

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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. COA08-412

NORTH CAROLINA COURT OF APPEALS

Filed: 17 February 2009

STATE OF NORTH CAROLINA

v.

Rutherford County
No. 07 CRS 3312

STEVEN RAY PRUITT,
Defendant.

Appeal by defendant from judgment entered 13 December 2007 by Judge Laura J. Bridges in Rutherford County Superior Court. Heard in the Court of Appeals 12 January 2009.

*Attorney General Roy Cooper, by Assistant Attorney General Joan M. Cunningham for the State.
Richard Crouthamel for defendant-appellant.*

GEER, Judge.

On 24 March 2004, defendant Steven Ray Pruitt pled guilty to conspiring to obtain property by false pretenses. The trial court sentenced defendant to 10 to 12 months active imprisonment, but suspended his sentence and placed him on 30 months supervised probation. Defendant was subsequently found in willful violation of his probation on three separate occasions. On the first occasion, the trial court extended defendant's probation by 16 months to 21 January 2008. On the third occasion, 13 December 2007, the trial court revoked defendant's probation and activated his sentence. From the judgment entered, defendant appeals.

Counsel appointed to represent defendant on appeal was unable to identify any issue with sufficient merit to support a meaningful argument for relief on appeal and has asked that this Court conduct its own review of 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, 87 S. Ct. 1396 (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 the documents necessary for him to do so.

Defendant has not filed any written arguments on his own behalf with this Court, and a reasonable time in which he could have done so has passed. In accordance with *Anders*, we have fully examined the record to determine whether the record reveals any issues of arguable merit or whether the appeal is wholly frivolous. We have found no prejudicial error and, therefore, conclude the appeal is wholly frivolous.

Affirmed.

Judges WYNN and ELMORE concur.

Report per Rule 30(e).