

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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. COA04-389

NORTH CAROLINA COURT OF APPEALS

Filed: 19 October 2004

STATE OF NORTH CAROLINA

v.

Mecklenburg County
No. 01 CRS 025268

MAKEO LAMARIN REID

Appeal by Defendant from judgment entered 4 December 2003 by Judge David S. Cayer in Superior Court, Mecklenburg County. Heard in the Court of Appeals 11 October 2004.

Attorney General Roy Cooper, by Assistant Attorney General Diane Martin Pomper, for the State.

Office of the Appellate Defender, by Appellate Defender Staples Hughes, for defendant-appellant.

WYNN, Judge.

Defendant Makeo Lamarin Reid appeals from judgment of the trial court revoking his probation pursuant to sections 7A-27(b) and 15A-1437 of North Carolina's General Statutes. Defendant does not cite any error by the trial court, but requests a review of the record for reversible error in accordance with *Anders v. California*, 386 U.S. 738, 18 L. Ed. 2d 493 (1967), and *State v. Kinch*, 314 N.C. 99, 331 S.E.2d 665 (1985). After reviewing the record, we affirm the judgment of the trial court.

Defendant entered a guilty plea for possession with intent to sell or deliver marijuana and sentenced to a term of six to eight months' imprisonment. On 28 May 2002 the trial court suspended Defendant's sentence and placed him on supervised probation.

At trial for revocation of probation, the State presented evidence tending to show that on 9 April 2003, a probation violation report was filed alleging Defendant had: (1) tested positive for marijuana; (2) failed to report to his probation officer on two dates; (3) failed to pay any of his court debt; (4) failed to pay his probation supervision fee; and (5) failed to notify his probation officer of his whereabouts. Defendant denied willfully violating his probation; however, Defendant did not deny failing to meet or contact his probation officer during his probation and failing to notify the probation officer of an address change. The trial court found Defendant willfully violated the conditions of his probation as alleged in the violation report and thereafter revoked Defendant's probation and activated his suspended sentence. Defendant appealed from that judgment.

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*, 386 U.S. 738, 18 L. Ed. 2d 493, and *Kinch*, 314 N.C. 99, 331 S.E.2d 665, 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 reversible error and conclude that the appeal is without merit.

The judgment of the trial court is therefore,
Affirmed.

Judges TYSON and GEER concur.

Report per Rule 30(e).