

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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. COA01-944

NORTH CAROLINA COURT OF APPEALS

Filed: 5 March 2002

STATE OF NORTH CAROLINA

v.

Beaufort County  
No. 00 CRS 3538

WALLACE CORNELIUS BURRUS

Appeal from judgment entered 8 March 2001 by Judge James R. Vosburgh in Beaufort County Superior Court. Heard in the Court of Appeals 4 February 2002.

*Attorney General Roy Cooper, by Assistant Attorney General Kathleen U. Baldwin, for the State.*

*Dennis M. Kilcoyne for defendant appellant.*

TIMMONS-GOODSON, Judge.

On 6 December 2000, Wallace Cornelius Burrus ("defendant") was convicted of possession of cocaine with intent to sell or deliver, resisting a public officer, and related crimes. The trial court consolidated the offenses, imposed a suspended sentence of eight to ten months' imprisonment, and placed defendant on probation for a period of thirty-six months. On 27 February 2001, defendant was served with a probation violation report, which alleged that defendant had missed appointments with his probation officer and drug treatment program, tested positive for marijuana use on five

occasions, failed to secure employment, and failed to satisfy the monetary conditions of his probation. At his revocation hearing, defendant waived his right to representation by counsel and allowed the probation officer to summarize the evidence against him. When asked whether he could refute the charges, defendant responded, "No[,]" but added that he had found employment. He ascribed his positive drug tests to "eatin[g] sesame seeds or whatever[.]" Finding defendant in willful violation of the terms of probation, the trial court activated defendant's sentence. Defendant now appeals to this Court.

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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).