An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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

2021-NCCOA-516

No. COA20-720

Filed 21 September 2021

Rutherford County, No. 18 CRS 51344

STATE OF NORTH CAROLINA,

v.

COMER MILES MYERS, Defendant.

Appeal by Defendant from judgment entered 3 October 2019 by Judge Marvin P. Pope, Jr., in Rutherford County Superior Court. Heard in the Court of Appeals 11 August 2021.

Attorney General Joshua H. Stein, by Assistant Attorney General James R. Baker, for the State.

Guy J. Loranger for Defendant-Appellant.

INMAN, Judge.

¶ 1 Comer Miles Myers ("Defendant") filed written notice of appeal from a criminal judgment entered 3 October 2019 following a jury verdict finding him guilty of driving while impaired. Defendant's sole argument on appeal concerns attorney's fees entered by civil judgments on 8 May 2019 and 28 October 2019.

¶ 2 Defendant failed to provide timely written notice of appeal from the civil judgments, from which he now appeals, as required by our caselaw and appellate rules. *State v. Smith*, 188 N.C. App. 842, 845-46, 656 S.E.2d 695, 697 (2008) (categorizing judgments for attorney's fees as civil judgments and requiring compliance with North Carolina Rule of Appellate Procedure 3(a) when appealing from them) (citation omitted); N.C. R. App. P. 3(a), (c) (2021) (compelling written notice of appeal within 30 days of entry of civil judgment); *see also Bailey v. State*, 353 N.C. 142, 156, 540 S.E.2d 313, 322 (2000) ("The provisions of Rule 3 are jurisdictional, and failure to follow the rule's prerequisites mandates dismissal of an appeal." (citation omitted)).

¶ 3 Defendant seeks review via a Petition for Writ of Certiorari. Because Defendant has failed to demonstrate that his appeal is meritorious, in our discretion we deny the petition and dismiss Defendant's appeal for want of jurisdiction.

DISMISSED.

Judges DILLON and CARPENTER concur.

Report per Rule 30(e).