

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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. COA23-404

Filed 12 September 2023

Davidson County, No. 22CRS1539

STATE OF NORTH CAROLINA

v.

MOSE COLEMAN JONES, Defendant.

Appeal by Defendant from an order entered 1 November 2022 by Judge Carla Archie in Davidson County Superior Court. Heard in the Court of Appeals 29 August 2023.

*Attorney General Joshua H. Stein, by Assistant Attorney General Jodi P. Carpenter, for the State.*

*Phoebe W. Dee, for Defendant-Appellant.*

PER CURIAM.

Defendant appeals from a direct criminal contempt order entered during a criminal trial for felony fleeing to elude a law enforcement officer and assault on a law enforcement officer causing serious injury. Defendant failed to heed three prior warnings that failure to appear in court on time would subject him to punishment by contempt. He protested on each occasion, maintaining that he was not strictly

STATE V. JONES

*Opinion of the Court*

required to be prompt because he never signed a “contract” to do so as “[t]he cestui que trust and the living male,” and any appearance made was “under duress” as “a special appearance as beneficiary for the named defendant.” Despite these prior warnings, Defendant was late to trial following a lunch recess; after again objecting on the basis of “duress, threat or coercion” as “the beneficiary,” the trial court held Defendant in direct criminal contempt. Defendant later gave oral notice of appeal at the conclusion of the State’s evidence in his underlying criminal trial but after entry of the written contempt order.

Defendant failed to give timely oral notice of appeal during his trial for criminal contempt and prior to entry of judgment thereon. N.C. R. App. P. 4(1). We lack jurisdiction to hear his appeal. We decline to grant Defendant’s petition for writ of certiorari in our discretion.

DISMISSED.

Panel consisting of:

Judges DILLON, MURPHY, RIGGS.

Report per Rule 30(e).