

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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. COA08-289

NORTH CAROLINA COURT OF APPEALS

Filed: 1 July 2008

STATE OF NORTH CAROLINA

v.

Mecklenburg County
No. 04 CRS 206240

KAYLA BLACKWELL

Court of Appeals

Appeal by defendant from judgment entered 12 October 2007 by Judge David S. Cayer in Mecklenburg County Superior Court. Heard in the Court of Appeals 16 June 2008.

Attorney General Roy Cooper, by Assistant Attorney General John G. Barnwell, for the State

Slip Opinion

Richard Croutharmel, for defendant-appellant.

MARTIN, Chief Judge.

On 29 November 2004, pursuant to a plea agreement, defendant Kayla Blackwell pled guilty to conspiracy to commit robbery with a dangerous weapon. The trial court sentenced defendant to a term of twenty to thirty-three months imprisonment. The trial court further ordered that defendant serve 153 days imprisonment immediately, but gave her credit for 153 days served in prison prior to judgment. The trial court suspended the remainder of defendant's sentence and placed her on supervised probation for thirty-six months.

On 17 September 2007, a probation violation report was filed alleging that defendant had violated the conditions of her probation by testing positive for marijuana and cocaine, being in arrears on her monetary obligations, and failing to meet the condition of probation that she successfully pass the G.E.D. examination within the first twelve months of her probationary period.

A probation violation hearing was held in Mecklenburg County Superior Court on 18 October 2007. Defendant admitted to the violations. The trial court found that defendant violated the terms of her probation based on her admission. Accordingly, the trial court revoked defendant's probation and activated her 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 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 the documents necessary for her to do so.

Defendant has not filed any written arguments on her own behalf with this Court and a reasonable time in which she 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 CALABRIA and STROUD concur.

Report per Rule 30(e).