

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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. COA05-1627

NORTH CAROLINA COURT OF APPEALS

Filed: 05 July 2006

STATE OF NORTH CAROLINA

v.

Forsyth County
Nos. 04 CRS 59348, 63106

ERIC DARNELL BOONE

Appeal by defendant from judgment entered 2 September 2005 by Judge William Z. Wood, Jr., in Forsyth County Superior Court. Heard in the Court of Appeals 19 June 2006.

Attorney General Roy Cooper, by Assistant Attorney General Christine A. Goebel, for the State.

Winifred H. Dillon for defendant-appellant.

STEELMAN, Judge.

On 6 January 2005, defendant pled guilty pursuant to a plea agreement to assault with a deadly weapon inflicting serious injury and possession of a firearm by a felon and was sentenced to a term of twenty-five to thirty-nine months imprisonment. The sentence was suspended and defendant was placed on supervised probation for thirty-six months.

On 30 June 2005, a probation violation report was filed alleging that defendant had violated the terms and conditions of his probation by: (1) possessing a firearm; and (2) being charged with the criminal offenses of possession of a firearm by a felon

and assault by pointing a gun. The trial court held a hearing on 2 September 2005. The trial court found that defendant willfully violated the conditions of his probation as alleged in the violation report. Specifically, the court found that defendant "had a pistol in his hand." The trial court revoked defendant's probation and activated his suspended sentence. 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 she has complied with the requirements of *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), 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.

NO ERROR.

Judges McCULLOUGH and HUDSON concur.

Report per Rule 30(e).