others protested in and around Durham Central Park, writing chalk messages on the public streets and sidewalks, including: “Maggie Clapp Kidnaps Black Children” and “Maggie Clapp Commits Genocide.” (R p 36 ¶ 18; T pp 52, 114, 129, 146:23–24). Ms. Wallace chose Central Park because it is “a forum for numerous protests” and “gets a

announced at a public board meeting. (T pp 42:10–16, 73:13–14). Ms. Wallace testified that she learned about the event at a DSS board meeting (T p 105:12–15). The parties don’t dispute that Ms. Wallace was permitted to register onsite at the event registration table. (T p 105:19–24).

lot of foot traffic,” thereby ensuring a broad audience for her message. (T pp 103:23–104; 146:22–25). At the time of the protests, Director Clapp resided in an apartment building adjacent to the park. (T p 72:14–18). Ms. Wallace recorded the group’s activities at the chalk protest. (R p 36 ¶ 18).

In response to Ms. Wallace’s protests, Durham County petitioned for a civil no-contact order on behalf of Director Clapp against Ms. Wallace under the WVPA, N.C.G.S. § 95-262. (R pp 2–10).

The district court held a hearing on the petition on 5 December 2025. (R p 16). In her testimony, Director Clapp consistently referred to Ms. Wallace’s actions as “protest.” (T pp 12–14, 15:16–21, 41:14–18, 73:25–74:9). Director Clapp conceded that in all of her interactions with Ms. Wallace, Ms. Wallace had never been violent. (T p 74:13–16). Yet, she testified that it “felt like a threat” when Ms. Wallace said at a public DSS board meeting that “if I don’t return the children by Friday, there’ll be a problem,” (T p 32:2–4), and explained that “the mother [of the children] was also present [at the meeting], so there was a threat.” (T p 35:10–11). As to the Central Park chalk protest, Director Clapp testified that she only ever saw Ms. Wallace on the street and on the sidewalk. (T pp 72:14–23, 73:3–8). She admitted that Ms. Wallace neither came to her apartment building door, nor entered the building. (*Id.*). Although Director Clapp called the police in response to the chalk protest, the police did

not arrest Ms. Wallace. (T pp 72:24–73:2).

Director Clapp testified that Ms. Wallace’s protests made her feel “not very good” and “a little fearful” because the statements “[go] against [her] character” and “continue to be escalating” with Ms. Wallace shouting, emailing her, and “things like that.” (T p 34:8–14). She also testified that the protests made her “uncomfortable” and “scared” because of the shouting and claims of “pretty serious offenses that are not true,” (T p 26:16–25), and that Ms. Wallace’s email made her “very upset.” (T p 30:17).

Ms. Wallace testified that she uses language like “kidnap” and “genocide” because it is used by and reflects the feelings of people directly impacted by the system. (T p 92:11–21). Ms. Wallace testified that her protests were not about Director Clapp personally, but about “her role as the head of . . . [DSS],” and agency “inflicting harm on the community.” (T pp 122:4–7; 106:23–107:5). Ms. Wallace also stated that “I would describe my role when I worked inside the system . . . as Kidnapping children.” (T p 107:12–15). Ms. Wallace testified that her intention was not to “terrorize, terrify, or torment” Director Clapp, but to “get education out to the community about how . . . [DSS] is operating” and to voice dissent (T pp 93:21–94:10, 102:1–4, 105:12–24, 108:23–25). Ms. Wallace argued that the petition was an attempt to suppress her speech and protest. (T p 7:14–23).

Professor Sarah Katz, whom the court deemed an expert in family policing legal scholarship (T pp 86, 90), testified about the family policing abolition movement. She explained why abolitionists use terms like “genocide,” “kidnaping,” and “hostage.” (T p 92:11–94:10). Professor Katz testified that “kidnaping,” when used in the context of protesting the family policing system, “references the lived experiences of families . . . who are separated by [the system].” (T p 92:17–21). Likewise, “genocide” is used to describe the “systematic removal” of children of color from their families. (T p 93:21–24).

The district court entered a year-long no-contact order, finding that the purpose of Ms. Wallace’s protest was to “publicly shame, harass, and cause fear and intimidation” in Director Clapp, and to cause Director Clapp to fear for her and others’ safety. (R pp 37–38 ¶ 28). The court found that Ms. Wallace’s protests served “no legitimate purpose other than to harass Maggie Clapp” because they were “defamatory,” and constituted “false accusations of criminality and moral turpitude.” (R p 37 ¶ 27). The Order prohibited Ms. Wallace from contacting Director Clapp by telephone, from using “abusive, threatening, and harassing language” in emails to Director Clapp, and from going to the “Liberty Warehouse Complex” and the sidewalks and streets adjacent to it (excepting the Durham Food Hall). (R p 39 ¶¶ 2–5).

In response to Ms. Wallace’s counsel’s request for clarification on the restrictions, the court stated that Ms. Wallace could protest, but the language needed to be “toned down,” and that to go to Central Park, she could “go down Foster Street,” “come in through the woods,” and that she could protest on the sidewalk “across the street from Rigsbee,” but prohibited Ms. Wallace from going down the “sidewalk right around the apartments where [Director Clapp] lives.” (T pp 147:19–20, 151:22–153:3). However, this language did not appear in the written Order. (R p 39 ¶¶ 1–7).

On 16 March 2026, Ms. Wallace sought relief pursuant to North Carolina Rule of Civil Procedure 60(b)(6). (R S p 52). Ms. Wallace argued that the Order’s prohibitions on use of “abusive, threatening, and harassing” language in emails or protests directed to Director Clapp violated the First Amendment as content-based restrictions on her speech and were also unconstitutionally vague in violation of the Fourteenth Amendment. (R S p 58). Ms. Wallace also argued that the Order violated the First Amendment by imposing impermissible time, place, and manner restrictions on her protected political speech. (R S p 60). In a 13 March 2026 Declaration, Ms. Wallace explained that her confusion about the Order’s restrictions has impacted her ability to participate in protest activities in Central Park and has made her fearful of wrongful arrest. (R S pp 66–67).

The district court dismissed the Rule 60(b) motion on 23 April 2026, concluding that it lacked jurisdiction to address the motion. (R S p 69).

STANDARD OF REVIEW

Where a district court sits without a jury, this Court examines whether competent evidence supports the court’s findings of fact and whether the findings support the conclusions of law and ensuing judgment. *Myers v. Broome-Edwards*, 294 N.C. App. 364, 366 (2024).

ARGUMENT

Here, the district court’s conclusions of law are inconsistent with the Constitution and the plain language of the WVPA. The Order’s restrictions also violate Ms. Wallace’s constitutional rights. This Court should vacate and remand to the district court with instructions to dismiss the petition, or, at a minimum, to remove its unconstitutional restrictions.

I. THE ORDER VIOLATES MS. WALLACE’S FIRST AND FOURTEENTH AMENDMENT RIGHTS.

The Order violates the First and Fourteenth Amendments for two reasons. First, it restricts Ms. Wallace’s liberty in response to and because of her harsh—but protected—criticism of public officials. Second, its overbroad

restrictions impermissibly bar Ms. Wallace from engaging in a wide variety of protected speech,³ while the ambiguity of those restrictions chills her speech even further.

A. Speech protected by the First Amendment cannot provide the basis for a no-contact order.

The First Amendment does not allow the government to take adverse action, such as restricting liberty or future speech, against a person in response to their protected speech. The WVPA allows a district court to enter a no-contact against a person who engages in “unlawful conduct” directed against an employee or employer at the place of employment. *See* N.C.G.S § 95-264(a). To comply with the Constitution, the WVPA must be interpreted to exclude protected speech from its definition of “unlawful conduct.”

Here, the district court entered the Order in response to Ms. Wallace’s protected speech. That is not a constitutionally permissible basis for an order

³ This brief uses the term “protected speech” to refer to the full range of activities protected by the First Amendment, including speech, expressive conduct, and petitioning for redress of grievances. The First Amendment’s “protection does not end at the spoken or written word.” *Texas v. Johnson*, 491 U.S. 397, 404 (1989). Conduct is protected when it is “sufficiently imbued with elements of communication.” *Id.* (cleaned up). Relevant here, writing political messages, including criticism of elected officials, on public sidewalks with chalk “invokes [First Amendment] principles in nearly their purest form.” *Bledsoe v. Ferry Cnty.*, 499 F. Supp. 3d 856, 871 (E.D. Wash. 2020) (cleaned up). Recording in public is also protected speech. *See Sharpe v. Winterville*, 59 F.4th 674, 681 (4th Cir. 2023).

restricting a person's liberty and future speech, so the Order must be vacated as inconsistent with the First Amendment.

1. The First Amendment protects harsh criticism of public officials.

Speech about public issues and public officials is at the heart of the First Amendment's protection. *See Gentile v. State Bar of Nev.*, 501 U.S. 1030, 1034 (1991). To leave breathing room for this speech, courts have insisted that laws that can be used to limit speech must be narrowly construed, even if the statute does not primarily target protected speech.

In *New York Times v. Sullivan*, the U.S. Supreme Court concluded that the First Amendment limited public officials' ability to respond to criticism by asserting defamation claims. 376 U.S. 254, 283 (1964). The Court determined that laws targeting defamation must be carefully construed to avoid chilling criticism of public officials. *See id.* at 271–72 (“[E]rroneous statement is inevitable in free debate, and . . . it must be protected if the freedoms of expression are to have the ‘breathing space’ that they need to survive[.]”). In so doing, the Court recognized that the Constitution elevates the public's right to criticize their government officials over the right of those officials to protect their reputations. *See id.* at 272–73.

Relying on *Sullivan*, this Court recently affirmed that our state's defamation law must be narrowly applied in cases involving public officials. *Vastola*

v. Charlotte-Mecklenburg Lodge 9 of Fraternal Ord. of Police, 927 S.E.2d 770, 773 (N.C. Ct. App. 2026). The U.S. Supreme Court has similarly insulated speech on matters of public concern by barring intentional infliction of emotional distress claims based on such speech. In *Snyder v. Phelps*, 562 U.S. 443, 458–59 (2011), the Court overturned a jury verdict against members of a group that picketed military funerals to convey their belief that God punishes the country’s sins by killing American soldiers. The group’s speech was deliberately offensive and intended to cause significant emotional distress to funeral attendees; picketers carried signs with messages such as “Thank God for IEDs,” “Thank God for Dead Soldiers,” “Pope in Hell,” “Priests Rape Boys,” “You’re Going to Hell,” and “God Hates You.” *Id.* at 448. Still, the Court held this inflammatory speech—involving accusations of crimes of moral turpitude—was protected.

The First Amendment even protects some forms of threatening language. Political hyperbole, even when it is “crude” and “offensive” or “vituperative” and “abusive,” is not a true threat. *Watts v. United States*, 394 U.S. 705, 708 (1969) (holding that an anti-war protestor’s statement “If they ever make me carry a rifle the first man I want to get in my sights is L.B.J.” was not a true threat). A listener’s subjective feelings alone do not strip speech of First Amendment protection. *See Counterman v. Colorado*, 600 U.S. 66, 69, 72–73

(2023) (requiring courts to assess subjective intent of speaker and objective reasonableness of victim’s fear before punishing threatening speech).

“[T]here is no categorical ‘harassment exception’ to the First Amendment’s free speech clause.” *Saxe v. State College Area School Dist.*, 240 F.3d 200, 204 (3d Cir. 2001) (Alito, J.). The colloquial meaning of “harassment” can sweep in both unprotected and protected speech. *See United States v. Yung*, 37 F.4th 70, 78 (3d Cir. 2022) (reviewing dictionary definitions of “harass” that included both “worry[ing] and impeded[ing] by repeated attacks” and “to vex, trouble, or annoy continually or chronically” (alterations in original)). To comply with the First Amendment, laws prohibiting “harassment” must be construed to encompass only non-speech conduct and unprotected speech.⁴ *See Yung*, 37 F.4th at 78–79 (explaining that a harassment statute cannot apply to prohibit “[f]illing a city councilman’s voicemail box with complaints about his vote on a controversial municipal ordinance” or internet rants that “a

⁴ When this Court reviewed a previous no-contact order entered against Ms. Wallace, it was unable to review whether the facts alleged in the petition supported issuance of the order because the district court failed to make specific findings of fact. *Wallace*, 295 N.C. App. at 449. Accordingly, it has not yet had occasion to interpret the term “harassment” in the statute. But the North Carolina Supreme Court has been careful to distinguish protected from unprotected speech in a case concerning a similar statute. *See State v. Bishop*, 368 N.C. 869, 872 (2016) (reversing conviction under cyberbullying statute that prohibited making internet posts “[w]ith the intent to intimidate or torment a minor” (alteration in original)).

senator voted to lock refugee kids in cages”). Even speech that seeks to “vex,” “cow,” or “render [a person] timid” is protected by the First Amendment. *Id.*

The task of determining whether speech is protected by the First Amendment must be performed “against the background of a profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open,” even when it includes “vehement, caustic, and sometimes unpleasantly sharp attacks on government and public officials.” *Sullivan*, 376 U.S. at 270; *see also Vastola*, 927 S.E.2d at 773. Speakers may freely use “exaggeration” and even “vilification” of public officials and public figures because the “people of this nation have ordained in the light of history” that “these liberties are, in the long view, essential to enlightened opinion and right conduct on the part of the citizens of a democracy.” *Cantwell v. Connecticut*, 310 U.S. 296, 310 (1940). “The First Amendment’s protection of the right to criticize public officials safeguards our democracy” by keeping public officials “accountable to the people whom they serve.” *State v. Taylor*, 379 N.C. 589, 606 (2021).

In our constitutional system, public officials are expected to be people “of fortitude, able to thrive in a hardy climate.” *Sullivan*, 376 U.S. at 273. Even ordinary citizens must “tolerate insulting, and even outrageous, speech in order to provide adequate breathing space to the freedoms protected by the First

Amendment.” *Madsen v. Women’s Health Ctr.*, 512 U.S. 753, 774 (1994).⁵ Public officials must tolerate no less.

2. Ms. Wallace’s speech is protected and cannot serve as the basis for the Order.

Contrary to these precedents, the district court impermissibly entered the Order based on Ms. Wallace’s protected speech. The court’s findings of fact and the evidence adduced concern six incidents, all of which are quintessential protected speech: (1) Ms. Wallace’s protests at DSS buildings, (2) protests outside of a courthouse, (3) protests at public DSS board meetings, (4) Ms. Wallace’s April 2025 email to the DSS Director, (5) the protest at the Sneaker Ball, (6) and the November 2025 chalk protest. (R pp 19–22, 34–38; T pp 11:20–13:4, 15:16–23, 24:16–26:5, 27:11–15, 31:6–32:11, 37:24–38:23, 48:21–49:4). These are all examples of Ms. Wallace communicating a dissenting political message—dissatisfaction with the actions of the Durham County DSS Director and a demand that DSS change its leadership and course. Director Clapp herself

⁵ The U.S. Supreme Court has recognized the First Amendment right to publicly criticize even private individuals in order to pressure those individuals to change their behavior, even when such criticism might be seen as harassing, shaming, or socially ostracizing. *See, e.g., Org. for a Better Austin v. Keefe*, 402 U.S. 415, 417–19 (1971) (First Amendment protected activists who distributed leaflets criticizing a real estate agent’s behavior near his home and inviting readers to call him at his home); *NAACP v. Claiborne Hardware Co.*, 458 U.S. 886 (1982) (permitting activists to publicize the names of private individuals who were not complying with a boycott of white-owned stores).

understood Ms. Wallace's actions to be political protest. (T pp 13:25–14:3, 41:16–17, 45:23).

The district court's conclusion that Ms. Wallace acted unlawfully centered on the content of her speech:

[Ms. Wallace] has directly confronted Maggie Clapp on at least 4 occasions, aggressively shouted defamatory and harassing statements, such as, but not limited to: 'Maggie Clapp, Kidnapper,' 'Maggie Clapp commits [g]enocide,' 'Go [b]ack to Florida, Maggie Clapp the Kidnapper.' While engaged in protest at Durham DSS, Respondent has accused Maggie Clapp of criminal acts, including not limited to kidnapping and genocide. . . .

On two occasions at the courthouse, Respondent Amanda Waller (sic.) has confronted Maggie Clapp and called her a kidnapper. . . .

On multiple occasions during these [DSS] board meetings, [Amanda Wallace] has called Maggie Clapp a kidnapper or stealer of black children. . . .

Amanda Wallace has repeatedly accused Maggie Clapp of being a kidnapper or kidnapping children. This is a felony criminal act, a serious accusation. . . .

(R pp 35, 37).

The court found these statements offensive, inflammatory, and defamatory, and explained: "[W]hen you allege that someone is a kidnapper, that is accusing someone of a crime. And I think that language needs to be toned down," (T p 147:17–20), and "'Kidnap, genocide'—'kidnap,' especially. That is accusing her of being a felon, and I think that is outside the realm of First

Amendment protected . . . speech.” (T pp 150:23–151:1). Ultimately, the court found that Ms. Wallace “harassed Maggie Clapp, without legal purpose . . . by appearing at her workplace and her home shouting defamatory and false accusations of criminality and moral turpitude and these actions can serve no legitimate purpose other than to harass Maggie Clapp.” (R p 37).

But “it is a prized American privilege to speak one’s mind, although not always with perfect good taste, on all public institutions.” *Bridges v. California*, 314 U.S. 252, 270 (1941). Ms. Wallace’s statements, harsh as they are, are protected political speech, falling outside the narrow scope of proscribable harassment or defamation.

Defamation requires proof that a person caused injury to the plaintiff by intentionally or recklessly making false statements of fact—not opinion—concerning the plaintiff, which were published to a third person. *Desmond v. News & Observer Publ’g Co.*, 241 N.C. App. 10, 16 (2015). Where the target of allegedly defamatory statements is a public official like Director Clapp, the recipient must also prove by clear and convincing evidence that the speaker acted with “actual malice” in publishing the defamatory statements. *Harte-Hanks Commc’ns v. Connaughton*, 491 U.S. 657, 659 (1989); *Vastola*, 927 S.E.2d at 773. Rhetorical hyperbole is not defamation. See *Old Dominion Branch No. 496 v. Austin*, 418 U.S. 264, 284–86 (1974) (use of the word “traitor” to define union

“scab” was not defamatory, as it was “merely rhetorical hyperbole”); *Greenbelt Coop. Publ’g Ass’n v. Bresler*, 398 U.S. 6, 14 (1970) (use of the word “blackmail” to describe developer’s negotiating position was not defamatory because “even the most careless reader must have perceived that the word was no more than rhetorical hyperbole” and not an actual accusation of a crime); *CACI Premier Tech. v. Rhodes*, 536 F.3d 280, 297 (4th Cir. 2008) (reasonable listener would have understood that referring to military contractors as “torturing” detainees was not using the word in its “narrow, legalistic sense”).

“In determining whether a statement can be reasonably interpreted as stating actual facts about an individual,” rather than engaging in protected rhetorical hyperbole, “courts look to the circumstances in which the statement is made. Specifically, [courts] consider whether the language is loose, figurative, or hyperbolic language, as well as the general tenor” of the speech. *Desmond*, 241 N.C. App. at 17. “[I]f it is plain that the speaker is expressing a subjective view, an interpretation, a theory, conjecture, or surmise, rather than claiming to be in possession of objectively verifiable facts, the statement is not actionable.” *Haynes v. Alfred A. Knopf, Inc.*, 8 F.3d 1222, 1227 (7th Cir. 1993). If the language expresses “clearly matters of personal opinion, or alternatively, hyperbole no reasonable reader would believe,” it is not defamation. *Daniels v. Metro Mag. Holding Co.*, 179 N.C. App. 533, 540 (2006).

Neither the court's factual findings nor the evidence support the court's assertion that Ms. Wallace's statements were defamatory. Ms. Wallace's use of the words "genocide" and "kidnapping" clearly express rhetorical hyperbole and personal opinion of DSS's activities. The district court made no finding of false statement of fact, or that Ms. Wallace acted with actual malice. The district court's holding that Ms. Wallace's accusations of felony conduct fell outside the First Amendment's protections, in this context, is reversible error.

The Fourth Circuit's decision in *CACI* is on point. 536 F.3d 280. *CACI*, a defense contractor that interrogated detainees for the U.S. military at Abu Ghraib, sued a talk radio host who harshly criticized its activities. *Id.* at 283–84, 288–92. The host corrected a guest who referred to *CACI* as "contractors," saying, "don't call them contractors, call them what they are, they're hired killers." *Id.* at 301. She referred to *CACI* and three other defense contractors by name, saying they "got this idea, hey let's get a Department of Defense contract and we'll send killers over there." *Id.* at 300. And she referred to *CACI* employees "torturing" detainees. *Id.* at 296. The Fourth Circuit held that none of these statements were defamatory; they were "permissible hyperbolic characterization[s]" and "quintessential examples of non-actionable rhetorical hyperbole." *Id.* at 297, 301–02.

Like the radio host's reference to *CACI* as "hired killers" who "tortur[e]"

people, Ms. Wallace’s use of the terms “kidnapping” and “genocide” are plainly rhetorical hyperbole protected by the First Amendment. Ms. Wallace’s words express her moral condemnation of Director Clapp’s leadership of an agency that removes Black children from their families; these are not allegations that Director Clapp has actually committed a felony. *Cf. Greenbelt Coop.*, 398 U.S. at 14 (calling developer’s behavior “blackmail” not defamatory given context); *Daniels*, 179 N.C. App. at 540–41 (labeling plaintiff “a fascist,” likening plaintiff to “former Soviet security police,” and referring to plaintiff’s “Gestapo voice” was not defamatory).

Ms. Wallace’s words have rhetorical meanings outside of their formal legal definitions,⁶ and their meaning as applied to DSS’ activities is subject to debate among those concerned about government intervention in families, especially where such intervention disproportionately affects Black families.⁷ In recent years, members of the public have expressed vastly divergent views on what constitutes “genocide.” In contesting how the United States should act in

⁶ T pp 92–94 (expert testimony discussing the meaning of the term “kidnapping” in the family policing movement and describing the United Nations’ definition of “genocide,” which includes “forcibly transferring the children of” one racial group to another).

⁷ See Sara DePasquale, *The Child Welfare System and Race*, ON THE CIVIL SIDE: A UNC SCHOOL OF GOVERNMENT BLOG (June 15, 2020), <https://civil.sog.unc.edu/the-child-welfare-system-and-race/>.

relation to Israel and Palestine, participants on both sides of the debate have accused the other side of being supportive of or complicit in genocide. Some opponents of abortion routinely refer to legal abortion as “genocide” and to doctors who perform it as “murderers.”⁸ Ms. Wallace’s choice of words commonly used in political rhetoric and the context of protest demonstrate that they are hyperbolic expressions of opinion, not assertions of fact.

The district court’s findings of fact also include an email from Ms. Wallace to Director Clapp, which said that Clapp “should be ashamed” of herself for her role in separating families, and called on her to release the children in DSS custody and quit her job. (R pp 35–36). This was speech to a public official, criticizing her official conduct in emphatic language and imploring her to change course. Speech of this kind “lies at the very center of the First Amendment.” *Gentile*, 501 U.S. at 1034. Ms. Wallace’s direct appeals to Director Clapp are doubly protected by the First Amendment’s speech and petition clauses. *See Bradley v. Computer Sciences Corp.*, 643 F.2d 1029, 1033 (4th Cir. 1981).

Casting Ms. Wallace’s use of the terms “kidnapping” and “genocide” and her protests directed at Director Clapp as proscribable harassment sets a

⁸ *See, e.g.*, Doug Potter, *Five Reasons Abortion is Murder*, SOUTHERN EVANGELICAL SEMINARY & BIBLE COLLEGE (Oct. 28, 2020), <https://ses.edu/five-reasons-abortion-is-murder-the-killing-of-an-innocent-human-being/>.

dangerous precedent, under which public officials can weaponize the WVPA to insulate themselves from heated criticism of their official conduct. Fearing that the wrong choice of words could result in their being barred from protesting public officials or even moving freely about their city, citizens will self-censor, curtailing the exercise of their First Amendment rights to speak, to protest, and to petition government officials. Such a regime is incompatible with our “profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open,” even when it includes “vehement, caustic, and sometimes unpleasantly sharp attacks on government and public officials.” *Sullivan*, 376 U.S. at 270.

B. The Order is not narrowly tailored and is impermissibly vague.

Even where an individual has exceeded the bounds of protected speech, the court must still carefully tailor the restrictions to allow breathing room for First Amendment rights. And to avoid chilling protected speech, any no-contact order must clearly define its restrictions. The Order fails these requirements.

1. The Order burdens more speech than necessary.

Injunctions that restrict future speech, such as no-contact orders, require even “more stringent application of First Amendment principles” than generally applicable statutes burdening speech because they inherently carry

“greater risks of censorship and discriminatory application than do general ordinances.” *Madsen*, 512 U.S. at 764. Unlike generally applicable, content-neutral statutes, injunctions restricting speech must burden “no more speech than necessary to serve a significant government interest.” *Id.* at 765. And for the restriction to be valid, the government must first demonstrate that alternative measures burdening less speech “would fail to achieve the government’s interests[.]” *McCullen v. Coakley*, 573 U.S. 464, 495 (2014) (invalidating statutory 35-foot buffer zones around entrances to abortion clinics, enacted in response to harassment of clinic patients, because they compromised the ability of abortion opponents to engage in their preferred form of speech).

In *Madsen*, the U.S. Supreme Court reviewed an injunction that was entered against a group of anti-abortion activists who protested outside of abortion clinics, after a previous injunction failed to ensure access to the clinic. 512 U.S. at 758–59. The Court upheld a 36-foot buffer zone around the clinic entrance and parking lot. This part of the injunction “burden[ed] no more speech than necessary” to achieve the government’s stated interest in protecting access to the clinic, because the evidence established that there were “few other options” to access the “narrow confines around the clinic” and that a prior, narrower injunction was ineffective. *Id.* at 769–70. But the Court invalidated other parts of the injunction, including: restrictions on activities in areas other than

the parking lot and entrances; a prohibition on protestors displaying “images observable” to patients in the clinic during certain hours; and a ban on approaching any person seeking services at the clinic unless the person first indicated a desire to communicate. *Id.* at 771, 773–74.

Here, the Order violates *Madsen*’s principles. First, the Order impermissibly imposes content-based restrictions. It states that Ms. Wallace may not use “abusive, threatening, and harassing language” in emails to Director Clapp. (R p 39 ¶ 5). It also states that Ms. Wallace “shall not abuse or injure, Durham County, Durham County property, or Maggie Clapp[.]” (R p 39 ¶ 4). The written order does not define “abusive, threatening, and harassing language” or “abuse or injure.” However, at the hearing, the court stated that Ms. Wallace cannot use the words “kidnap” or “genocide” directed toward Director Clapp. (T pp 150:20–151:4). Elsewhere, the court said that “the language does not need to be threatening, harassing, ‘You’re a kidnapper, You have genocide [sic], Go back to Florida,’ that type of stuff.” (T p 147:23–25). And after stating that Ms. Wallace could go to board meetings and speak during public comment, the court said: “[B]ut when you allege that someone is a kidnapper, that is accusing someone of a crime. I think that language needs to be toned down.” (T p 147:17–19).

The government “has no power to restrict expression because of its

message, its ideas, its subject matter, or its content,” and thus content-based restrictions like these are presumptively unconstitutional. *Reed v. Town of Gilbert*, 576 U.S. 155, 163 (2015) (quoting *Police Dep’t of City of Chicago v. Mosley*, 408 U.S. 92, 95 (1972)). As explained above, Ms. Wallace’s choice of language for her political advocacy is constitutionally protected. Just as the First Amendment prohibits a court from basing a no-contact order on her use of these words, it also prevents a court from prospectively restricting this language.

The Order also imposes restrictions on Ms. Wallace’s speech that are unjustified by the record. Specifically, the Order (1) prohibits Ms. Wallace from contacting Director Clapp by telephone and (2) imposes restrictions on any of her protests at Durham County property. (R p 39 ¶¶ 5–6). But the Order makes no factual findings, nor does the evidence show, that Ms. Wallace has ever used telephone calls to harass or intimidate Director Clapp in any manner. Nor are there any factual findings about whether phone calls from Ms. Wallace would place her in reasonable fear or even significantly disrupt Director Clapp’s workday, given the prevalence of voicemail, caller ID, and other means of screening and managing calls. Absent any factual findings or evidence, this restriction does not satisfy the requirement to burden “no more speech than necessary to serve a significant government interest.” *Madsen*, 512 U.S. at 765.

The Order also restricts Ms. Wallace’s right to protest at Durham County property by prohibiting her from standing within 50 feet of the entrance. (R p 39 ¶ 6). While this might be a reasonable time, place, or manner restriction if it were generally applicable to anyone engaging in speech near DSS, it is subject to the heightened *Madsen* standard because it applies only to Ms. Wallace. *See* 512 U.S. at 764–65. The 50-foot buffer zone cannot satisfy the *Madsen* standard because the court made no factual findings that it is necessary to serve the purpose of a no-contact order under the WVPA: namely, to prevent Ms. Wallace from placing Director Clapp in “reasonable fear for [her] or [her] employer’s safety.” N.C.G.S. § 95-260(3)(b). The only factual findings that could be construed to support the restriction is that Ms. Wallace has “directly confronted” Director Clapp outside of the Durham DSS building and the courthouse. (R p 35 ¶¶ 11–12). But even assuming that preventing non-violent, direct confrontation of Director Clapp is a permissible government interest—which it is not—a 50-foot buffer zone around the entrances to all Durham County properties at all times burdens dramatically more speech than necessary to achieve that interest. The court did not provide any reasoning for choosing 50 feet. At the hearing, the court mentioned that a previous order was 25 feet, but made no findings that the previous distance was insufficient. (T p 148:19–21). Thus this restriction also fails the *Madsen* test.

At a minimum, these content-based and unjustified restrictions in the Order must be invalidated.

2. The Order's ambiguities impermissibly chill Ms. Wallace's protected speech and restrict her freedom of movement.

The Order's restrictions on Ms. Wallace's communications and movement are also impermissibly vague in violation of the Fourteenth Amendment's due process clause. A legal command violates due process where it "fails to provide people of ordinary intelligence a reasonable opportunity to understand what conduct it prohibits." *Hill v. Colorado*, 530 U.S. 703, 732 (2002). Vagueness is particularly problematic where, as here, it "abut[s] upon sensitive areas of basic First Amendment freedoms," because in so doing, it "operates to inhibit the exercise of those freedoms." *Grayned v. City of Rockford*, 408 U.S. 104, 109 (1972) (cleaned up).

First, in addition to being impermissibly content-based, the Order's prohibitions on the use of "abusive, threatening, and harassing language" and on "abus[ing] or injur[ing]" Durham County, Durham County property, or Director Clapp (R p 39 ¶¶ 4–5) are unconstitutionally vague. When asked for clarification at the hearing, the court identified particular words and phrases that these restrictions covered, but did not specify whether those were totality of what "abusive, threatening, or harassing language" prohibits, or if the prohibition extends to more content. (T pp 150:18–151:13). And it is not clear if the

restriction on the use of “abusive, threatening, or harassing” language applies to email only, or if it is also part of the Court’s order that Ms. Wallace not “abuse or injure” Durham County or Director Clapp. These open questions chill Ms. Wallace’s speech because she is left guessing about what she can say and where she can say it—and the penalty for guessing incorrectly could be a fine or even imprisonment. (R p 40); *see also* N.C.G.S. § 95-269.

Second, the Order imposes unclear restrictions on Ms. Wallace’s access to the streets and sidewalks around Director Clapp’s apartment building, making it impossible for Ms. Wallace to know how to comply with the Order in those public spaces. This has already chilled Ms. Wallace’s exercise of her First Amendment rights. (R S pp 66–67).

As the court noted in its findings of fact, Director Clapp’s apartment complex is adjacent to Durham Central Park, which is “regularly the location of protests in Durham.” (R p 36 ¶ 19). The Order prohibits Ms. Wallace from going to “the sidewalks or streets adjacent to” Director Clapp’s apartment complex (but allows her to go to the Durham Food Hall). (R p 39 ¶¶ 2–5). When Ms. Wallace asked for clarification on this restriction, the court stated that Ms. Wallace could go to Central Park by “com[ing] in through the woods,” that she could “go down Foster Street,” and that she could protest on the sidewalk “across the street,” but said that she can’t go down the “sidewalk right around

the apartments where she lives.” (T pp 151–153).

Ms. Wallace has been unable to determine if the Court’s order prohibits her from walking, driving, or parking on West Corporation Street, Rigsbee Avenue, or Foster Street, and if so, for how many blocks “right around” encompasses. She also fears that because the court’s discussion of these locations is not in the written order, she could be arrested for violating the Order if she entered Durham Central Park and were unable to show a written determination that she is allowed to be there. Moreover, another judge interpreting the Order in enforcement proceedings might rely only on the four corners of the document, without accounting for the court’s oral explanation at the hearing.

This lack of clarity has chilled and limited Ms. Wallace’s exercise of First Amendment rights in traditional public fora—public streets and a public park. Because of her uncertainty about where she can be in the Central Park area, Ms. Wallace has avoided attending recent protests and feared that she will not be able to hold an annual vigil that she has organized in the park each year. (R S p 66).

II. THE DISTRICT COURT ERRED BY ISSUING THE ORDER WITHOUT EVIDENCE REQUIRED BY THE WVPA.

In addition to its constitutional infirmities, the Order fails to satisfy the statutory requirements of the WVPA.

The WVPA sets forth five statutory elements required to establish the

unlawful conduct necessary for a no-contact order: (1) willfully; (2) on more than one occasion; (3) “following, being in the presence of, or otherwise harassing, as defined in G.S. 14-277.3A”; (4) without legal purpose; and (5) “with the intent to place the employee or employer in reasonable fear for the employee’s or employer’s safety.” N.C.G.S. § 95-260(3)(b). The third element requires a showing of civil harassment, which itself has five elements: “(1) knowing conduct (2) directed at (3) a specific person (4) that torments, terrorizes, or terrifies, and (5) serves no legitimate purpose.” *Wallace*, 295 N.C. App. at 445 (citing N.C.G.S. § 14-277.3A(b)(2)).

Neither the evidence nor the district court’s factual findings support the legal conclusion that Ms. Wallace engaged in “unlawful conduct” under the WVPA.

A. Ms. Wallace’s protected political speech served a legitimate and legal purpose.

The district court’s factual findings fail to satisfy the WVPA’s interrelated third and fourth requirements for “unlawful conduct.” To meet the WVPA’s third statutory element, a petitioner must prove that the respondent engaged in civil harassment as defined by N.C.G.S. § 14-277.3A(b)(2), which in turn requires proof that the conduct “serve[d]” no legitimate purpose. Similarly, the WVPA’s fourth element requires the petitioner to prove that the respondent acted “without legal purpose.” N.C.G.S. § 95-260(3)(b). These

elements overlap, as “[N.C.G.S.] § 95-260 sheds light on § 14-277.3A(b)(2)’s meaning of ‘legitimate’ with its own element of ‘legal purpose.’” *Wallace*, 295 N.C. App. at 447.

As discussed in Part I.A.2 above, the district court erroneously concluded that Ms. Wallace’s speech was not protected by the First Amendment. It further erred by concluding that this protected speech was illegitimate and without lawful purpose, thus constituting “unlawful conduct” under the WVPA. The Constitution requires that the statute be construed to exclude protected speech from the definition of “unlawful conduct.” *See* Part I.A.1. And the plain text and history of the WVPA reveals that it does just that.

Enacted in 2004, the WVPA’s purpose was to protect victims of intimate partner violence (IPV).⁹ The Legislature added specific provisions in July 2025 ensuring that the law provided breathing space for the exercise of First Amendment rights. 2025 N.C. Sess. Laws 2025-71. As amended, the WVPA provides: “Nothing in this Article is intended, or shall be construed, to conflict with, restrict, limit, or infringe upon rights protected by the North Carolina or United States Constitution.” N.C.G.S. § 95-271(b). And,

Nothing in this article shall apply to peaceful demonstrations, informational picketing or . . . activity protected by . . .

⁹ *See, e.g.*, Angela Heywood Bible, *Severe abuse, light penalty*, NEWS & OBSERVER (May 20, 2003); Dorothy Y. Lewis, *Programs aid victims of violence*, ROCKY MOUNTAIN TELEGRAM (Oct. 16, 2004).

the North Carolina Constitution, including the right to assemble and protest, provided such activity does not involve violence, threats, or intentional obstruction of any place of employment's access points.

N.C.G.S. § 95-271(d). The WVPA defines “peaceful demonstration” to encompass

[E]ither or both . . . (i) conduct which does not involve lawlessness or create a risk to property or the safety of others; (ii) speech that is not directed to inciting or producing imminent lawless action and is not likely to incite or produce such action.

N.C.G.S. § 95-271(d). Thus, the WVPA explicitly bars consideration of constitutionally protected activity in proving unlawful conduct.

The district court departed from these clear directives. The evidence does not establish that Ms. Wallace's actions “involve[d] lawlessness or create[d] a risk to property or the safety of others.” Her protests are non-violent and do not involve any property damage. She was never arrested. Nor does the evidence establish that Ms. Wallace's political protest was “directed to inciting or producing imminent lawless action,” or “likely to incite or produce” lawless action. Instead, the evidence shows that Ms. Wallace was engaged in protected speech, which the WVPA expressly excludes from the definition of “unlawful conduct.”

The court erred in concluding that Ms. Wallace's political protest was harassing conduct that “serves no legitimate purpose” and was “without legal

purpose.” Ms. Wallace’s speech was directed at a public official and on a matter of public concern, serving the utmost legitimate purpose: to protest, critique, and demand change from her government.

B. Ms. Wallace lacked the requisite intent.

The Order also fails to comply with the WVPA’s fifth requirement: that the petitioner prove the respondent acted “with the intent to place the employee . . . in reasonable fear for the employee’s . . . safety.” N.C.G.S. § 95-260(3)(b). Ms. Wallace neither acted with the intent to place Director Clapp in fear for her safety, nor was Director Clapp’s fear reasonable.

To make a finding of unlawful conduct under the WVPA, the evidence must support and the district court must expressly document—not merely imply—a finding of specific intent. *Wallace*, 295 N.C. App. at 448.

The evidence does not support the court’s conclusion that Ms. Wallace intended to place Director Clapp in reasonable fear for her safety. Instead, it demonstrates that Ms. Wallace intended to protest Director Clapp’s and Durham DSS’ policies and actions. Ms. Wallace testified that she did not intend to terrorize, terrify, or torment Director Clapp. (T p 108:23–25). She intended to voice dissent, urge changed leadership at DSS, and educate her community. (T pp 102:1–22, 103:23–104:1, 105:19–22).

Ms. Wallace also testified that her intent in using the term “kidnapper”

was not to make Director Clapp afraid. Ms. Wallace explained that she “would call anyone that holds that position [a kidnapper]” and that her protest was not about Ms. Clapp personally, but rather, Director Clapp in her professional capacity as the leader of DSS, an entity that “inflict[s] harm on the community.” (T pp 106:23–107:5). Ms. Wallace even testified that she would describe *her own past work* at DSS as kidnapping children. (T p 107:12–15). The evidence establishes that Ms. Wallace’s intent was to publicly protest the work that Director Clapp and DSS do and to raise awareness about the harms done by the “child welfare system” —not to make Director Clapp fear for her safety.

Ms. Wallace’s actions during these incidents—protesting outside government buildings and as a registered guest at a publicly announced DSS function, shouting and writing political messages, video-recording her protests, and emailing political demands—all show she intended to criticize DSS and to petition government officials.

It is undisputed that Ms. Wallace never threatened or directed any violence to Director Clapp. (T p 74:13–16). There is no evidence in the record that Ms. Wallace’s language or conduct threatened bodily harm or physical injury. Though Director Clapp reported Ms. Wallace to the police, the police did not arrest Ms. Wallace. (T pp 72:24–73:2).

The district court erroneously conflated Director Clapp’s testimony that

she “felt threatened”—her subjective fear—with Ms. Wallace’s intent. This is reversible error. A public official’s subjective fear of non-violent protest is insufficient to establish a respondent’s intent. *Cf. Ramsey v. Harman*, 191 N.C. App. 146, 151 (2008) (a plaintiff’s testimony that she “felt ‘threatened’” by messages that “did not contain language ‘threatening to inflict bodily harm’ or ‘physical injury’” failed to show that defendant intended to and in fact caused substantial emotional distress).

The WVPA requires that the respondent intend to place the employee in *reasonable* fear for their safety. Interpreting the “reasonable fear” requirement under stalking laws, this Court has emphasized that it is an “objective standard, based on what frightens an ordinary, prudent person *under the same or similar circumstances*” and not “a subjective standard which focuses on the individual victim’s fears and apprehensions.” *State v. Ferebee*, 137 N.C. App 710, 717 (2000) (emphasis added). Even if Director Clapp felt afraid, the WVPA applies only where a reasonable person *in Director Clapp’s position* would fear for their safety. The court did not make this finding.

Had the district court conducted the required assessment, it would have concluded that a reasonable person in Director Clapp’s position would *not* have feared for their safety. Director Clapp leads Durham DSS and is ultimately responsible for the department’s operations and decisions, which includes

removing children from their families, filing petitions for the termination of parental rights, and placing children in foster care. (T p 61:8–14); N.C.G.S. § 108A-14. Director Clapp acknowledged that DSS’s work is highly consequential, emotional, contentious, and high stakes, and that she is accustomed to it. (T pp 62:21–23, 75:14–76:20). Because Director Clapp is a public employee, her official contact information is available to the public. (T p 70:21–24). The director of a public agency doing high-stakes, emotional work and regularly removing children from their families can reasonably expect to encounter public scrutiny, anger, hostility, and protest. A reasonable person in Director Clapp’s position would not experience fear from the non-violent—if vociferous—opposition that comes with the job. *See Sullivan*, 376 U.S. at 273 (public officials are “to be treated as ‘[people] of fortitude, able to thrive in a hardy climate.’”). Ms. Wallace did not intend to place Director Clapp in reasonable fear because any fear on Director Clapp’s part was not reasonable.

Because the WVPA’s specific intent and reasonableness requirements were not met, the district court erred by entering the Order.

CONCLUSION

For the reasons stated above, this Court should vacate the Order and remand to the district court with instructions to dismiss the petition.

Alternatively, if the Court determines that any part of the Order is valid, it should direct that the district court modify the order to remove the unconstitutional restrictions.

Respectfully submitted this 12th day of August, 2026.

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CERTIFICATE OF COMPLIANCE

The undersigned hereby certifies that the foregoing brief contains fewer than 8,750 words, in compliance with N.C. R. App. 28(j).

Electronically Submitted
Jacqueline L. Landry

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This the 12th day of August, 2026.

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1 (Pause.)

2 THE COURT: Paragraph -- yeah. Yeah. Okay. Fine.
3 That's fine. Twen -- twenty is fine.

4 Somewhere around Paragraph 22 or somewhere, we can
5 indicate that as a result of all of these activities, that
6 Ms. Clapp is fearful; and, as a result, she has had to go to
7 therapy to deal with this -- with the conduct. Okay.

8 (Pause.)

9 THE COURT: I do have problems with restricting Ms.
10 Wallace from coming personally to DSS meetings -- board
11 meetings.

12 MR. MARTINEK: Okay.

13 THE COURT: I think she can do that. I'm a big
14 First Amendment buck. She has a perfect right to come to DSS
15 board meetings and speak the 3 to 5 minutes that are
16 allocated.

17 And there's free speech; but when you allege that
18 someone is a kidnapper, that is accusing someone of a crime.
19 And I think that language needs to be toned down. Kidnapping
20 is a felony, so I think that language needs to be toned down.

21 I think Ms. Wallace has the right to correspond
22 with Ms. Clapp and the Department via email, yet the language
23 does not need to be threatening and harassing: "You're a
24 kidnapper," "You have genocide," "Go back to Florida," that
25 type of stuff.

1 Am I giving you -- I mean, I -- you can dress this
2 up.

3 Ms. Wallace has the absolute First Amendment right
4 to protest and air her grievances, but I think a 50-foot
5 buffer around all interests in DSS is reasonable for the
6 reasons that I've stated.

7 As I said, having sat in that courtroom for
8 8-and-a-half years, these kids have been traumatized enough
9 already --

10 (Courtroom laughter.)

11 THE COURT: -- and they do not need to have --

12 I don't think it's funny the kids have been
13 traumatized. I think it's insane.

14 And if they are going to the Department of Social
15 Services for supervised visitation, that's a difficult
16 situation already. And they do not need people outside
17 yelling "rape, kidnap, genocide." We don't need to further
18 traumatize these kids.

19 And there are no voice amplifications. It's pretty
20 much in the last order, except I'm going to go 50 feet rather
21 than 25.

22 MR. MARTINEK: And about the -- and I think in the
23 last order, just to be clear, Your Honor, I think it
24 specifically said, like, when children are coming to and from
25 for visitation purposes. And I --

1 Wallace -- I mean, Ms. Clapp -- Ms. Wallace cannot go to the
2 residence or the apartment building where the director lives.
3 Central Park is fine. That is a public forum, but you need
4 to stay away from the sidewalks around where Ms. Clapp lives.
5 She is not to make any video or audio recordings of Ms.
6 Clapp. Period.

7 But Ms. Wallace can go to any commissioner meeting.
8 She can go to DSS board meetings. But she is to cease
9 stalking and harassing Ms. Clapp.

10 Have I given you everything? I think I've given
11 you a lot of what you've asked for here, because I did have
12 some problems with some of the -- saying -- he was saying
13 about not letting her come to the meetings and stuff like
14 that. I mean -- that -- I mean, I --

15 MS. KANERIA: I have a couple of clarifying
16 questions, Your Honor --

17 THE COURT: All right.

18 MS. KANERIA: -- just so Ms. Wallace is on notice
19 for what she can or can't do.

20 The la -- the Court has an issue with the lang --
21 so in communications, what is the language that Ms. Wallace
22 cannot use? What are the words that she cannot use?

23 THE COURT: "Kidnap, genocide" -- "kidnap,"
24 especially. That is accusing her of being a felon, and I
25 think that is outside the realm of First Amendment

1 protected -- First Amendment protected speech.

2 MR. MARTINEK: Your Honor, just to be clear, you're
3 not saying that -- that she can't use those terms in general,
4 but she's -- were directed at Ms. Clapp --

5 THE COURT: Yeah.

6 MR. MARTINEK: -- specifically.

7 THE COURT: Yeah.

8 MS. KANERIA: So would the County be okay with "The
9 Department of Social Services is kidnapping black children"?

10 MR. MARTINEK: We're not okay with that, but
11 possibly -- (indiscernible).

12 THE COURT: It's not okay, but I think that is
13 within -- I think that is within her rights.

14 MS. KANERIA: Okay.

15 MR. MARTINEK: Got it.

16 MS. KANERIA: Just wanted to make that clear.

17 Additionally, the sidewalk surrounding -- I believe
18 you have to go to the side -- like, on one of the sidewalks
19 to get into Durham Park. And so --

20 THE COURT: No, you don't.

21 MS. KANERIA: Okay.

22 THE COURT: You can -- you can go down Foster
23 Street. And as you come down Foster, the park's right there
24 on your left. And you don't have to come anywhere near the
25 Liberty Street apartments.

1 MS. KANERIA: Okay.

2 THE COURT: You can come around on the other side.

3 You can go on the other side and come in through the woods.

4 I mean, there are many ways to get to the Central Park

5 without going by -- she -- she probably don't need to go down

6 Rigsbee Avenue --

7 MS. KANERIA: Okay. But --

8 THE COURT: -- if she wants to go to the park.

9 MS. KANERIA: -- the food hall entrance --

10 THE COURT: I -- Hey. I am a big First Amendment

11 person.

12 MS. KANERIA: Okay.

13 THE COURT: You have an absolute right to talk.

14 Like Voltaire says, "I will defend your -- to your death, the

15 right of what you say, whether I -- whether I agree with it

16 or not."

17 So I -- I -- I believe in the First Amendment.

18 MS. KANERIA: So the Court is saying the sidewalk

19 on Rigsbee Street, that is also the -- the sidewalk that you

20 go --

21 THE COURT: On the other side, down the -- down the

22 side that the apartment's on is right across the street from

23 Rigsbee.

24 MS. KANERIA: Okay.

25 THE COURT: And across the street, when you go down

1 Corporation and on across the other side when you go down
2 Foster. None of the sidewalk right around the apartments
3 where she lives. You -- you can get your way across.

4 MS. KANERIA: Your Honor, Ms. Wallace is concerned
5 about the food hall, which is -- the entrance is on Foster
6 Street.

7 MS. WALLACE: Yeah. If I can't go to this place, I
8 cannot protest -- I -- I'm confused.

9 MS. KANERIA: I think she's confused. Can she go?
10 Can she not protest?

11 THE COURT: Yeah. She can go in the food hall.

12 MS. KANERIA: Okay.

13 THE COURT: I know where that is, too.

14 MS. KANERIA: And can she protest on the sidewalks?

15 THE COURT: That's on the -- across the street
16 side.

17 MS. KANERIA: Okay.

18 (Pause.)

19 MR. MARTINEK: Your Honor, the -- I think -- I
20 believe -- hopefully, this is the last request. We are
21 requesting to be provided Ms. Wallace's address for service
22 of the orders. We do have to serve her directly. It does
23 not need to be on the record, but it needs to be provided to
24 us to --

25 THE COURT: Yeah, we do -- Ms. -- we do need her

1 scholarly literature, not just within the law, but within the
2 social sciences, which discusses and bolsters
3 misunderstanding of the system. For example, scholars like
4 noted scholar -- law and sociology professor --

5 MR. MARTINEK: Your Honor, I'm going to object.
6 This time she's launching into a narrative. And at this
7 point in time, this is --

8 THE COURT: Okay. Ask her another question.

9 THE WITNESS: That's fine.

10 BY MS. KANERIA:

11 Q. In the context of the movement to abolish family
12 policing, what does language like "kidnapping" or "hostage"
13 mean?

14 THE COURT: That's up for me to decide. She can
15 give her opinion on it, but that's up for me to decide.

16 Go ahead.

17 A. So because family policing abolition focuses on
18 being led by and amplifying the voices of families who are
19 most impacted, kidnapping references the lived experiences of
20 families, specifically children and parents who are separated
21 by the family policing system.

22 There are -- there's social sciences literature
23 that supports this understanding of the experience of family
24 separation. Specifically, scholars like Social Worker
25 Professor Monique Mitchell has written about how children and

1 their parents experience the trauma of family separation
2 as -- as a kidnapping or a hostage taking.

3 Legal scholars, such as Shanta Trivedi at the
4 University of Baltimore School of Law, or Vivek Sankaran at
5 the University of Michigan School of Law, have written about
6 the implications of the social science literature on the law,
7 and specifically call for courts to consider the fact that
8 the trauma is akin to kidnapping and hostage taking that is
9 experienced by families. So, that term references the lived
10 experience bolted by scholarly literature.

11 BY MS. KANERIA:

12 Q. Thank you, Professor Katz. In the context of the
13 movement to abolish family policing, what does language like
14 "genocide" mean?

15 A. So the United Nations' definition of genocide
16 includes, first and foremost, forcibly removing the children
17 of one group to the oth -- another group. It also -- another
18 definition of genocide, according to the United Nations, is
19 to inflict conditions upon one particular group that results
20 in the full or partial destruction of that group.

21 "Kidnapping" is a term that is -- I'm sorry --
22 "genocide" is a term that is utilized by -- by families to
23 reflect the conditions that -- that result as a result of the
24 systematic removal of black, brown, and indigenous families.
25 And that is, indeed, a phenomenon that's been discussed in

1 the scholarship of Professor Cockney Dorothy Roberts
2 that I mentioned, as well as in my own scholarship,
3 specifically, an article that I published last year which
4 focuses on the impact of the Civil Death Penalty, which was
5 co-authored
6 with an impactful leader, Corey Best. That article discusses
7 the impacts specifically of the Civil Death Penalty or --
8 well, it's known as termination of parental rights and how it
9 creates a condition of genocide amongst black and brown
10 communities.

11 Q. And has your work ever been cited before?

12 A. Well, my work has been cited many --

13 MR. MARTINEK: Your Honor, I'm going to object.
14 She's already been qualified as an expert.

15 MS. KANERIA: I'll withdraw.

16 THE COURT: Well, that's --

17 MS. KANERIA: No more questions.

18 THE COURT: -- question is kind of over broad, as
19 well, to this.

20 So move on.

21 MS. KANERIA: No more questions.

22 MR. MARTINEK: Okay.

23 **CROSS-EXAMINATION**

24 **BY MR. MARTINEK:**

25 Q. So isn't it your expert opinion that every person that

N.C. Gen. Stat. § 95-260

Current through Session Laws 2026-39 of the 2026 Regular Session of the General Assembly.

**General Statutes of North Carolina > Chapter 95. Department of Labor and Labor Regulations.
(Arts. 1 — 23) > Article 23. Workplace Violence Prevention. (§§ 95-260 — 95-271)**

§ 95-260. Definitions.

The following definitions apply in this Article:

- (1)** Civil no-contact order. — An order granted under this Article, which includes a remedy authorized by [G.S. 95-264](#).
- (2)** Employer. — Any person or entity that employs one or more employees. Employer also includes the State of North Carolina and its political subdivisions.
- (2a)** Mass picketing. — Picketing, with or without signs, that constitutes an obstacle to the ingress and egress to and from the premises being picketed or any other premises, or upon the public roads, streets, highways, or other ways of travel or conveyance, either by obstructing by their persons or by placing of vehicles or other physical obstructions.
- (2b)** Obstruction. — A sustained or deliberate physical blockage that substantially and materially prevents ingress or egress and causes demonstrable disruption to operations or public safety.
- (2c)** Place of employment. — A building or conveyance of any kind, whether the building or conveyance is temporary or permanent, mobile or immobile.
- (3)** Unlawful conduct. — Unlawful conduct means the commission of one or more of the following acts upon an employer or employee, but does not include acts of self-defense or defense of others:
 - a.** Attempting to cause bodily injury or intentionally causing bodily injury.
 - b.** Willfully, and on more than one occasion, following, being in the presence of, or otherwise harassing, as defined in [G.S. 14-277.3A](#), without legal purpose and with the intent to place the employee or employer in reasonable fear for the employee's or employer's safety.
 - c.** Willfully threatening, orally, in writing, or by any other means, to physically injure the employee or employer in a manner and under circumstances that would cause a reasonable person to believe that the threat is likely to be carried out and that actually causes the employee or employer to believe that the threat will be carried out.
 - d.** Hindering or preventing, by mass picketing, unlawful threats, or force, the pursuit of any lawful work or employment.
 - e.** Obstructing or interfering with the entrance to or egress from any place of employment by mass picketing.
 - f.** Obstructing or interfering with free and uninterrupted use of public roads, streets, highways, railways, airports, or other ways of travel or conveyance by mass picketing.

History

[2004-165, s. 1](#); [2009-58, s. 7](#); [2025-71, s. 3\(a\)](#).

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End of Document

N.C. Gen. Stat. § 95-262

Current through Session Laws 2026-39 of the 2026 Regular Session of the General Assembly.

***General Statutes of North Carolina > Chapter 95. Department of Labor and Labor Regulations.
(Arts. 1 – 23) > Article 23. Workplace Violence Prevention. (§§ 95-260 – 95-271)***

§ 95-262. Commencement of action; venue.

(a) An action for a civil no-contact order is commenced by filing a verified complaint for a civil no-contact order in the county where the unlawful conduct took place or by filing a motion in any existing civil action.

(b) A complaint or motion for a civil no-contact order shall be filed in the county where the unlawful conduct took place.

History

[2004-165, s. 1](#); [2025-71, s. 3\(a\)](#).

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N.C. Gen. Stat. § 95-264

Current through Session Laws 2026-39 of the 2026 Regular Session of the General Assembly.

**General Statutes of North Carolina > Chapter 95. Department of Labor and Labor Regulations.
(Arts. 1 – 23) > Article 23. Workplace Violence Prevention. (§§ 95-260 – 95-271)**

§ 95-264. Civil no-contact order; remedy.

- (a) Upon a finding that the employee or employer has suffered unlawful conduct committed by the respondent, the court may issue a temporary or permanent civil no-contact order. In determining whether or not to issue a civil no-contact order, the court shall not require physical injury to the employee or employer or injury to the employer's property.
- (b) The court may grant one or more of the following forms of relief in its orders under this Article:
- (1) Order the respondent not to visit, assault, molest, or otherwise interfere with the employer or the employer's employee at the employer's workplace, or otherwise interfere with the employer's operations.
 - (2) Order the respondent to cease stalking the employer or the employer's employee at the employer's workplace.
 - (3) Order the respondent to cease harassment of the employer or the employer's employee at the employer's workplace.
 - (4) Order the respondent not to abuse or injure the employer, including the employer's property, or the employer's employee at the employer's workplace.
 - (5) Order the respondent not to contact by telephone, written communication, or electronic means the employer or the employer's employee at the employer's workplace.
 - (6) Order other relief deemed necessary and appropriate by the court.
- (c) A civil no-contact order shall include the following notice, printed in conspicuous type: "A knowing violation of a civil no-contact order shall be punishable as contempt of court which may result in a fine or imprisonment."

History

[2004-165, s. 1](#); [2025-71, s. 3\(a\)](#).

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N.C. Gen. Stat. § 95-269

Current through Session Laws 2026-39 of the 2026 Regular Session of the General Assembly.

***General Statutes of North Carolina > Chapter 95. Department of Labor and Labor Regulations.
(Arts. 1 — 23) > Article 23. Workplace Violence Prevention. (§§ 95-260 — 95-271)***

§ 95-269. Violation of valid order.

A violation of an order entered pursuant to this Article is punishable as contempt of court.

History

[2004-165, s. 1.](#)

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N.C. Gen. Stat. § 95-271

Current through Session Laws 2026-39 of the 2026 Regular Session of the General Assembly.

***General Statutes of North Carolina > Chapter 95. Department of Labor and Labor Regulations.
(Arts. 1 – 23) > Article 23. Workplace Violence Prevention. (§§ 95-260 – 95-271)***

§ 95-271. Scope of Article; other remedies available; severability.

(a) This Article does not expand, diminish, alter, or modify any duty of any employer to provide a safe workplace for employees and other persons. This Article does not limit the ability of an employer, employee, or victim to pursue any other civil or criminal remedy provided by law. This Article does not apply in circumstances where an employee or representative of employees is engaged in union organizing, union activity, a labor dispute, or any activity or action protected by the National Labor Relations Act, [29 U.S.C. § 151](#), et seq. and further provided such activity does not involve violence, threats, or intentional obstruction of any place of employment's access points. Nothing in this Article is intended to change the National Labor Relations Act's preemptive regulation of legally protected activities, nor to change the right of the State and its courts to regulate activities not protected by the National Labor Relations Act.

(b) Nothing in this Article is intended, or shall be construed, to conflict with, restrict, limit, or infringe upon rights protected by the North Carolina or United States Constitution.

(c) If any provision of this Article is held by a court of competent jurisdiction to be invalid, void, or unenforceable, in whole or in part, the decision shall not affect the validity, enforceability, or applicability of the remaining provisions of this Article, which shall remain in full force and effect as if the provision held invalid, void, or unenforceable had not been included.

(d) Nothing in this Article shall apply to peaceful demonstrations, informational picketing, or labor activity protected by the National Labor Relations Act or by the North Carolina Constitution, including the right to assemble and protest, provided such activity does not involve violence, threats, or intentional obstruction of any place of employment's access points. For purposes of this subsection, "peaceful demonstration" is defined as either or both of the following: (i) conduct which does not involve lawlessness or create a risk to property or the safety of others; (ii) speech that is not directed to inciting or producing imminent lawless action and is not likely to incite or produce such action.

History

[2004-165, s. 1](#); [2004-199, s. 58](#); [2025-71, s. 3\(a\)](#).

N.C. Gen. Stat. § 14-277.3A

Current through Session Laws 2026-39 of the 2026 Regular Session of the General Assembly.

General Statutes of North Carolina > Chapter 14. Criminal Law. (Subchs. I – XI) > Subchapter IX. Offenses Against the Public Peace. (Art. 35) > Article 35. Offenses Against the Public Peace. (§§ 14-269 – 14-277.8)

§ 14-277.3A. Stalking.

(a) Legislative Intent. — The General Assembly finds that stalking is a serious problem in this State and nationwide. Stalking involves severe intrusions on the victim's personal privacy and autonomy. It is a crime that causes a long-lasting impact on the victim's quality of life and creates risks to the security and safety of the victim and others, even in the absence of express threats of physical harm. Stalking conduct often becomes increasingly violent over time.

The General Assembly recognizes the dangerous nature of stalking as well as the strong connections between stalking and domestic violence and between stalking and sexual assault. Therefore, the General Assembly enacts this law to encourage effective intervention by the criminal justice system before stalking escalates into behavior that has serious or lethal consequences. The General Assembly intends to enact a stalking statute that permits the criminal justice system to hold stalkers accountable for a wide range of acts, communications, and conduct. The General Assembly recognizes that stalking includes, but is not limited to, a pattern of following, observing, or monitoring the victim, or committing violent or intimidating acts against the victim, regardless of the means.

(b) Definitions. — The following definitions apply in this section:

(1) Course of conduct. — Two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, is in the presence of, or follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

(2) Harasses or harassment. — 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.

(3) Reasonable person. — A reasonable person in the victim's circumstances.

(4) Substantial emotional distress. — Significant mental suffering or distress that may, but does not necessarily, require medical or other professional treatment or counseling.

(c) Offense. — A defendant is guilty of stalking if the defendant willfully on more than one occasion harasses another person without legal purpose or willfully engages in a course of conduct directed at a specific person without legal purpose and the defendant knows or should know that the harassment or the course of conduct would cause a reasonable person to do any of the following:

(1) Fear for the person's safety or the safety of the person's immediate family or close personal associates.

(2) Suffer substantial emotional distress by placing that person in fear of death, bodily injury, or continued harassment.

(d) Classification. — A violation of this section is a Class A1 misdemeanor. A defendant convicted of a Class A1 misdemeanor under this section, who is sentenced to a community punishment, shall be placed on supervised probation in addition to any other punishment imposed by the court. A defendant who commits the offense of stalking after having been previously convicted of a stalking offense is guilty of a Class F felony. A defendant who commits the offense of stalking when there is a court order in effect prohibiting the conduct described under this section by the defendant against the victim is guilty of a Class H felony.

(e) Jurisdiction. — Pursuant to [G.S. 15A-134](#), if any part of the offense occurred within North Carolina, including the defendant's course of conduct or the effect on the victim, then the defendant may be prosecuted in this State.

History

[2008-167, s. 2](#); [2025-25, s. 29\(1\)](#).

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[N.C. Gen. Stat. § 7A-27](#)

Current through Session Laws 2026-39 of the 2026 Regular Session of the General Assembly.

General Statutes of North Carolina > Chapter 7A. Judicial Department. (§§ 7A-1 — 7A-809) > Subchapter II. Appellate Division of the General Court of Justice. (Arts. 2 — 6) > Article 5. Jurisdiction. (§§ 7A-25 — 7A-39)

§ 7A-27. Appeals of right from the courts of the trial divisions.

- (a) Appeal lies of right directly to the Supreme Court in any of the following cases:
- (1) All cases in which the defendant is convicted of murder in the first degree and the judgment of the superior court includes a sentence of death.
 - (2) From any final judgment in a case designated as a mandatory complex business case pursuant to [G.S. 7A-45.4](#) or designated as a discretionary complex business case pursuant to Rule 2.1 of the General Rules of Practice for the Superior and District Courts.
 - (3) From any interlocutory order of a Business Court Judge that does any of the following:
 - a. Affects a substantial right.
 - b. In effect determines the action and prevents a judgment from which an appeal might be taken.
 - c. Discontinues the action.
 - d. Grants or refuses a new trial.
 - (4) Any trial court's decision regarding class action certification under [G.S. 1A-1, Rule 23](#).
 - (5) Repealed by Session Laws [2021-18, s. 1](#), effective July 1, 2021, and applicable to appeals filed on or after that date.
 - (6) In all cases where a defendant has challenged a method of execution under [G.S. 15-188](#), and a trial court has declared the method unconstitutional.
- (a1) Repealed by Session Laws [2016-125, s. 22\(b\)](#), 4th Ex. Sess., effective December 1, 2016.
- (b) Except as provided in subsection (a) of this section, appeal lies of right directly to the Court of Appeals in any of the following cases:
- (1) From any final judgment of a superior court, other than one based on a plea of guilty or nolo contendere, including any final judgment entered upon review of a decision of an administrative agency, except for a final judgment entered upon review of a court martial under [G.S. 127A-62](#).
 - (2) From any final judgment of a district court in a civil action.
 - (3) From any interlocutory order or judgment of a superior court or district court in a civil action or proceeding that does any of the following:
 - a. Affects a substantial right.

- b.** In effect determines the action and prevents a judgment from which an appeal might be taken.
- c.** Discontinues the action.
- d.** Grants or refuses a new trial.
- e.** Determines a claim prosecuted under [G.S. 50-19.1](#).
- f.** Grants temporary injunctive relief restraining the State or a political subdivision of the State from enforcing the operation or execution of an act of the General Assembly. This sub-subdivision only applies where the State or a political subdivision of the State is a party in the civil action.
- g.** Denies, upon the court's own motion or the motion of a party, the transfer of an action or proceeding pursuant to Rule 42(b)(4) of the North Carolina Rules of Civil Procedure.

(4) From any other order or judgment of the superior court from which an appeal is authorized by statute.

(c) through **(e)** Repealed by Session Laws [2013-411, s. 1](#), effective August 23, 2013.

History

1967, c. 108, s. 1; 1971, c. 377, s. 3; 1973, c. 704; 1977, c. 711, s. 4; 1987, c. 679; [1995, c. 204, s. 1](#); [2010-193, s. 17](#); [2013-411, s. 1](#); [2014-100, s. 18B.16\(e\)](#); [2014-102, s. 1](#); [2015-264, s. 1\(b\)](#); 2016-125, 4th Ex. Sess., s. 22(b); [2017-7, s. 2](#); [2021-18, s. 1](#); [2023-134, s. 16.21\(c\)](#); [2025-93, s. 6.5\(e\)](#).