

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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. COA25-418

Filed 1 October 2025

Carteret County, Nos. 97CRS007905-150, 97CRS007906-150, 97CRS007907-150,  
98CRS001125-150, 98CRS001126-150

STATE OF NORTH CAROLINA

v.

FREDERICK WASHINGTON, Defendant.

Appeal by defendant from a recommendation pursuant to N.C.G.S. § 15A-1380.5 entered 11 April 2024 by Judge Clinton D. Rowe in Carteret County Superior Court. Heard in the Court of Appeals 8 September 2025.

*Attorney General Jeff Jackson, by Special Deputy Attorney General Robert C. Montgomery, for the State-appellee.*

*Appellate Defender Glenn Gerding, by Assistant Appellate Defender Wyatt B. Orsbon, for defendant-appellant.*

PER CURIAM.

Defendant filed a pro se notice of appeal from the trial court's order recommending that his sentence of life imprisonment without parole not be altered or commuted pursuant to N.C.G.S. § 15A-1380.5. Because that notice was filed well outside the fourteen-day deadline in Rule 4 of the North Carolina Rules of Appellate

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*Opinion of the Court*

Procedure, we lack jurisdiction over the appeal. *See* N.C.R. App. P. 4(a)(2); *State v. McCoy*, 171 N.C. App. 636, 638 (2005).

Recognizing the untimeliness of the notice, defendant also petitions this Court for a writ of certiorari. He argues certiorari is warranted either because he has a statutory right to appeal under § 15A-1380.5, or alternatively, because the trial court abused its discretion in recommending against commutation.

We deny the petition for writ of certiorari. A petition for the writ must show either (1) that the right to appeal was lost due to error or omission not attributable to the petitioner, or (2) that the petition raises a meritorious claim of error. *State v. Diaz-Tomas*, 382 N.C. 640, 651 (2022); N.C.R. App. P. 21(a)(1). Here, the loss of the right to appeal resulted solely from defendant's failure to file a timely notice, and the issues raised do not establish a colorable showing of probable error. *See State v. Walker*, 916 S.E.2d 54, 57 (N.C. Ct. App. 2025) (holding that § 15A-1380.5 does not require findings of fact to support the trial court's recommendation).

Because defendant failed to timely appeal and has not demonstrated a basis for certiorari review, we deny the petition for writ of certiorari and dismiss the appeal.

DISMISSED.

Panel consisting of Judges GORE, FLOOD, and STADING.

Report per Rule 30(e).