

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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. COA23-408

Filed 2 January 2024

Wilkes County, Nos. 20 CRS 50468, 21 CRS 50107, 21 CRS 50114

STATE OF NORTH CAROLINA

v.

KRISTEN WILLIAMS, Defendant.

Appeal by defendant from judgment entered 7 November 2022 by Judge Lora Christine Cabbage in Wilkes County Superior Court. Heard in the Court of Appeals 14 November 2023.

*Attorney General Joshua H. Stein, by Assistant Attorney General Victor A. Unnone III, for the State.*

*Appellate Defender Glenn Gerding, by Assistant Appellate Defender Katy Dickinson-Schultz, for the Defendant.*

DILLON, Judge.

Defendant Kristen Williams appeals from the trial court's judgment revoking her probation and activating her sentences for possession of meth, possession of drug paraphernalia, and possession with intent to sell meth.

As Defendant's notice of appeal was defective and insufficient to confer

jurisdiction on our Court, to consider her arguments, Defendant has petitioned our Court for a writ of *certiorari* to permit appellate review of the judgments. N.C. R. App. P. 21(a)(1) (2021). In our discretion, we grant Defendant's petition.

During her probation revocation hearing, Defendant appeared *pro se*. Defendant's sole argument on appeal is that she did not validly waive her right to counsel.

"Once a defendant clearly and unequivocally states that he wants to proceed *pro se*, the trial court, to satisfy constitutional standards, must determine whether the defendant knowingly, intelligently, and voluntarily waives the right to in-court representation by counsel." *State v. Thomas*, 331 N.C. 671, 674, 417 S.E.2d 473, 476 (1992). To determine whether a defendant's waiver meets this standard, the trial court must conduct a thorough inquiry pursuant to N.C. Gen. Stat. § 15A-1242. *State v. Gerald*, 304 N.C. 511, 519, 284 S.E.2d 312, 317 (1981); *Thomas*, 331 N.C. at 674, 417 S.E.2d at 476. This statute provides that:

A defendant may be permitted at his election to proceed in the trial of his case without the assistance of counsel only after the trial judge makes thorough inquiry and is satisfied that the defendant:

- (1) Has been clearly advised of his right to the assistance of counsel, including his right to the assignment of counsel when he is so entitled;
- (2) Understands and appreciates the consequences of this decision; and
- (3) Comprehends the nature of the charges and proceedings

and the range of permissible punishments.

N.C. Gen. Stat. § 15A-1242 (2021).

Here, the trial court asked Defendant if she wanted to be represented by an attorney. When Defendant responded, “No. I am going to represent myself”, the trial court confirmed that Defendant had signed her waiver of counsel. Then, the trial court proceeded to explain each of the charges against Defendant, the minimum and maximum sentences, and that if she was found to have violated probation, her sentences would be put into effect. Defendant confirmed that she understood. The trial court then confirmed that Defendant understood her right to an attorney, to which Defendant responded by saying “I understand”. The transcript of the hearing also reflects that the trial court repeatedly confirmed with Defendant that she did not want an attorney, and each time, Defendant responded that she intended to represent herself *pro se*.

We are satisfied that the trial court conducted the inquiry required under G.S. 15A-1242 and properly determined that Defendant “knowingly, intelligently, and voluntarily waive[d] the right to in-court representation by counsel.” *Thomas*, 331 N.C. at 674, 417 S.E.2d at 476.

AFFIRMED.

Chief Judge STROUD and Judge ZACHARY concur.

Report per Rule 30(e).