

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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

IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA15-306

Filed: 20 October 2015

Tyrrell County, No. 14 CRS 50056

STATE OF NORTH CAROLINA

v.

DEANGELO MCCLENNY

Appeal by defendant from judgment entered 3 November 2014 by Judge Milton F. Fitch, Jr. in Tyrrell County Superior Court. Heard in the Court of Appeals 28 September 2015.

Attorney General Roy Cooper, by Assistant Attorney General Tamika L. Henderson, for the State.

Stephen G. Driggers for defendant-appellant.

INMAN, Judge.

Defendant Deangelo McClenny appeals from a judgment imposed upon his guilty plea to attempted unlawful entry onto school grounds used for minor children while a registered sex offender. The trial court sentenced defendant to a suspended term of 8 to 19 months' imprisonment and placed defendant on supervised probation for 24 months. Counsel appointed to represent defendant states that he has been unable to identify any issue with sufficient merit to support a meaningful argument

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for relief on appeal. Counsel asks that this Court conduct its own review of the record for possible prejudicial error pursuant to *Anders v. California*, 386 U.S. 738, 18 L. Ed. 2d 493 (1967), and *State v. Kinch*, 314 N.C. 99, 331 S.E.2d 665 (1985). However, this Court cannot conduct the requested review because there is no evidence in the record before us showing that defendant gave proper notice of appeal from the judgment entered upon his guilty plea.

A defendant may appeal from a judgment entered in a criminal case by “(1) giving oral notice of appeal at trial, or (2) filing notice of appeal with the clerk of superior court and serving copies thereof upon all adverse parties within fourteen days after entry of the judgment or order” N.C. R. App. P. 4(a)(1),(2). Additionally, the defendant’s record on appeal must contain “a copy of the notice of appeal or an appropriate entry or statement showing appeal taken orally[.]” N.C. R. App. P. 9(a)(3)(h).

Our review of the record on appeal and the verbatim transcript of the trial proceeding reveals no evidence that defendant gave either oral or written notice of appeal from the judgment entered against him. In his brief to this Court, defendant states that he gave notice of appeal, and directs our attention to appellate entries filed by the trial court on 10 November 2014. However, this Court has held appellate entries are insufficient to satisfy Rule 4 of the North Carolina Rules of Appellate Procedure. *State v. Blue*, 115 N.C. App. 108, 113, 443 S.E.2d 748, 751 (1994). Because

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defendant failed to show that he has given proper notice of appeal as required by Rule 4, this Court “lack[s] jurisdiction to consider [d]efendant’s appeal, which must, therefore, be dismissed.” *State v. Hughes*, 210 N.C. App. 482, 485, 707 S.E.2d 777, 779 (2011).

DISMISSED.

Judges STROUD and DAVIS concur.

Report per Rule 30(e).