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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA25-1043

Filed 21 October 2026

Forsyth County, No. 22CR055193-330

STATE OF NORTH CAROLINA

v.

KEVIN BRYANT TEAGUE, Defendant.

Appeal by defendant from judgment entered 7 January 2025 by Judge Tonia A. Cutchin in Forsyth County Superior Court. Heard in the Court of Appeals 16 September 2026.

Attorney General Jeff Jackson, by Assistant Attorney General Karissa J. Davan, for the State.

Lebedev Law Services, by Anton M. Lebedev, for defendant-appellant.

DILLON, Chief Judge.

Defendant Kevin B. Teague files a petition for certiorari, requesting our Court review the trial court's judgment revoking his probation. Defendant argues the trial court abused its discretion in finding he had willfully violated his probation and activating his suspended sentence. Defendant additionally argues the judgment contains clerical errors. We grant writ of certiorari for the limited purpose of

correcting the clerical errors and dismiss Defendant's remaining arguments.

I. Background

In March 2023, Defendant was convicted of two counts of feloniously assaulting a government official with a deadly weapon. A trial judge entered judgment sentencing Defendant to a 13-to-25-month term of imprisonment but suspended the sentence with Defendant being placed on supervised probation for 30 months. Over the next year, Defendant's probation officer filed probation violation reports three times: April 2023, February 2024, and March 2024. The latter two violations are central to this appeal.

The February 2024 probation violation report indicates Defendant failed twice to report to his probation officer, could not be located at his last known address on three separate occasions, and did not provide his probation officer with an updated address. Defendant's probation officer testified at the probation revocation hearing to the events leading up to the February 2024 violation report indicating she tried to contact and locate Defendant at his last known living area but was unsuccessful on three separate occasions.

The March 2024 report indicates Defendant absconded and failed to notify his probation officer of an updated address. Defendant's probation officer's testimony indicates there were three unsuccessful attempts to locate Defendant and phone calls were unsuccessful. Defendant's probation officer further indicates local hospitals, shelters, and jails were checked, and Defendant could not be located at any of those

locations.

At the conclusion of the hearing, the trial court orally announced it was finding Defendant had violated his probation as alleged in the February 2024 and March 2024 reports and each violation formed a sufficient basis to suspend Defendant's probation and activate his sentence.

The written judgment, however, stated the trial court had found Defendant had violated his probation as alleged in the April 2023 and March 2024 reports. The trial court accurately referenced the March 2024 report in its written judgment. However, the trial court inadvertently referenced the April 2023 report rather than the February 2024 report. The trial court, though, did check the box that each violation formed a sufficient basis to suspend probation, as the trial court had announced in open court. Accordingly, the trial court revoked Defendant's probation and activated his suspended sentence. Defendant seeks review with this Court.

II. Analysis

The record does not reflect a proper notice of appeal by Defendant. The record lacks a written notice of appeal, and the trial court transcript does not reflect an appeal in open court. *See* N.C. R. App. P. 4 (stating a defendant convicted in a criminal matter properly appeals by giving oral notice in open court or filing written notice within fourteen days of the entry of the judgment). Defendant, however, has filed a petition with our Court for writ of certiorari.

We may issue a writ "in appropriate circumstances . . . to permit review of the

judgments and orders of trial tribunals when the right to prosecute an appeal has been lost by failure to take timely action[.]” N.C. R. App. P. 21(a)(1); *see also* N.C.G.S. § 7A-32(c). Our Supreme Court has instructed that a petition for writ of certiorari “must show merit or that error was probably committed below.” *State v. Grundler*, 251 N.C. 177, 189 (1959) (citation omitted).

Here, Defendant has shown his clerical error argument is meritorious. Thus, we allow Defendant’s petition and issue the writ for the limited purpose of correcting the clerical error. In our discretion, we decline to review Defendant’s remaining argument as to whether the trial court abused its discretion in finding he had willfully absconded.

A clerical error is “an error resulting from a minor mistake or inadvertence, especially in writing or copying something on the record, and not from judicial reasoning or determination.” *State v. Lark*, 198 N.C. App. 82, 95 (2009) (citation modified).

We conclude the judgment contains a clerical error. The trial court inadvertently referenced the April 2023 violation report rather than the February 2024 violation report. Additionally, the trial court erred by checking the box indicating that each violation formed a sufficient basis for suspending Defendant’s sentence. However, only Defendant’s absconding violation from March 2024 permits revocation under G.S. 15A-1344(a). *See also* N.C.G.S. § 15A-1343(3a).

We affirm the judgment revoking Defendant’s probation based upon his

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absconding as was alleged in the March 2024 report. We remand, however, with instructions to correct the judgment to “speak the truth” so that it aligns with the trial court’s judge’s oral findings. *State v. Smith*, 188 N.C. App. 842, 845 (2008) (citation modified). Specifically, we instruct the order be corrected to reference the February 2024 report rather than the April 2023 report.

Any error the trial court committed by checking the box indicating that either violation formed a sufficient basis for suspending Defendant’s sentence is not prejudicial, as the March 2024 report is clearly sufficient to support the trial court’s decision to suspend Defendant’s probation. We, therefore, do not address that issue.

AFFIRMED. REMANDED TO CORRECT CLERICAL ERROR.

Judges TYSON and ARROWOOD concur.

Report per Rule 30(e).