

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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. COA02-280

NORTH CAROLINA COURT OF APPEALS

Filed: 15 October 2002

STATE OF NORTH CAROLINA

v.

Buncombe County
Nos. 00 CRS 9104
00 CRS 9883
00 CRS 9886
00 CRS 9887

CHARLES GRAHAM GIBBS

Appeal by defendant from judgments entered 1 November 2001 by Judge Loto G. Caviness in Superior Court, Buncombe County. Heard in the Court of Appeals 30 September 2002.

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

Gary C. Rhodes for defendant-appellant.

McGEE, Judge.

Defendant pled guilty on 20 March 1997 to two counts of obtaining property by false pretenses and six counts of uttering. Defendant's sentences were suspended and he was placed on supervised probation. Probation violation reports were filed on 2 October 2001, alleging that defendant was in arrears in the monetary conditions of his probation, had tested positive for marijuana, violated curfew and had missed appointments with his probation officer. A probation revocation hearing was held on 31

October 2001 and defendant admitted the allegations contained in the violation reports. The trial court therefore found that defendant violated valid conditions of his probation as set forth in the violation reports and activated his prison sentences. Defendant appeals.

Counsel appointed to represent defendant has been unable to identify any issue with sufficient merit to support a meaningful argument for relief on appeal and asks that this Court conduct its own review of the record for possible prejudicial error. Counsel has also shown to the satisfaction of this Court 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 this Court and providing him with the documents necessary for him to do so.

Defendant has not filed any written arguments on his own behalf with this Court and a reasonable time in which he could 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. We have been unable to find any possible prejudicial error and conclude that the appeal is wholly frivolous.

Affirmed.

Judges WYNN and CAMPBELL concur.

Report per Rule 30(e).