

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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. COA24-409

Filed 1 October 2024

Vance County, No. 23CRS230249

STATE OF NORTH CAROLINA

v.

ELTON BERNARD VASS, Defendant.

Appeal by defendant from judgment entered 25 August 2023 by Judge Josephine K. Davis in Vance County Superior Court. Heard in the Court of Appeals 30 August 2024.

*Attorney General Joshua H. Stein, by Assistant Attorney General Brenée W. Orozco, for the State.*

*Edward Eldred, for defendant-appellant.*

PER CURIAM.

Defendant Elton B. Vass pleaded guilty to felony flee/elude arrest with a motor vehicle in exchange for the dismissal of other charges. The trial court sentenced Defendant to ten to twenty-one months' imprisonment, suspended for eighteen months of supervised probation, with an additional 150 days of imprisonment to be served at the discretion of his probation officer. On "page 2" of AOC-CR-603D, the

trial court incorrectly marked box 1(A), requiring an active sentence, as opposed to box 1(D), allowing a sentence to be served at the direction of the probation officer.

Defendant filed a defective notice of appeal and subsequently filed a petition for writ of *certiorari*. In our discretion, we allow the petition and issue the writ of *certiorari* to review Defendant's prescribed probation.

Defendant contends, and the State concedes, that the trial court failed to check the proper box to make the record reflect the orally agreed-upon arrangement.

A clerical error is "[a]n error resulting from a minor mistake or inadvertence, esp[ecially] in writing or copying something on the record, and not from judicial reasoning or determination." *State v. Jarman*, 140 N.C. App. 198, 202, 535 S.E.2d 875, 878 (2000) (citation and internal quotation marks omitted). "Generally, clerical errors include mistakes such as inadvertent checking of boxes on forms . . . or minor discrepancies between oral rulings and written orders." *In re D.D.J.*, 177 N.C. App. 441, 444, 628 S.E.2d 808, 811 (2006).

We agree that the trial court's judgment contains a clerical error, as described above. Accordingly, we remand this matter to the trial court to correct the clerical error in Defendant's judgment, to reflect the agreed-upon arrangement.

REMANDED FOR CORRECTION OF CLERICAL ERROR.

Panel consisting of Judges COLLINS, FLOOD, and THOMPSON.

Report per Rule 30(e).