

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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. COA04-512

NORTH CAROLINA COURT OF APPEALS

Filed: 21 December 2004

STATE OF NORTH CAROLINA

v.

Mecklenburg County
No. 02 CRS 81539

ADRIAN HILTON, a/k/a
EL' SUPREME I-ALLAH,
Defendant

Appeal by defendant from judgment entered 28 January 2004 by Judge J. Gentry Caudill in Mecklenburg County Superior Court. Heard in the Court of Appeals 29 November 2004.

Attorney General Roy Cooper, by Special Attorney General Kathleen M. Waylett, for the State.

William B. Gibson for defendant-appellant.

STEELMAN, Judge.

On 22 July 2002, defendant pled guilty to two counts of felony worthless check. The trial court sentenced defendant to a term of six to eight months imprisonment. This sentence was suspended and the defendant was placed on supervised probation for thirty-six months. On 21 November 2002, defendant's probation officer filed a probation violation report which alleged that defendant had willfully violated four conditions of his probation.

On 19 June 2003, counsel was appointed to represent defendant.

His appointed counsel filed a motion to withdraw as counsel of record on 12 January 2004 because defendant wished to represent himself, and the trial court allowed the motion. At the start of the revocation hearing on 28 January 2004, defendant affirmed his decision to represent himself and signed a waiver of counsel.

Probation Officer Tiesha Torrence testified at the revocation hearing that defendant had violated four conditions of probation. She stated defendant had failed to show up for office visits scheduled on 3 October 2002 and 12 November 2002. On or about 19 November 2002, defendant left his residence without the knowledge or permission of his probation officer and thereafter failed to make his whereabouts known to his probation officer. Although the trial court had ordered defendant to make monthly restitution payments of \$170.00 beginning on 22 August 2002, the probation officer stated defendant had paid only \$209.00 in restitution as of 21 November 2002. The probation officer further testified defendant was \$30.00 in arrears on his probation supervision fees as of 21 November 2002.

After the State concluded its evidence, defendant presented "a statement in regards to [his] current residency and sovereign immunity" to the trial court. He did not present any evidence rebutting the State's evidence. At the conclusion of defendant's statement, the trial court denied his motion to dismiss for lack of personal jurisdiction. From the trial court's judgment, defendant appeals.

Defendant contends the trial court failed to make sufficient

findings of fact before revoking his probation. He argues "while sufficient evidence may have been presented to the Trial Court to support proper findings of fact, the Court simply failed to articulate findings sufficient to comply with the mandates of N.C.G.S. 15A-1345(e)." Defendant's argument is without merit.

The trial court made the following relevant findings of fact: "After considering the record contained in the files numbered above, together with the evidence presented by the parties and the statements made on behalf of the State and the defendant, the court finds:" 1) that the defendant was charged with violating his probation, 2) that a hearing was held and that the trial court was "reasonably satisfied in its discretion that the defendant violated each of the conditions of probation set forth below, 3) that the conditions violated are set forth in paragraphs 1-4 in the violation report dated 25 November 2002, and that the violation report is incorporated into these findings, and 5) that each of the four conditions violated is a valid condition, that the defendant "violated each condition wilfully and without excuse," that each condition was violated before the expiration of defendant's probation, and that each violation is "in and of itself, a sufficient basis upon which this Court should revoke probation and activate the suspended sentence."

The trial court's findings of fact are in complete accord with the dictates of N.C. Gen. Stat. § 15A-1345. None of the cases defendant cites in his brief support his argument on these facts. The trial court therefore properly found the violations to be

willful and without valid excuse, and its findings of fact were sufficient to support that conclusion. The trial court did not err by revoking defendant's probation and activating his sentence, because the breach of any one condition is sufficient grounds to revoke probation. See *State v. Seay*, 59 N.C. App. 667, 670-71, 298 S.E.2d 53, 55 (1982), *appeal dismissed and disc. review denied*, 307 N.C. 701, 301 S.E.2d 394 (1983).

Defendant failed to set out his remaining assignment of error in his brief. Because he has neither cited any authority nor stated any reason or argument in support of that assignment of error, it is deemed abandoned. N.C. R. App. P. 28(b)(6).

AFFIRMED.

Judges HUNTER and ELMORE concur.

Report per Rule 30(e).