The verdict of this case was ruled by the North Carolina Court of Appeals and presided by chief Judge Sidney Eagles. The appellant Dallas M. Pearce appealed from the judgement of the trial court which awarded the plaintiff Kenneth J. Johnson the sum of $3000 for the defendant’s criminal conversation with the wife of the plaintiff Ms. Rhonda Mitchell (Ref-AB12CD). The major issue on appeal was to determine whether the court in which the case was tried was mistaken to have granted the plaintiff’s motion for focused verdict, and for ruling that a claim for criminal conversation could be based on conduct after marital separation.

It started with a marital dispute. On the 14th of September in 1991, the plaintiff, Kenneth J. Johnson married Ms. Rhonda Mitchell. It is reported that barely three years after their marriage, the couple started having marital issues in 1994. Ms. Mitchel started telephoning the defendant and appellant, Dallas M. Pearce in December 1996. The defendant was a member of her church and they soon were close friends (Ref-A1B2C3). The plaintiff discovered his wife’s unbecoming habit of contacting the defendant on the 14th of July 1997, and confronted Ms. Mitchell. The couple had an argument about it which led to Ms. Mitchell departing their matrimonial home the next day, 15th of July 1997. Ms. Mitchell and the defendant would soon begin dating in December of the same year; however, it is reported that their relationship only became sexual in January 1998, which in approximation is 5 months after Ms. Mitchell moved out of the marital home and separated from the plaintiff.

The North Carolina Court of Appeals also offered some clarification about what may seem like inconsistencies between its ruling in the present case and other similar cases such as Pharr v. Beck (Ref-ZX89MN) which were heard in the court and in alignment with the 1995 amendments to the General Statutes established that "an alienation of affection claim must be based on pre-separation conduct, and post-separation conduct is admissible only to the extent that it corroborates pre-separation activities resulting in alienation of affection." It defends that the referenced case was only about alienation of affection, and as such was not bound to its decree at the time which states that the same principles would apply in a case about criminal conversation.

After due consideration was given to all the facts of the case, the North Carolina Court of Appeals passed the same judgement as the trial court initially did. It insisted upon the presented facts of the case being discussed, and the decree from the Matter of Appeal from Civil Penalty (Ref-EF34GH) which states that “when a panel of the Court of Appeals has decided the same issue, albeit in a different case, a subsequent panel of the same court is bound by that precedent, unless it has been overturned by a higher court,” that the plaintiff’s claim for criminal conversation could be based only on the conduct after marital separation. Respectively, the Court held on the 28th December 2001, that trial court was not mistaken or erred to have granted the plaintiff’s motion for a focused verdict and deciding that Kenneth J. Johnson’s claim for criminal conversation could be based on conduct after marital separation. Judge Beth Freshwater-Smith and Judge Loretta Biggs affirmed this verdict by the Court of Appeals of North Carolina.