

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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

NO. COA11-333
NORTH CAROLINA COURT OF APPEALS

Filed: 20 September 2011

STATE OF NORTH CAROLINA

v.

Cabarrus County
Nos. 09 CRS 5418, 53954,
09 CRS 54037

BRANDON JAMAL MOORE

Appeal by defendant from judgments entered 20 September 2010 by Judge Theodore S. Royster in Cabarrus County Superior Court. Heard in the Court of Appeals 6 September 2011.

Attorney General Roy Cooper, by Special Deputy Attorney General Donald R. Teeter, Sr., for the State.

Jon W. Myers for defendant-appellant.

HUNTER, Jr., Robert N., Judge.

On 9 November 2009, defendant Brandon Jamal Moore pled guilty to felony possession of cocaine. The trial court sentenced defendant to a term of six to eight months imprisonment. The trial court suspended defendant's sentence and placed him on supervised probation for eighteen months with a required twenty-four hours of community service.

On 6 May 2010, defendant pled guilty to second degree burglary, larceny from the person, and possession with intent to sell and deliver cocaine. The trial court imposed sentences of nineteen to twenty-three months imprisonment for the burglary charge and eight to ten months imprisonment for the larceny and possession charges. The trial court suspended defendant's sentences and placed him on thirty-six months of supervised probation.

On 4 August 2010, probation violation reports were filed in all three cases. The reports alleged that defendant: (1) tested positive for marijuana; (2) did not complete his community service hours; (3) did not complete a GED program; (4) violated curfew; (5) failed to obtain a substance abuse assessment; and (6) was convicted of criminal offenses.

On 20 September 2010, the trial court held a probation violation hearing in Cabarrus County Superior Court. Defendant admitted to violating his probation. The trial court found that defendant willfully violated the terms of his probation in all three cases. Accordingly, the trial court revoked defendant's probation and activated his suspended sentences. Defendant appeals.

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 he 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 arguments with this Court and providing him with the documents necessary for him to do so.

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*, 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.

No error.

Judges MARTIN and THIGPEN concur.

Report per Rule 30(e).