

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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. COA12-585
NORTH CAROLINA COURT OF APPEALS

Filed: 20 November 2012

STATE OF NORTH CAROLINA

v.

Iredell County
Nos. 08 CRS 61073, 61077

JOSHUA CLYDE WILLIAMS

Appeal by defendant from judgments entered 26 January 2012 by Judge Kevin M. Bridges in Iredell County Superior Court. Heard in the Court of Appeals 5 November 2012.

Attorney General Roy Cooper, by Special Deputy Attorney General Donald R. Teeter, Sr., for the State.

Mark L. Hayes, for defendant-appellant.

CALABRIA, Judge.

Joshua Clyde Williams ("defendant") appeals from judgments revoking his probation and activating his suspended sentences. We affirm.

On 16 February 2011, defendant pled guilty to two counts of sale of a Schedule II controlled substance. The trial court sentenced defendant to two consecutive terms of a minimum of twelve months to a maximum of fifteen months in the North

Carolina Department of Correction. That sentence was suspended and defendant was placed on supervised probation for twenty-four months.

On 25 March 2011, plaintiff's probation officer, Leslie S. Houpe ("Houpe"), filed probation violation reports alleging that defendant failed to report to his probation officer. On 27 October 2011, Houpe filed two additional probation violation reports, alleging that defendant: (1) tested positive for cocaine and marijuana; (2) failed to report to scheduled probation appointments; (3) was in arrears on the monetary conditions of his probation; (4) failed to show proof of substance abuse treatment; and (5) absconded from supervision by changing his address without notifying his probation officer.

A probation violation hearing was conducted on 26 January 2012 in Iredell County Superior Court. At the hearing, defendant admitted the alleged violations, but denied that the violations were willful. The trial court found that defendant had willfully violated the terms of his probation. As a result, the trial court revoked defendant's probation and activated his suspended sentences. Defendant appeals.

On appeal, defendant's appellate counsel states he is "unable to identify any issues with sufficient merit to support a meaningful argument for relief on appeal." Counsel requests

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 (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 and find no issues of arguable merit. Accordingly, we conclude the appeal is wholly frivolous and affirm the trial court's revocation of defendant's probation and activation of his suspended sentence.

Affirmed.

Judges HUNTER, Robert C. and McCULLOUGH concur.

Report per Rule 30(e).