

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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. COA01-845

NORTH CAROLINA COURT OF APPEALS

Filed: 19 March 2002

STATE OF NORTH CAROLINA

v.

Forsyth County
No. 97 CRS 17129

TAMEKA LATRICE MCLEAN

Appeal from judgment entered 3 April 2001 by Judge Howard R. Greeson, Jr. in Forsyth County Superior Court. Heard in the Court of Appeals 18 February 2002.

Attorney General Roy Cooper, by Assistant Attorney General Kristine L. Lanning, for the State.

Robert W. Ewing for defendant-appellant.

EAGLES, Chief Judge.

Tameka Latrice McClean ("defendant") was convicted of conspiracy to commit robbery in February 1998. The trial court imposed a suspended sentence of twenty-two to thirty-six months imprisonment and placed defendant on supervised probation for a period of three years.

A probation violation hearing was held on 3 April 2000 based on defendant's alleged failure to satisfy the monetary obligations of probation, leaving her place of residence in Winston-Salem without notifying her probation officer, missing a scheduled visit

with her probation officer, and failure to obtain her General Equivalency Diploma during the first nine months of probation. At her revocation hearing, defendant admitted to willful violations of the probation conditions except the missed office visit. The trial court found that "defendant absconded probation on July 14th of 2000 and was gone until January 29th and did not turn herself in. The Court finds this to be willful and without lawful excuse." In the written judgment revoking probation, the trial court found all the violations alleged in the violation report. The trial court activated defendant's suspended sentence. Defendant appeals.

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 this 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 her right to file written arguments with this Court and providing her with a copy of the documents pertinent to her appeal. Defendant has filed no additional arguments of her own with this Court and a reasonable time for such arguments has passed.

In accordance with *Anders*, we have fully examined the record to determine whether any issues of arguable merit exist or whether

the appeal is wholly frivolous. Since the trial court had grounds to revoke defendant's probation and activate her sentence due to her failure to satisfy monetary obligations of probation and her failure to obtain her General Equivalency Diploma during the first nine months of her probation, we conclude this appeal is frivolous.

Accordingly, the judgment is affirmed.

Affirmed.

Judges TIMMONS-GOODSON and McCULLOUGH concur.

Report per Rule 30(e).