

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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. COA07-1504

NORTH CAROLINA COURT OF APPEALS

Filed: 5 August 2008

STATE OF NORTH CAROLINA,  
Plaintiff,

v.

Wayne County  
No. 06 CRS 8042

KEVONTA KING,  
Defendant.

# Court of Appeals

Appeal by defendant from judgment entered on 14 August 2007 by Judge Alma Hinton in Wayne County Superior Court. Heard in the Court of Appeals 21 July 2008.

*Attorney General Roy A. Cooper, III, by Assistant Attorney General Rebecca E. Lem, for the State.*

# Slip Opinion

*Mercedes O. Chut, for defendant-appellant.*

STROUD, Judge.

Defendant appeals from judgment revoking her probation. We dismiss her appeal as moot.

On 30 June 2005, defendant pled guilty to felony larceny and received a suspended sentence of six to eight months with thirty-six (36) months supervised probation. On 13 August 2007, a violation report was filed alleging that defendant had violated a condition of her probation by testing positive for cocaine on 6 August 2007. Following a probation revocation hearing on 14 August 2007, the trial court revoked defendant's probation and activated

her sentence. Defendant now appeals the revocation of her probation.

As we recently held, an appeal from the revocation of probation is rendered moot and must be dismissed where the defendant has completed service of the activated sentence. See *State v. Cross*, \_\_\_ N.C. App. \_\_\_, \_\_\_, 655 S.E.2d 725, 726 (2008). As in *Cross*, we take judicial notice of the fact that, according to the records of the North Carolina Department of Corrections, defendant's sentence expired and she was released from custody on 29 February 2008.

We conclude that the subject of this appeal is moot and that defendant's appeal must be

Dismissed.

Chief Judge MARTIN and Judge CALABRIA concur.

Report per Rule 30(e).