

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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. COA11-702
NORTH CAROLINA COURT OF APPEALS

Filed: 20 December 2011

STATE OF NORTH CAROLINA

v.

Halifax County
No. 08 CRS 55313

JOSEPH EARL WOOD

Appeal by defendant from judgment entered 24 January 2011 by Judge J. Carlton Cole in Halifax County Superior Court. Heard in the Court of Appeals 28 November 2011.

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

Anna S. Lucas for defendant.

ELMORE, Judge.

Joseph Earl Wood (defendant) appeals from a judgment revoking his probation and activating a sentence of twenty-five to thirty-nine months' imprisonment. We dismiss.

On 10 December 2008, defendant pled guilty to assault with a deadly weapon inflicting serious injury. The trial court placed defendant on supervised probation for a period of thirty-six months. On 7 January 2011, defendant's probation officer

filed a violation report charging defendant with violating four conditions of probation. Defendant appeared for a hearing on 27 January 2011 and admitted that he committed the violations. At the conclusion of the hearing, that the court found and concluded that defendant willfully and without lawful excuse committed the charged violations.

Defendant's counsel has filed a brief pursuant to *Anders v. California*, 386 U.S. 738, 18 L. Ed. 2d 493 (1967), requesting this Court to "conduct an examination of the record for prejudicial error and determine if any meritorious issue has been overlooked by counsel." Counsel has attached to the brief a copy of a letter dated 18 July 2011 that she mailed to defendant. In this letter she advised defendant 1) of her inability to identify any issue which would provide meaningful relief, 2) of her request to this Court to review the record for possible error overlooked by counsel, and 3) of his right to submit his own written arguments to this Court as soon as possible. To assist defendant with that endeavor, counsel included a copy of the trial transcript and the record on appeal. Counsel also provided defendant with the mailing address of this Court and the file number of his case in this Court. Counsel encouraged defendant to notify this Court

immediately of his intention to file his own written arguments. Defendant has neither given this Court that notice, nor filed his own written arguments.

We hold that trial counsel has complied with all of the procedural requirements imposed by *Anders*. We have reviewed the record and we are unable to find any error to support a meaningful appeal. We therefore conclude that the appeal is wholly frivolous, and we dismiss it.

Dismissed.

Judges McGEE and McCULLOUGH concur.

Report per Rule 30(e).