An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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. COA26-52

Filed 18 November 2026

Durham County, No. 21CR000196-310

STATE OF NORTH CAROLINA

v.

REGINALD LEMONT CHAVIS, Defendant.

Appeal by Defendant from judgments entered 16 April 2025 by Judge Josephine Kerr-Davis in Durham County Superior Court. Heard in the Court of Appeals 16 September 2026.

Attorney General Jeff Jackson, by Special Deputy Attorney General Rachel G. Posey, for the State.

Appellate Defender Glenn Gerding, by Assistant Appellate Defender Wyatt Orsbon for defendant-appellant.

DILLON, Chief Judge.

Defendant Reginald Lamont Chavis appeals the final judgments entered consistent with the jury's verdict finding him guilty of one count of second-degree kidnapping, one count of assault on a female, and one count of communicating threats, all arising from an incident involving Defendant and his former girlfriend.

Defendant contends the trial court committed reversible error during his trial by not letting his attorney withdraw. For the foregoing reasons, we conclude Defendant received a fair trial, free from reversible error.

I. Background

On 15 February 2021, Defendant was indicted on one count of second-degree kidnapping, one count of assault on a female, and one count of communicating threats. The State's evidence tended to show Defendant ambushed his former girlfriend, believing she had a new boyfriend. When the victim arrived at her home, Defendant was waiting for her inside. Once the victim was inside, Defendant struck her several times, threatened her with a knife, dragged her to her bedroom, and sexually assaulted her.

Sometime prior to trial, the State came to believe Defendant had made threatening contact with the victim about her testifying against him in violation of a pre-trial order. As a result, on 7 April 2025, a week before Defendant's trial, Defendant was indicted on new charges, specifically on one count of interfering with a witness, one count of obstruction of justice, and one count of violation of a court order.

The next day, Defendant's attorney filed a motion to continue, stating he could not represent Defendant on the new charges. However, his motion was denied. On 10 April 2025, counsel renewed his motion to continue and filed a motion to withdraw. The motion to withdraw again referenced the new charges and asserted counsel could

not represent Defendant on those charges due to an unwaivable conflict. Counsel further asserted he could not "provide legal advice to Defendant regarding the new charges, including advice on the possibility of joining the cases for trial or other key legal issues."

Defendant's case came on for trial 14 April 2025. During pre-trial motions, counsel raised both the motion to withdraw and the motion to continue, asserting he was not able to represent Defendant on the new charges for reasons that were confidential, and that he was unable to give the trial court further information regarding why. Counsel again asserted he was unable to advise Defendant on the issue of joinder, indicating Defendant would rather have one attorney represent him on all charges. The trial court inquired into the reason for counsel's inability to represent Defendant on the new charges and, following a bench conference, denied both motions. Subsequently, the jury found Defendant guilty of second-degree kidnapping, assault on a female, and communicating threats. Defendant appeals.

II. Appellate Jurisdiction

Defendant gave oral notice of appeal after the jury returned its verdict but prior to the entry of the trial court's judgments. Our Appellate Rules provide a defendant in a criminal action may take appeal "within fourteen days *after* entry of the judgment[.]" N.C. R. App. P. 4(a) (emphasis added).

We have construed Rule 4(a)'s "at trial" language to mean notice of appeal given *after* entry of final judgment and that oral notice of appeal given "before entry

of the final judgment" is "premature[]" and ineffective. *See State v. Lopez*, 264 N.C. App. 496, 503 (2019); *State v. Robinson*, 236 N.C. App. 446, 448 (2014) (emphasis added).

Defendant filed a petition for writ of *certiorari* acknowledging the prematurity of his notice of appeal. The State responded, it does not contend it has suffered any prejudice because of the premature notice, nor do we discern any.

We grant Defendant's petition for writ of *certiorari* and proceed to review the merits of Defendant's appeal. N.C.G.S. § 7A-32.

III. Analysis

Defendant asserts that his constitutional right to conflict-free representation was violated and that he is entitled to a new trial. We disagree.

"Whether a defendant was denied the effective assistance of counsel is a question of law that is reviewed de novo." *State v. Clark*, 380 N.C. 204, 215 (2022).

Defendant argues he is entitled to a new trial based upon a conflict his attorney had in this case. Defendant does *not* argue his attorney had any conflict regarding the charges involved in this matter relating to his initial charges. Rather, Defendant's attorney's conflict relates to the secondary charges involving his alleged conduct intimidating the victim not to testify. Defendant contends this conflict prevented his attorney from advising him on seeking joinder of the new charges with the charges for which he was tried in this matter.

Defendant argues we should analyze the prejudice analysis under the more

defendant-friendly standard established by the Supreme Court of the United States in *Cuyler v. Sullivan*, 446 U.S. 335 (1980) and like cases rather than the prejudice standard established in *Strickland v. Washington*, 466 U.S. 668 (1984). Our Supreme Court has held the "*Sullivan* analysis" is more appropriately used in situations where an attorney's conflict in representing a defendant involves the attorney also representing co-defendants in the same or successive trials. *State v. Phillips*, 365 N.C. 103, 118 (2011). *Phillips* involved a defendant contending he did not receive effective assistance of counsel because his attorney failed to withdraw and testify as a witness for the defendant, depriving him of conflict-free counsel. *Id.* at 116–17. Since the conflict did not involve the attorney's multiple representations of co-defendants who may have conflicting interests, our Supreme Court held that the Defendant's appeal was more appropriately evaluated under *Strickland*. *Id.* at 121.

Strickland employs a two-part test that looks both at counsel's performance and the prejudice stemming from that performance. *State v. Braswell*, 312 N.C. 553, 562 (1985). Here, Defendant has not shown how he was prejudiced *in this matter* by the jury not hearing about his subsequent threatening conduct towards the victim. Defendant has not shown how the results regarding the charges for which he was tried in this matter would have been different had they been joined with the newer charges.

We note Defendant's reliance on *State v. Reese*, wherein our Court held a defense counsel's performance was adversely affected because, due to a conflict of

interest, counsel was unable to provide "independent advice" to a defendant prior to trial on whether to object to joinder. No. COA06-1098, 2007 WL 4233684, at *3–4 (N.C. Ct. App. Dec. 4, 2007). However, this case is inapplicable here as *Reese* involved an attorney, who was actively representing two co-defendants, and whose charges had been joined. The conflict there was obvious: defense counsel "faced an actual conflict when one of his clients could benefit from inculpating another of his clients." *Id*. at *4. Here there is only one client.

IV. Conclusion

We conclude Defendant received a fair trial, free from reversible error.

NO ERROR.

Judges TYSON and ARROWOOD concur.

Report per Rule 30(e).