

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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. COA06-97

NORTH CAROLINA COURT OF APPEALS

Filed: 5 December 2006

IN THE MATTER OF:

B.G.C.

Richmond County  
No. 05 J 11

Appeal by juvenile from an adjudication of delinquency entered 17 May 2005 by Judge Scott Brewer in Richmond County Superior Court. Heard in the Court of Appeals 30 October 2006.

*Attorney General Roy Cooper, by Assistant Attorney General Barry H. Bloch, for the State.*

*Lisa Skinner Lefler for juvenile-appellant.*

MARTIN, Chief Judge.

B.G.C., juvenile-appellant, was adjudicated delinquent of assault on a government officer, disorderly conduct and resisting and delaying and obstructing an officer by order entered 17 May 2005. On 23 May 2005, B.G.C. filed a written notice of appeal. Juvenile's assignments of error appear in the record as follows:

1. The trial court's adjudication that the juvenile is delinquent of assault on a government officer or employee, as the evidence was contrary to this charge, the officer was not acting in the course of his employment as a government official, and the allegations in the petition were not proven to the required standard.

2. The trial court's adjudication that the juvenile is delinquent of disorderly conduct, as the evidence was contrary to this charge and the allegations in the petition were not proven to the required standard.

3. The trial court's adjudication that the juvenile is delinquent of resist, delay and obstruct [sic] an officer, as the evidence was contrary to this charge, the officer was not acting in the course of his employment, and the allegations in the petition were not proven to the required standard.

Juvenile's assignments of error present questions as to the sufficiency of the evidence at trial and include record references. In her brief, juvenile referenced all three of the above assignments of error under a single statement of the question presented for review, as follows:

Whether the trial court committed reversible error when it adjudicated the juvenile delinquent without allowing a continuance to receive information allowing for the gathering of information regarding the juvenile's mental health history and prognosis?

The question presented was then argued under a single heading in the brief. The juvenile discussed the standard of proof in juvenile delinquency proceedings at the trial court level but failed to provide the applicable standard of review for any question as to the sufficiency of the evidence. See N.C. R. App. P. 28(b)(6). Juvenile's brief did not proceed to challenge the sufficiency of the evidence. "Assignments of error not set out in the appellant's brief, or in support of which no reason or argument is stated or authority cited, will be taken as abandoned." N.C. R. App. P. 28(b)(6).

In place of an argument related to the sufficiency of the evidence, juvenile brought questions before this Court that were not assigned error. See N.C. R. App. P. 10(a). Juvenile argued that the trial court erred in denying a continuance request where juvenile sought time to make further attempts to bring juvenile's mental health counselor into court. Juvenile also argued that the trial court's dispositional order was in contravention of the objectives of the juvenile code as found in N.C.G.S. § 7B-2500 (2005). Finally, juvenile contended, solely within the argument heading, that the trial court failed to articulate the proper standard of proof in announcing the adjudication. We do not reach the merits of these arguments because there are no corresponding assignments of error in the record on appeal. See N.C. R. App. P. 10(a) ("[T]he scope of review on appeal is confined to a consideration of those assignments of error set out in the record on appeal[.]"); see also *Bustle v. Rice*, 116 N.C. App. 658, 659, 449 S.E.2d 10, 11 (1994) (declining to address issues raised in brief that did not correspond to an assignment of error).

The North Carolina Rules of Appellate Procedure are mandatory. *Viar v. N.C. Dep't of Transp.*, 359 N.C. 400, 401, 610 S.E.2d 360, 360 (2005). Failure to follow these rules will subject an appeal to dismissal. *Id.*; see also N.C. R. App. P. 34(b)(1). The rule violations at issue are of a severity that threatens the appellee's notice of the potential basis upon which this Court might rule. *Viar*, 359 N.C. at 402, 610 S.E.2d at 361. "An appellate court will

not review matters not properly before it." *Bustle*, 116 N.C. App. at 659, 449 S.E.2d at 11. Juvenile's appeal is dismissed.

Dismissed.

Judges TYSON and CALABRIA concur.

Report per Rule 30(e).