

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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. COA17-1201

Filed: 18 September 2018

Wake County, Nos. 15CRS202885, 202889, 203058-59, 203076-79, 203619-20,  
204135-37

STATE OF NORTH CAROLINA

v.

QUADIR BRYANT

Appeal by defendant from judgments entered on or about 13 April 2017 by Judge Donald W. Stephens in Superior Court, Wake County. Heard in the Court of Appeals 27 August 2018.

*Attorney General Joshua H. Stein, by Associate Attorney General Jessica B. Helms, for the State.*

*Julie C. Boyer for defendant-appellant.*

STROUD, Judge.

Defendant appeals from judgments entered upon revocation of his probation. Because defendant failed to preserve his issue on appeal before the trial court, we dismiss.

STATE V. BRYANT

*Opinion of the Court*

On or about 13 April 2017, the trial court revoked defendant's probation. Defendant now argues on appeal that "the trial court erred in applying all 462 days of pretrial confinement as credit towards the sentence in 15CRS203076[.]" (Original in all caps.) But,

the relevant decisions of the Supreme Court and this Court tend to suggest that the proper procedure to be followed by a defendant seeking to obtain credit for time served in pretrial confinement in addition to that awarded at the time of sentencing or the revocation of the defendant's probation is for the defendant initially present his or her claim for additional credit to the trial court, with alleged errors in the trial court's determination subject to review in the Appellate Division following the trial court's decision by either direct appeal or *certiorari*, as the case may be.

*State v. Cloer*, 197 N.C. App. 716, 721, 678 S.E.2d 399, 403 (2009) (footnote omitted).

Because defendant failed to raise his issue on appeal before the trial court, we dismiss defendant's appeal "without prejudice to [his] ability to file a motion for an award of additional credit in the superior court of [Wake] County pursuant to N.C. Gen. Stat. § 15-196.4[.]" *Id.* at 722, 678 S.E.2d at 404.

DISMISSED.

Judges DIETZ and MURPHY concur.

Report per Rule 30(e).