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IN THE COURT OF APPEALS OF NORTH CAROLINA

2022-NCCOA-467

No. COA 21-714

Filed 5 July 2022

Guilford County, No. 20 JB 697

IN THE MATTER OF:

M.E.W.

Appeal by Defendant from unsigned orders dated 2 July 2021 in Guilford County District Court. Heard in the Court of Appeals 7 June 2022.

*Attorney General Joshua H. Stein, by Special Deputy Attorney General Vanessa N. Totten, for the State.*

*Appellate Defender Glenn Gerding, by Assistant Appellate Defender Katy Dickinson-Schultz, for defendant-appellant.*

HAMPSON, Judge.

¶ 1 Appellant attempts to appeal—by way of a written notice of appeal—from adjudication and disposition orders in a delinquency proceeding including the trial court’s denial of Appellant’s Motion to Suppress. However, the Record on Appeal contains only unsigned and unfiled adjudication and disposition orders.

¶ 2 N.C. Gen. Stat. § 7B-2411 requires a written adjudication order in delinquency proceedings. Likewise, N.C. Gen. Stat. § 7B-2512 requires a written disposition

order. Appeals in delinquency proceedings are governed by N.C. Gen. Stat. § 7B-2602 which provides in relevant part: “Notice of appeal shall be given in open court at the time of the hearing or in writing within 10 days after entry of the [final] order. However, if no disposition is made within 60 days after entry of the order, written notice of appeal may be given within 70 days after such entry. A final order shall include: . . . (3) Any order of disposition after an adjudication that a juvenile is delinquent or undisciplined[.]” N.C. Gen. Stat. § 7B-2602 (2021).

¶ 3

“Delinquency proceedings under the Juvenile Code are civil in nature, and accordingly, ‘proceedings in juvenile matters are to be governed by the Rules of Civil Procedure.’” *In re Hodge*, 153 N.C. App. 102, 105, 568 S.E.2d 878, 880 (2002) (quoting *In re Bullabough*, 89 N.C. App. 171, 179, 365 S.E.2d 642, 646 (1988)). Under our Rules of Civil Procedure, an order is not deemed entered until “it is reduced to writing, signed by the judge, and filed with the clerk of court[.]” N.C. Gen. Stat. § 1A-1, Rule 58 (2021); see also *West v. Marko*, 130 N.C. App. 751, 755, 504 S.E.2d 571, 573 (1998) (Rule 58 applies to orders as well as judgments). “The entry of judgment is the event which vests this Court with jurisdiction.” *Worsham v. Richbourg’s Sales and Rentals*, 124 N.C. App. 782, 784, 478 S.E.2d 649, 650 (1996) (holding an order not properly entered was neither “complete for purposes of appeal ... [nor] enforceable between the parties” (citation omitted)). Thus, “a party cannot appeal an order until entry occurs.” *In re Thompson*, 232 N.C. App. 224, 227, 754 S.E.2d 168, 171 (2014).

When “judgment from which [a party] attempts to appeal has not been entered by the trial court, th[e] appeal must be dismissed.” *Worsham*, 124 N.C. App. at 784, 478 S.E.2d at 650.

¶ 4

Additionally, Appellant’s statement of Grounds for Appellate Review in briefing to this Court states only Appellant “appeals pursuant to N.C.G.S. §§ 7B-2602 and 7B-2604 from a final dispositional order entered in Guilford County Superior Court.” “It is well established that the appellant bears the burden of showing to this Court that the appeal is proper.” *Johnson v. Lucas*, 168 N.C. App. 515, 518, 608 S.E.2d 336, 338, *aff'd*, 360 N.C. 53, 619 S.E.2d 502 (2005) (per curiam). “Where the appellant fails to carry the burden of making such a showing to the court, the appeal will be dismissed.” *Id.*

¶ 5

Here, the Record does not reflect the entry of either the adjudication or disposition orders. Moreover, in the absence of such entered orders in the Record, Appellant has not met the burden of establishing appellate jurisdiction over this matter. Accordingly, we dismiss this appeal without prejudice to Appellant timely taking an appeal, consistent with N.C. Gen. Stat. § 7B-2602, upon entry of written adjudication and disposition orders or, alternatively, to the extent the right to appeal has been lost, by filing a Petition for Writ of Certiorari with this Court to obtain appellate review.

APPEAL DISMISSED WITHOUT PREJUDICE.

IN RE: M.E.W.

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*Opinion of the Court*

Judges INMAN and GRIFFIN concur.

Report per Rule 30(e).