

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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

IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA15-637

Filed: 16 February 2016

Wayne County, No. 14 CRS 4635

STATE OF NORTH CAROLINA

v.

LARRY HILL, JR.

Appeal by defendant from order entered 12 January 2015 by Judge C. Winston Gilchrist in Wayne County Superior Court. Heard in the Court of Appeals 1 February 2016.

Attorney General Roy Cooper, by Special Deputy Attorney General Joseph Finarelli, for the State.

Jeffrey William Gillette, for defendant-appellant.

CALABRIA, Judge.

Defendant Larry Hill, Jr. (“defendant”) appeals from an order entered 12 January 2015 directing him to enroll in lifetime satellite-based monitoring (“SBM”) based on a judgment entered upon his guilty plea to two counts of second-degree rape. We dismiss.

I. Background

Defendant concedes that “[t]he record contains no information about the circumstances of [defendant’s] offense[.]” The record does indicate that on 28

STATE V. HILL

Opinion of the Court

November 2006, defendant plead guilty to two counts of second-degree rape. The trial court sentenced defendant to a minimum term of 105 months and a maximum of 135 months to be served at the North Carolina Division of Adult Correction. On 11 December 2014, the Division of Adult Correction sent a letter notifying defendant that he was eligible for SBM on the basis of his offenses and ordering him to appear at a hearing on the matter. On 12 January 2015, the court conducted a bench hearing and ordered that defendant be enrolled in SBM for the remainder of his natural life. Defendant filed timely written notice of appeal from the trial court's order.

II. Analysis

Counsel appointed to represent defendant on appeal states that he has been unable to identify any issue with sufficient merit to support a meaningful argument for relief on appeal. Counsel asks that this Court conduct its own review of the record for possible prejudicial error pursuant to *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).

This Court cannot, however, conduct the requested *Anders* review because satellite-based monitoring orders are civil in nature and *Anders* review has not been extended to civil orders in North Carolina. *See also State v. Brooks*, 204 N.C. App. 193, 194, 693 S.E.2d 204, 206 (2010) (“Our Court has held that SBM hearings and proceedings are not criminal actions, but are instead a civil regulatory scheme.” (internal quotation marks omitted)); *In re Harrison*, 136 N.C. App. 831, 832, 526

STATE V. HILL

Opinion of the Court

S.E.2d 502, 502 (2000) (“[T]his jurisdiction has not extended the procedures and protections afforded in *Anders* and *Kinch* to civil cases.”). In his brief to this Court, defendant identifies two potential issues for appeal, but concedes that they are either without merit or were waived because they were not first raised and passed upon at trial. Defendant has thus presented no arguments to this Court for review and has abandoned his appeal from the trial court’s order directing him to enroll in satellite-based monitoring for life. N.C.R. App. P. 28(a) (“Issues not presented and discussed in a party’s brief are deemed abandoned.”). Accordingly, we dismiss defendant’s appeal.

DISMISSED.

Judges BRYANT and STEPHENS concur.

Report per Rule 30(e).