

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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. COA06-412

NORTH CAROLINA COURT OF APPEALS

Filed: 6 March 2007

IN RE
M.J.C., Jr.

Orange County
No. 05 JB 000073

Appeal by juvenile from order entered 13 December 2005 by Judge Joseph M. Buckner in District Court, Orange County. Heard in the Court of Appeals 19 February 2007.

Attorney General Roy Cooper, by Assistant Attorney General Steven Armstrong, for the State.

Michelle FormyDuval Lynch for juvenile-appellant.

WYNN, Judge.

This appeal arises from the adjudication of Juvenile, M.J.C. Jr., as delinquent for possession of stolen property and possession of a weapon on education property.

In his lone argument on appeal, Juvenile challenges the trial court's denial of his motion to dismiss the charge of possession of stolen goods for lack of sufficient evidence. However, the transcript of the delinquency hearing reflects that Juvenile moved to dismiss the petition at the conclusion of the State's evidence but did not renew his motion after introducing evidence of his own. By failing to renew his motion to dismiss at the close of all the evidence, Juvenile waived appellate review of this issue. See *In*

re K.T.L., ___ N.C. App. __, __, 629 S.E.2d 152, 155 (2006) (quoting N.C. R. App. P. 10(b)(3)), *disc. review denied*, ___ N.C. __, ___ S.E.2d ___ (2007); *see also In re Hartsock*, 158 N.C. App. 287, 291, 580 S.E.2d 395, 398 (2003); *In re Lineberry*, 154 N.C. App. 246, 249, 572 S.E.2d 229, 232 (2002), *cert. denied*, 356 N.C. 672, 577 S.E.2d 624 (2003). Accordingly, we dismiss the assignment of error and appeal.

Appeal dismissed.

Judges ELMORE and GEER concur.

Report per Rule 30(e).