

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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. COA16-560

Filed: 17 January 2017

Wake County, No. 14CRS211375

STATE OF NORTH CAROLINA

v.

DAWARIFAMA PRINCE FIABEMA

Appeal by Defendant from judgment entered 8 October 2015 by Judge A. Graham Shirley in Wake County Superior Court. Heard in the Court of Appeals 3 January 2017.

*Attorney General Roy A. Cooper, III, by Assistant Attorney General Tracy Nayer, for the State.*

*Morgan & Carter PLLC, by Michelle FormyDuval Lynch, for the Defendant.*

DILLON, Judge.

Dawarifama Prince Fiabema (“Defendant”) was charged with second degree kidnapping and other offenses. Defendant pled guilty to second degree kidnapping. Under the terms of Defendant’s plea agreement, the State dismissed the remaining charges, and the parties agreed to a suspended sentence of twenty-nine to forty-seven months, with a sixty day split sentence and thirty-six months of supervised probation.

STATE V. FIABEMA

*Opinion of the Court*

The trial court determined that Defendant was a Level II offender for sentencing purposes and sentenced Defendant in accordance with the plea agreement.

In December 2014, Defendant's probation officer filed a probation violation report alleging that Defendant violated his probation by failing to make payments on fees and failing to enroll in an abuser treatment program within thirty days of the entry of judgment. In August 2015, Defendant's probation officer filed a second violation report alleging that Defendant had been found guilty by a jury of possession of stolen goods in Orange County.

On 8 October 2015, the trial court conducted a hearing on the violation reports. Defendant admitted to willfully violating the terms of his probation. The trial court revoked Defendant's probation and activated his suspended sentence after finding that Defendant willfully violated the conditions of his probation. Defendant appeals.

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Counsel appointed to represent Defendant has been 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 has also shown to the satisfaction of this Court that she has complied with the requirements of *Anders v. California*, 386 U.S. 738 (1967) and *State v. Kinch*, 314 N.C. 99, 331 S.E.2d 665 (1985), by advising Defendant of his right to file written arguments with this Court, and providing him with the documents necessary for him

STATE V. FIABEMA

*Opinion of the Court*

to do so. Counsel directs our attention to potential issues on appeal, but acknowledges that she found no reversible error on the part of the trial court.

Defendant has not filed any written arguments on his own behalf with this Court and a reasonable time in which he could have done so has passed. In accordance with *Anders* and *Kinch*, we have fully examined the record to determine whether there are any issues of arguable merit or whether the appeal is wholly frivolous. We conclude the appeal is wholly frivolous. Furthermore, we have examined the record for possible prejudicial error and found none. Accordingly, we affirm the trial court's judgment.

AFFIRMED.

Chief Judge McGEE and Judge CALABRIA concur.

Report per Rule 30(e).