

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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. COA23-776

Filed 19 December 2023

Forsyth County, No. 17CRS53913

STATE OF NORTH CAROLINA

v.

DESEAN ANTHONY BOWEN, Defendant.

Appeal by defendant from judgment entered 4 January 2023 by Judge Robert Broadie in Forsyth County Superior Court. Heard in the Court of Appeals 20 November 2023.

*Attorney General Joshua H. Stein, by Special Deputy Attorney General Kristin Jo Uicker, for the State-appellee.*

*Appellate Defender Glenn Gerding, by Assistant Appellate Defender Candace Washington, for defendant-appellant.*

PER CURIAM.

Defendant Desean Anthony Bowen was found guilty of assault inflicting serious injury after a bench trial in District Court, Forsyth County. The district court sentenced defendant to sixty days, suspended for a term of supervised probation. Defendant gave oral notice of appeal to the superior court. On 4 January 2023,

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defendant pled guilty to assault inflicting serious injury in Superior Court, Forsyth County. The superior court sentenced defendant to forty-five days, suspended for a term of supervised probation. On 11 January 2023, defendant filed a pro se notice of appeal to this Court.

Defendant concedes he failed to comply with the requirements of Rule 4 of the North Carolina Rules of Appellate Procedure. He filed a petition for writ of certiorari with this Court to permit review of the superior court's judgment along with an appellant's brief seeking review under *Anders v. California*, 386 U.S. 738 (1967) and *State v. Kinch*, 314 N.C. 99 (1985). The State filed a motion to dismiss defendant's appeal.

"A petition for the writ [of certiorari] must show merit or that error was probably committed below. *Certiorari* is a discretionary writ, to be issued only for good and sufficient cause shown. " *State v. Grundler*, 251 N.C. 177, 189 (1959) (citations omitted). Defendant states in his brief that he "is unable to identify any discernable issue with sufficient merit to support a meaningful argument for relief on appeal." "This is tantamount to a conclusion that the appeal is wholly frivolous." *Kinch*, 314 N.C. at 102. "Failing to present a meritorious claim or reveal error in the proceeding below, defendant has failed to present good cause for the issuance of a writ of certiorari. Accordingly, in our discretion, defendant's petition for a writ of certiorari is denied, and his appeal dismissed." *State v. Rouson*, 226 N.C. App. 562, 567 (2013) (citation omitted).

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DISMISSED.

Panel consisting of:

Judges DILLON, MURPHY, and GORE.

Report per Rule 30(e).