

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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. COA06-534

NORTH CAROLINA COURT OF APPEALS

Filed: 7 November 2006

STATE OF NORTH CAROLINA

v.

Alamance County  
Nos. 04 CRS 51123; 51126

HEATHER G. RIDDLE

Appeal by defendant from judgments entered 12 January 2006 by Judge J.B. Allen, Jr., in Alamance County Superior Court. Heard in the Court of Appeals 2 October 2006.

*Attorney General Roy A. Cooper, III, by Assistant Attorney General Elizabeth N. Strickland, for the State.*

*Robert T. Newman, Sr., for defendant-appellant.*

JACKSON, Judge.

On 11 March 2004, Heather G. Riddle ("defendant") pled guilty to the following charges: possession with intent to sell and deliver marijuana; sale of marijuana; delivery of marijuana; possession with intent to sell, manufacture and deliver Schedule IV controlled substance; sale of Schedule IV controlled substance; and delivery of Schedule IV controlled substance. The trial court consolidated the convictions into two judgments and sentenced defendant to two consecutive terms of six to eight months imprisonment. The trial court suspended defendant's sentences and

placed defendant on thirty-six months of supervised probation. Defendant's probationary conditions subsequently were modified without charge of violation on 8 December 2004, 18 February 2005 and 14 July 2005. Defendant's probation officer filed probation violation reports on 5 August 2005 and, on 29 September 2005, the trial court entered an order on violation of probation in which defendant's probationary conditions were modified once again.

Defendant's probation officer filed additional probation violation reports on 7 December 2006 alleging that defendant had violated the terms and conditions of her probationary judgments. After conducting a probation violation hearing in which defendant denied the allegations, the trial court found defendant willfully violated her probation and activated her suspended sentences. Defendant appeals from the revocation of her probation and the activation of her suspended sentences.

Defendant's counsel states that after careful review of the record, he was unable to find "legal merit to any of the Assignments of Error and no error in Defendant/Appellant's probation revocation hearing[.]" He asks this Court to examine the record for possible prejudicial error.

Counsel has 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 her right to file written arguments with this Court and providing her with documents

necessary for her to do so. Defendant has not filed with this Court any written arguments on her own behalf, and a reasonable time in which she could have done so has passed.

In accordance with *Anders*, we must fully examine the record to determine whether any issues of arguable merit appear therefrom or whether the appeal is wholly frivolous. After a thorough review of the record on appeal and the transcript of defendant's revocation hearing, we conclude the appeal is wholly frivolous. In reaching this conclusion, we have conducted our own examination of the record for possible prejudicial error and have found none.

We hold defendant had a fair trial, free from prejudicial error.

No error.

Chief Judge MARTIN and Judge CALABRIA concur.

Report per Rule 30(e).