

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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. COA16-235

Filed: 4 October 2016

Pitt County, No. 14 CRS 57135

STATE OF NORTH CAROLINA

v.

ROGER WAYNE WILLIAMS

Appeal by defendant from judgment entered on or about 13 October 2015 by Judge Thomas D. Haigwood in Pitt County Superior Court. Heard in the Court of Appeals 19 September 2016.

*Attorney General Roy A. Cooper III, by Assistant Attorney General Benjamin J. Kull, for the State.*

*Morgan & Carter PLLC, by Michelle FormyDuval Lynch, for defendant-appellant.*

STROUD, Judge.

Defendant Roger Wayne Williams appeals from a judgment entered upon revocation of his probation. We affirm.

On or about 8 April 2015, defendant pled guilty pursuant to a plea agreement to felony breaking and entering and two counts of obtaining property by false pretenses. The trial court consolidated the charges into one judgment and sentenced

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defendant to a term of 8 to 19 months in prison. The court suspended the sentence and placed defendant on 48 months of supervised probation.

On 8 October 2015, a probation violation report was filed alleging defendant violated his probation by failing to pay any of the monetary conditions of his probation, and by committing the criminal acts of assault with a deadly weapon and assault on a female.

At the revocation hearing held 13 October 2015, defendant admitted to being in arrears of his court debt, but denied committing the alleged assaults. The State presented evidence that on 6 October 2015, defendant got into an altercation with his girlfriend. The girlfriend testified that defendant threw her on the ground breaking her jaw and “hurt [her] severely” with his hand between her legs. While trying to get away, the girlfriend’s hand was slammed in a sliding glass door resulting in damage to both the tendons and ligaments. The girlfriend also testified that defendant attempted to hit her with his car. Following the hearing, the trial court found that defendant willfully violated the conditions of his probation as alleged in the probation violation report, revoked his probation, and activated his suspended sentence. Defendant timely appealed.

Counsel appointed to represent defendant on appeal has filed a brief pursuant to *Anders v. California*, 386 U.S. 738, 18 L. Ed. 2d 493 (1967), indicating that she “[has] been unable to find any non-frivolous issue to be raised in this appeal.” She

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asks this Court to conduct its own review of the record for possible prejudicial error. Counsel has filed documentation with the Court showing that she has complied with the requirements of *Anders* 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 the Court and providing him with a copy of the documents pertinent to his appeal.

Defendant has not filed any written documents on his own behalf with this Court, and a reasonable time for him to do so has expired. In accordance with *Anders*, we have fully examined the record and are unable to find any possible prejudicial error. Accordingly, we affirm the trial court's judgment.

AFFIRMED.

Judges TYSON and INMAN concur.

Report per Rule 30(e).