NO. COA06-43

NORTH CAROLINA COURT OF APPEALS

Filed: 5 July 2006

STATE OF NORTH CAROLINA

v. Pamlico County
No. 03 CRS 50246

SANDY MICHELLE LACHIUSA

Appeal by defendant from judgment entered 1 June 2005 by Judge Jack W. Jenkins in Pamlico County Superior Court. Heard in the Court of Appeals 19 June 2006.

Attorney General Roy Cooper, by Assistant Attorney General Daniel P. O'Brien, for the State.

Michael J. Reece for defendant appellant.

McCULLOUGH, Judge.

On 6 October 2003, Sandy Michelle Lachiusa entered a plea of no contest to second-degree arson and an *Alford* plea of guilty to second-degree burglary pursuant to a plea arrangement. The trial court imposed two consecutive sentences of thirteen to sixteen months' imprisonment for each of the offenses, then suspended the sentences and placed defendant on probation for sixty months.

On 13 April 2005, Intensive Case Officer Lance Edwards filed two violation reports which alleged defendant had violated two conditions of probation in both cases in that she had: (1) tested positive for marijuana, and (2) failed to comply with her curfew.

Defendant also was $1,060.00 in arrears on her monetary conditions of probation for the second-degree arson case. At a probation revocation hearing on 1 June 2005, defendant through her counsel admitted the violations. After finding that defendant had violated each of the conditions willfully and without valid excuse in each case, the trial court revoked probation in the second-degree burglary case and activated defendant's suspended sentence of thirteen to sixteen months' imprisonment. The trial court did not revoke defendant's probation in the second-degree arson case. From the trial court's judgment, defendant now appeals. We find no error.

Defendant's counsel raises one assignment of error in the record on appeal but presents no argument in defendant's brief. He states that "after repeated and close examination of the Record, and after extensive review of the relevant law, [he] is unable to identify an issue with sufficient merit to support a meaningful argument for relief on appeal." Counsel then "requests this Court to conduct a full examination of the Record on Appeal for possible prejudicial error and to determine whether any justiciable issue has been overlooked by counsel." By letter dated 8 February 2006, defendant's counsel informed defendant that in his opinion there were no issues with merit on appeal and that defendant could file her own arguments in this Court if she so desired. Counsel sent copies of the transcript, the record on appeal and the brief filed on her behalf to defendant, and counsel indicated he would send her a copy of the State's brief after he received it. Defendant has

filed no arguments in this Court.

We hold that defendant's counsel has fully complied with the holdings in *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). Pursuant to *Anders* and *Kinch*, we must determine from a full examination of all the proceedings whether the appeal is wholly frivolous. Upon review of the entire record and of the assignment of error noted in the record, we find the appeal to be wholly frivolous.

No error.

Judges HUDSON and STEELMAN concur.

Report per Rule 30(e).