

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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. COA16-612

Filed: 6 December 2016

Martin County, No. 12 CRS 50657

STATE OF NORTH CAROLINA

v.

DAQUANE ALI CHILES, Defendant.

Appeal by Defendant from judgment entered 4 January 2016 by Judge Wayland J. Sermons Jr. in Martin County Superior Court. Heard in the Court of Appeals 17 November 2016.

*Attorney General Roy Cooper, by Assistant Attorney General Kimberly N. Callahan, for the State.*

*Appellate Defender Glenn Gerding, by Assistant Appellate Defender Jillian C. Katz, for Defendant-Appellant.*

INMAN, Judge.

Daquane Ali Chiles (“Defendant”) appeals from a judgment revoking his probation and activating his sentence. After careful review, we affirm the trial court.

On 7 January 2013, Defendant pled guilty to possession with intent to sell or deliver a Schedule II controlled substance within 1000 feet of a school. The trial court suspended a prison sentence of 25 to 42 months and placed Defendant on supervised

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probation for 30 months commencing upon his release from incarceration for two other offenses included in his guilty plea.

Defendant was released from prison and began his period of supervised probation on 17 August 2013. In response to a series of violations, the trial court modified his probation to include six months of house arrest with electronic monitoring on 1 April 2014, and two periods of confinement in response to violation on 27 May 2014 and 11 May 2015.

Defendant's probation officer filed additional violation reports on 10 August 2015 and 1 September 2015. At a hearing on 4 January 2016, Defendant admitted several of the charged violations, including having committed the criminal offense of communicating threats in Pitt County, North Carolina, in violation of the regular condition in N.C. Gen. Stat. § 15A-1343(b)(1) (2015). Based on this violation, the trial court entered judgment revoking Defendant's probation and activating his suspended sentence. Defendant gave notice of appeal in open court.

Counsel appointed to represent Defendant is unable to identify any issue with sufficient merit to support a meaningful argument for relief on appeal and asks that this Court conduct its own review of the record for possible prejudicial error. Counsel shows to the satisfaction of this Court that she has complied with the requirements of *Anders v. California*, 386 U.S. 738, 18 L. Ed. 2d 493 (1967), and *State v. Kinch*, 314 N.C. 99, 331 S.E.2d 665 (1985), by advising defendant of his right to file written

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arguments with this Court and providing him with the documents necessary to do so. Defendant has not filed any written arguments on his own behalf with this Court, and a reasonable time for him to do so has expired.

In accordance with *Anders*, we have fully examined the record to determine whether any issues of arguable merit appear therefrom. We have been unable to find any possible prejudicial error and conclude that the appeal is wholly frivolous.

AFFIRMED.

Judges STROUD and TYSON concur.

Report per Rule 30(e).