An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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. COA25-687

Filed 4 November 2026

Cabarrus County, Nos. 22CR050800-120, 22CR050801-120, 22CR050802-120

STATE OF NORTH CAROLINA

v.

JAMEL ANIS AMOS, Defendant.

Appeal by defendant from judgment entered 6 January 2025 by Judge Martin B. McGee in Cabarrus County Superior Court. Heard in the Court of Appeals 24 February 2026.

Attorney General Jeff Jackson, by Assistant Attorney General Michelle Harris, for the State.

Cooper Strickland, for defendant-appellant.

GORE, Judge.

Defendant Jamel Anis Amos appeals the judgment revoking his probation and activating his underlying criminal sentence. Defendant failed to orally appeal or file a written notice of appeal according to Rule 4 of the North Carolina Rules of Appellate Procedure. Defendant filed a petition for writ of certiorari to consider his appeal

despite the jurisdictional defect. Upon reviewing defendant's petition, the record, and the briefs, we deny the petition and dismiss for lack of jurisdiction.

I.

Defendant pleaded guilty to attempted trafficking of methamphetamine by possession, felony possession of a Schedule I controlled substance, possession with intent to sell or deliver marijuana, possession of a firearm by a felon, misdemeanor maintaining a dwelling for controlled substances, and misdemeanor possession of drug paraphernalia. Pursuant to the terms of the plea agreement, defendant was sentenced to 29 months to 47 months' imprisonment that was suspended for 30 months of supervised probation with special conditions to include a 99-day active sentence. Defendant was credited with the 99 days spent in confinement prior to entry of the judgment.

During defendant's probationary period, the probation officer filed a violation report on 13 May 2024. The probation officer listed two financial violations for defendant's failure to pay the fees directed by the court. Additionally, the probation officer listed that defendant was charged with driving while impaired ("DWI") on 15 January 2023, and another DWI and reckless driving "wanton-disregard" on 24 March 2024 in Cabarrus County. Defendant initially waived his right to counsel when the violation reports were filed. On 22 July 2024, defendant had an initial hearing and was assigned counsel; a second court date was scheduled for 21 October 2024.

The next court date in the record occurred on 12 December 2024. The trial court found defendant's probation period had expired in December and included findings pursuant to N.C.G.S. § 15A-1344(f) to extend defendant's probationary period until 10 January 2025. The trial court found good cause was shown because defendant admitted to the violations filed. The trial court continued sentencing until 6 January 2025. On 6 January 2025, the trial court found that defendant willfully violated the conditions of his probation by committing criminal offenses pursuant to the 13 May 2024 violation report. The trial court revoked defendant's probation and reactivated defendant's sentence but reduced it to the minimum durations within the presumptive range. Defendant did not orally enter a notice of appeal and no written notice of appeal was ever filed. Defendant included the docket notes from the Clerk of Court suggesting a notice of appeal on 9 January 2025.

II.

Defendant petitions this Court for writ of certiorari due to the missing notice of appeal. He argues we should grant his petition because the record includes enough indication of his intent to appeal through the Clerk of Court docket notes and the correspondence between defendant and the trial court. Defendant argues that we may grant certiorari under Rule 21 "in appropriate circumstances." N.C.R. App. P. 21(a)(1). According to defendant, the handwritten docket notes and the docketing of appellate entries on 9 January 2025 demonstrate his "intent to appeal." Defendant also relies upon his letter postmarked on 5 February 2025 and the trial court's

response letter to him on 10 February 2025 as indication of his intent to appeal the judgment revoking his probation. We disagree.

Rule 4 grants jurisdiction to this Court to consider an appeal. Under Rule 4, a defendant must either orally appeal at trial or file a written notice of appeal specifying the judgment within fourteen days of entry of the judgment. N.C.R. App. P. 4(a). Failure to give proper notice of appeal "brings a purported appeal to an end before it ever begins." *State v. Hughes*, 210 N.C. App. 482, 484 (2011) (cleaned up). Similar to *Hughes*, the record does not indicate that defendant ever filed a written notice of appeal, nor did the trial court indicate on the judgment that defendant noticed appeal in court. *Id.* at 484–85. A review of the transcript further indicates defendant did not orally appeal. Although there are appellate entries in the record, we have stated that appellate entries without any written notice of appeal by defendant do "not preserve his right to appeal his convictions." *Id.* at 485 (citation omitted).

Defendant argues we should grant his petition because this case is on all fours with *State v. Coleman*. 271 N.C. App. 91, 94 (2020). However, *Coleman* differs from the present case. The amendments to the record in *Coleman* supported oral notice of appeal, whereas in the present case we are reviewing the sufficiency of a written notice of appeal as there is no proof in the record of a timely oral notice of appeal. *Id.* Because Rule 4 mandates certain content within a written notice of appeal, and

because these requisites were not met in the present case, defendant has lost his right to appeal.[1]

When the right of appeal is lost, Rule 21 provides an alternative means for this Court to acquire jurisdiction. Defendant petitioned this Court to consider his appeal pursuant to Rule 21. "Certiorari is an extraordinary remedial writ. We deploy it sparingly, reserving it to correct errors of law, or to cure a manifest injustice." *State v. Woolard*, 385 N.C. 560, 568 (2023) (cleaned up). "A writ of certiorari should issue only if the petitioner can show merit or that error was probably committed below." *Cryan v. Nat'l Council of YMCA*, 384 N.C. 569, 572 (2023) (cleaned up).

Upon reviewing the record, the briefs, and considering these in light of Rule 21, we determine the petition should be denied. We carefully reviewed the arguments and considered each issue in light of the extraordinary remedial nature of Rule 21 and in our discretion, we determine defendant has failed to show his case has "merit or that error was probably committed below." *Id.* Therefore, we deny defendant's petition for writ of certiorari.

III.

For the foregoing reasons, we deny defendant's petition for writ of certiorari, and we dismiss the appeal for want of jurisdiction.

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[1]Likewise, we note this case differs from *State v. Martinez*, despite defendant's contrary assertions. *See State v. Martinez*, 933 S.E.2d 759, 763–64 (N.C. 2026) (discussing why the defendant's PWC with an attached attorney affidavit stating he failed to timely seek appeal for his client satisfied the *Cryan* two-factor test).

DISMISSED.

Judges STROUD and ZACHARY concur.

Report per Rule 30(e).