

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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. COA01-822

NORTH CAROLINA COURT OF APPEALS

Filed: 5 March 2002

STATE OF NORTH CAROLINA

v.

JOHN THOMAS SPEAS, JR.

Forsyth County
Nos. 93 CRS 13344
93 CRS 28086

On review by writ of certiorari from judgment entered 12 September 1996 by Judge William Z. Wood, Jr., in Forsyth County Superior Court. Heard in the Court of Appeals 4 February 2002.

Attorney General Roy Cooper, by Assistant Attorney General M. Lynne Weaver, for the State.

J. Clark Fischer, for defendant appellant.

TIMMONS-GOODSON, Judge.

John Thomas Speas ("defendant") was convicted of possession of stolen property and larceny in September of 1993. The trial court subsequently suspended defendant's sentence and placed him on supervised probation for a period of three years. A violation report was served upon defendant on 15 August 1996. At a revocation hearing before Judge Wood on 12 September 1996, defense counsel admitted that defendant had failed to satisfy the monetary conditions of his probation, left his place of residence without notifying his probation officer, and had been convicted for

possession of marijuana. Finding defendant in willful violation of the terms of his probation, Judge Wood entered judgment revoking probation and activating defendant's sentence. On 18 December 2000, this Court allowed defendant's petition for writ of certiorari in order to review the 12 September 1996 judgment.

Counsel appointed to represent defendant on appeal has filed an *Anders* brief indicating that he is unable to identify an issue with sufficient merit to support a meaningful argument for relief on appeal. He asks that this Court conduct its own review of the record for possible prejudicial error. Counsel has filed documentation with the Court showing that he has complied with the requirements of *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), by advising defendant of his right to file written arguments with the Court and providing him with a copy of the documents pertinent to his appeal. Defendant has filed no additional arguments of his own with this Court, and a reasonable time for him to 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 and whether the appeal is wholly frivolous. We conclude the appeal is frivolous, and we therefore affirm the judgment of the trial court.

Affirmed.

Chief Judge EAGLES and Judge McCULLOUGH concur.

Report per Rule 30(e).