An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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. COA26-525

Filed 4 November 2026

Lenoir County, Nos. 21CR000258-530, 25CR000059-530

STATE OF NORTH CAROLINA

v.

TORRENCE LASHAN HOWARD

Appeal by defendant from judgments entered 11 July 2025 by Judge Elizabeth Freshwater-Smith in Lenoir County Superior Court. Heard in the Court of Appeals 13 October 2026.

Attorney General Jeff Jackson, by Special Deputy Attorney General Benjamin Szany, for the State.

Drew Nelson for defendant-appellant.

FREEMAN, Judge.

Defendant appeals from the trial court imposing a restitution award of $2,370.00, arguing that the trial court erred by ordering a restitution award that was not supported by sufficient evidence. Defendant also filed a motion for appropriate relief, arguing the trial court improperly closed the courtroom to the media during his trial, therefore denying his right to a public trial. After careful review, we dismiss

defendant's argument regarding the restitution order and deny defendant's motion.

I. Background

On 6 August 2021, Torrence Lashan Howard (defendant) was indicted by a grand jury for the first-degree murder of Gabrielle Ana Wendt (Victim). A superseding indictment for first-degree murder along with an indictment of possession of firearm by felon were issued on 5 March 2025. Defendant was found guilty of both charges. At the end of defendant's trial, the prosecutor requested that the trial court enter a restitution order against defendant. The prosecutor stated that the restitution would be going to the Boys and Girls Club, where Victim worked, as they paid for her funeral. The prosecutor also stated that the restitution amount was $2,370.00. The trial court was provided with a restitution worksheet requesting the amount of $2,370.00 to be paid to the Boys and Girls Club of Snow Hill, North Carolina. The prosecutor also supplied the trial court with a victim-impact statement signed by Victim's mother, which under a section titled "Funeral Bills," stated the amount of $2,370.00 to be paid to the Boys and Girls Club of Snow Hill, North Carolina. The trial court then ordered the requested restitution amount. Defendant gave oral notice of appeal on 11 July 2025. Defendant did not give written notice of appeal.

II. Jurisdiction

When appealing a civil judgment, N.C. R. App. P. 3(a) requires there to be a written notice of appeal. Here, the trial court ordered a restitution payment as

requested. This order for restitution was docketed as a civil judgment. The trial court specifically ordered the "restitution in the amount of $2370 to the Boys and Girls Club, which will be made a civil judgment against the Defendant." While defendant gave oral notice of appeal, he failed to enter a written notice of appeal as required by N.C. R. App. P. 3(a). "[F]ailure to comply with Rule 3 is a jurisdictional default that prevents this Court 'from acting in any manner other than to dismiss the appeal.' " *In re Moore*, 234 N.C. App. 37, 40 (2014) (quoting *Dogwood Dev. & Mgmt. Co. v. White Oak Transp. Co.*, 362 N.C. 191, 197 (2008)). Therefore, due to defendant's noncompliance with N.C. R. App. P. 3(a), we dismiss his appeal of this issue for lack of jurisdiction and only address his motion for appropriate relief.

III. Motion for Appropriate Relief

Defendant argues in his motion for appropriate relief that his right to a public trial under the Sixth Amendment to the United States Constitution was violated. For the reasons below, we deny defendant's motion.

Defendant motioned this Court for appropriate relief, claiming that the trial court improperly closed the courtroom to the media, violating his Sixth Amendment right to a public trial.

> When a motion for appropriate relief is made in the appellate division, the appellate court must decide whether the motion may be determined on the basis of the materials before it, whether it is necessary to remand the case to the trial division for taking evidence or conducting other proceedings[.]

N.C.G.S. § 15A-1418(b).

A motion for appropriate relief "must be supported by affidavit or other documentary evidence if based upon the existence or occurrence of facts which are not ascertainable from the records and any transcript of the case or which are not within the knowledge of the judge who hears the motion." N.C.G.S. § 15A-1420(b)(1). Even when a defendant supports his motion for appropriate relief with affidavits or documentary evidence, if the support simply contains general allegations or speculation, the motion will not be granted. *See State v. Rollins*, 224 N.C. App. 197, 201 (2012).

Here, defendant attached no such support for his claim that his rights were violated. The only support defendant attached to his motion was a video clip of a news reporter who claimed he "was not allowed into the courtroom for the verdict" and that the trial court judge did not tell him why he was not allowed in the courtroom. There is nothing in the record nor in an affidavit to support the claim that defendant's right to a public trial was violated. Further, the right to a public trial does not grant the media unlimited access. *See* N.C. Super. Ct. & Dist. Ct. R. 15(b)(1); *State v. Hudson*, 331 N.C. 122, 139 (1992) ("[t]he presiding judge shall at all times have authority to prohibit or terminate electronic media and still photography coverage of public judicial proceedings."). The statements contained in the video clip are speculative, unsworn allegations that do not provide sufficient support to grant the motion. Accordingly, because defendant failed to include affidavits or other

sufficient documents to support his motion for appropriate relief, his motion is denied.

IV. Conclusion

Because defendant failed to properly notice appeal from the restitution order, we dismiss this argument, and because he failed to include sufficient support in his motion for appropriate relief, his motion is denied.

DIMISSED.

Chief Judge DILLON and Judge COLLINS concur.

Report per Rule 30(e).