

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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. COA08-209

NORTH CAROLINA COURT OF APPEALS

Filed: 1 July 2008

STATE OF NORTH CAROLINA

v.

Mecklenburg County
No. 06 CRS 255496

RANDY THOMAS

Court of Appeals

Appeal by defendant from judgment entered 3 August 2007 by Judge Yvonne Mims Evans in Jackson County Superior Court. Heard in the Court of Appeals 16 June 2008.

Attorney General Roy Cooper, by Assistant Attorney General Rufus C. Allen, for the State.

Slip Opinion

Kimberly P. Hoppin for defendant-appellant.

MARTIN, Chief Judge.

Defendant Randy Lewis Thomas appeals from a judgment entered consistent with the jury verdict finding him guilty of second degree trespassing. For the following reasons, we find no error.

This matter was initially tried in district court on 20 February 2007, where defendant was found guilty of second degree trespassing. Defendant appealed to the superior court for a trial *de novo*. After hearing evidence from the State and defendant, a jury found defendant guilty of second degree trespassing. By judgment entered 3 August 2007, the trial court ordered defendant

to pay the costs of the action and not to enter onto the trespassed property unless his son was participating in an athletic event. Defendant appeals.

Defendant's counsel states that she is "unable to identify an issue with sufficient merit to support a meaningful argument for relief on appeal" and asks this Court to review the record for possible prejudicial error.

Counsel has 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, *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 his right to file written arguments with this Court and providing him with documents necessary for him to do so. Defendant filed a *pro se* brief with this Court on 7 March 2008.

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. In his *pro se* brief, defendant challenges his conviction on several State and Federal Constitutional grounds. Defendant also alleges he received ineffective assistance of counsel. Upon review of the entire record, the assignments of error noted in the record, and defendant's *pro se* arguments, we find the appeal to be wholly frivolous.

No error.

Judges CALABRIA and STROUD concur.

Report per Rule 30(e).