

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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. COA24-118

Filed 3 September 2024

Moore County, Nos. 15CRS53404-07; 15CRS702982; 16CRS0142; 16CRS50403;  
15CRS1840-1841; 15CRS53116; 15CRS53120

STATE OF NORTH CAROLINA

v.

EDWARD LAMONT WOMBLE, Defendant.

Appeal by Defendant from order entered 11 May 2023 by Judge James M. Webb in Moore County Superior Court. Heard in the Court of Appeals 19 August 2024.

*Attorney General Joshua H. Stein, by Special Deputy Attorney General Jessica V. Sutton, for the State.*

*Appellate Defender Glenn Gerding and Assistant Appellate Defender Candace Washington for Defendant.*

PER CURIAM.

Defendant Edward Lamont Womble appeals from the trial court's order denying his petition for post-conviction DNA testing. Defense counsel filed an *Anders*-type brief on behalf of Defendant, asking our Court to conduct an independent review of the proceedings to determine whether any meritorious issues exist.

Defendant was previously in a relationship with Chelsea<sup>1</sup> for five years, sharing one child together. Defendant and Chelsea were divorced at the time of the following incident. On 24 November 2015, Defendant was asleep beside his girlfriend when he awoke and stated that he was leaving “to kill Chelsea.” Defendant obtained a handgun and used his girlfriend’s vehicle to find and confront Chelsea at a bus stop. Defendant threatened Chelsea and ordered her to get into the car. Defendant struck Chelsea on her forehead after she initially refused, causing her to bleed. She then complied. By day’s end, Chelsea had been threatened at gunpoint, assaulted, coerced into performing sexual acts, and eventually abandoned at a nearby gas station before finally separating from Defendant and being found by local police.

Chelsea managed to call 911 and to contact a local police detective prior to the police finding her. From these phone calls, and the testimony she provided, the detective was able to recount the day’s events and obtain evidence, including Defendant’s gun and a syringe that Defendant attempted to use to inject Chelsea with insulin. The evidence was eventually used at trial. Chelsea also provided biological samples from her person that were DNA tested and used as further evidence.

On 25 June 2018, a jury found Defendant of first-degree rape, first-degree sexual offense, assault with a deadly weapon, crime against nature, assault by pointing a gun, assault on a female, communicating threats, and possession of a

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<sup>1</sup> A pseudonym.

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firearm by a felon. Defendant entered notice of appeal from the trial court's judgment. This Court filed an opinion on 7 July 2020, concluding the trial court did not err and affirming Defendant's convictions. *See State v. Womble*, 272 N.C. App. 392, 846 S.E.2d 548 (2020).

On 27 July 2020, Defendant filed a *pro se* motion for appropriate relief, which was denied by the trial court without an evidentiary hearing on 30 September 2020.

On 20 September 2022, Defendant filed a *pro se* petition requesting post-conviction DNA testing. This motion was denied on 11 May 2023. On 24 May 2023, Defendant entered a notice of appeal from order denying his petition to this Court.

On 11 March 2024, Defendant's counsel filed an *Anders*-type brief asking this Court to conduct a full and independent review of the record to determine whether the record showed any prejudicial error. *See Anders v. California*, 386 U.S. 738 (1967), and *State v. Kinch*, 314 N.C. 99, 331 S.E.2d 665 (1985). *See also State v. Bailey*, 286 N.C. App. 701, 881 S.E.2d 746 (2022). Notwithstanding, Defendant's counsel does note two possible errors for this Court to examine: (1) whether the denial of Defendant's motion for post-conviction DNA testing was supported; and (2) whether the denial of the appointment of counsel was supported.

We have reviewed the record and hold that the trial court did not err in the proceedings below.

AFFIRMED.

Panel consisting of Chief Judge DILLON, Judges GORE and GRIFFIN.

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Report per Rule 30(e).