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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA18-883

Filed: 2 July 2019

New Hanover County, Nos. 17 CRS 52696, 52933

STATE OF NORTH CAROLINA

v.

TRANETA SHANAIA KE CAMPBELL

Appeal by defendant by writ of certiorari from judgments entered 16 March 2018 by Judge Jay D. Hockenbury in New Hanover County Superior Court. Heard in the Court of Appeals 10 June 2019.

*Attorney General Joshua H. Stein, by Assistant Attorney General Joseph L. Hyde, for the State.*

*Sean P. Vitrano for defendant-appellant.*

ZACHARY, Judge.

Defendant Traneta Shanaia Ke Campbell appeals from judgments entered upon her guilty plea to second-degree murder and discharging a weapon into occupied property (“discharging a weapon”). We affirm.

On 1 April 2017, officers from the Wilmington Police Department responded to a report of a shooting in the parking lot of a restaurant. On arrival, they discovered

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emergency medical services attempting to treat Catherine Ruth Ballard, who had suffered a single gunshot to the back of the head. Ballard was transferred to a nearby hospital, where she was pronounced dead on arrival.

A bullet also struck and shattered the back window of a Honda Accord that was parked in the lot. At the time of the shooting, O'Shay Broadwater was sitting in this vehicle with her child. The child suffered a cut on her head from the broken glass.

Witnesses reported that Ballard had been involved in an argument with a male and another female. Eventually, the other female got into a red Honda Civic, while Ballard continued arguing with the male. The female then partially exited the Civic, shot Ballard, and drove away with the male. The man was subsequently determined to be Ballard's ex-boyfriend, Darius Nelson. The female was later identified as Defendant.

Defendant was indicted for first-degree murder and discharging a weapon. On 16 March 2018, Defendant pleaded guilty pursuant to a plea arrangement to second-degree murder and discharging a weapon. She also admitted the existence of an aggravating factor, that she knowingly created a great risk of death to more than one person. In accordance with the plea arrangement, the trial court sentenced Defendant to consecutive sentences of 345 to 426 months for second-degree murder

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and 36 to 56 months for discharging a weapon. On 17 April 2018, Defendant filed written notice of appeal.

As an initial matter, we note that Defendant's notice of appeal was untimely. The Appellate Rules require written notice of appeal in a criminal matter to be filed "within 14 days after entry of the judgment[.]" N.C.R. App. P. 4(a)(2). In the instant case, judgment was entered on 16 March 2018, and Defendant did not file notice of appeal until thirty-two days later, on 17 April 2018. Because Defendant's notice of appeal was untimely, we lack jurisdiction over her appeal, and we must grant the State's motion to dismiss. *See State v. McCoy*, 171 N.C. App. 636, 639, 615 S.E.2d 319, 320, *appeal dismissed*, 360 N.C. 73, 622 S.E.2d 626 (2005).

However, Defendant has also filed a petition for writ of certiorari as an alternative basis for our review. *See* N.C.R. App. P. 21(a)(1) ("The writ of certiorari may be issued in appropriate circumstances by either appellate court 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 . . ."). In our discretion, we allow the petition and will address the merits of Defendant's appeal.

Counsel appointed to represent Defendant on appeal "is unable to identify an 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 has shown to the satisfaction of this Court that he has complied with

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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 her right to file written arguments with this Court and providing her with the documents necessary for her to do so. Defendant has not filed any written arguments, and a reasonable time for her to do so has passed.

In accordance with *Anders*, we have fully examined the record to determine whether any issues of arguable merit appear therefrom.<sup>1</sup> We have been unable to find any possible prejudicial error and conclude that the appeal is wholly frivolous. Therefore, we affirm the judgments entered upon Defendant's guilty plea.

AFFIRMED.

Judges STROUD and BERGER concur.

Report per Rule 30(e).

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<sup>1</sup> Because Defendant pleaded guilty in this case, our review of potential error is limited to those issues authorized by N.C. Gen. Stat. § 15A-1444 (2017). See *State v. Jamerson*, 161 N.C. App. 527, 528-29, 588 S.E.2d 545, 546-47 (2003).