

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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. COA01-757

NORTH CAROLINA COURT OF APPEALS

Filed: 5 March 2002

STATE OF NORTH CAROLINA

v.

Gaston County
No. 98 CRS 21674

MARVIN DAVID OWENS

Appeal by defendant from judgment entered 2 April 2001 by Judge Timothy L. Patti in Gaston County Superior Court. Heard in the Court of Appeals 4 February 2002.

Attorney General Roy Cooper, by Assistant Attorney General Amy C. Kunstling, for the State.

Andrew C. Blumenberg for defendant appellant.

TIMMONS-GOODSON, Judge.

After pleading guilty to one count of felony child abuse, Marvin David Owens ("defendant") received a suspended sentence of twenty-seven (27) to forty-two (42) months' imprisonment and was placed on supervised probation for forty-eight (48) months. On 2 April 2001, the trial court revoked defendant's probation and activated his sentence upon evidence that defendant had failed to comply with specified conditions of his probation. Defendant now appeals from the revocation of his probation and activation of his sentence. We affirm the trial court.

Defendant's counsel has filed a brief pursuant to *Anders v. California*, 386 U.S. 738, 18 L. Ed. 2d 493, *reh'g denied*, 388 U.S. 924, 18 L. Ed. 2d 1377 (1967) and *State v. Kinch*, 314 N.C. 99, 331 S.E.2d 665 (1985). Counsel has complied with the requirements of those decisions and has included a copy of the letter he wrote to defendant in the record on appeal. Defendant has not filed any written arguments.

After carefully reviewing the record, we detect no error by the trial court. We therefore conclude that defendant's appeal is frivolous, and we affirm the judgment of the trial court.

Affirmed.

Chief Judge EAGLES and Judge McCULLOUGH concur.

Report per Rule 30(e).