

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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

NO. COA 05-1443

NORTH CAROLINA COURT OF APPEALS

Filed: 05 July 2006

IN THE MATTER OF: T.T.L.

Durham County
No. 04 J 114

Appeal by juvenile from order entered 15 July 2005 by Judge Marcia H. Morey in Durham County District Court. Heard in the Court of Appeals 19 June 2006.

Attorney General Roy Cooper, by Assistant Attorney General Mary S. Mercer, for the State.

Sophie W. Hosford for juvenile-appellant.

STEELMAN, Judge.

Juvenile T.T.L. was adjudicated delinquent by order entered 30 June 2005, upon findings that she possessed marijuana and heroin on 28 February 2005. In her notice of appeal filed 1 July 2005, juvenile failed to designate any order from which her appeal was taken but noted, "This matter was adjudicated in District Court on June 30, 2005, by Judge Marcia H. Morey." The district court subsequently entered an order imposing a Level 2 disposition upon juvenile on 15 July 2005, placing juvenile on 12 months of supervised probation and ordering her to participate in the MAJORS Program. The record on appeal lacks notice of appeal from the

dispositional order.

"N.C.R. App. P. 3(d) requires that a notice of appeal designate the order from which appeal is taken. In this case, the notice of appeal references only the order of adjudication." *In re A.L.A.*, __ N.C. App. __, __, 625 S.E.2d 589, 590-91 (2006). Moreover, under N.C. Gen. Stat. § 7B-2602(3) (2005), a juvenile may appeal "[a]ny order of disposition after an adjudication that a juvenile is delinquent or undisciplined[.]" The Juvenile Code does not authorize appeal from an order of adjudication in a delinquency proceeding, unless no disposition is entered within sixty days of adjudication. N.C. Gen. Stat. § 7B-2602. Because juvenile's notice of appeal was filed fourteen days before the district court's entry of the final order of disposition in this cause, and because her notice of appeal fails to designate the dispositional order as the subject of her appeal as required by Rule 3, this Court lacks jurisdiction in the cause. *In re A.L.*, 166 N.C. App. 276, 277-78, 601 S.E.2d 538, 538-39 (2004); *accord In re Laney*, 156 N.C. App. 639, 577 S.E.2d 377, *disc. review denied*, 357 N.C. 459, 585 S.E.2d 762, (2003); *In re J.L.W.*, 136 N.C. App. 596, 525 S.E.2d 500 (2000). Accordingly, we dismiss the appeal for lack of jurisdiction. *Id.*

DISMISSED.

Judges McCULLOUGH and HUDSON concur.

Report per Rule 30(e).