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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA23-822

Filed 6 February 2024

Durham County, Nos. 19 CRS 54709, 20 CRS 50022

STATE OF NORTH CAROLINA

v.

CHARLICAR TANNIECE PRATT

Appeal by defendant from judgment entered 25 April 2023 by Judge Josephine K. Davis in Durham County Superior Court. Heard in the Court of Appeals 9 January 2024.

Attorney General Joshua H. Stein, by Assistant Attorney General Reginaldo E. Williams, Jr. for the State.

Jason Christopher Yoder for the defendant-appellant.

TYSON, Judge.

Charlicar Tanniece Pratt (“Defendant”) appeals from an order revoking her probation. We vacate and remand.

I. Background

Defendant pleaded guilty to felony possession of stolen goods and identity theft on 16 September 2020. Defendant was sentenced to 13 to 25 months of imprisonment

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for identity theft. Defendant was also sentenced to 8 to 19 months of imprisonment for the felony possession of stolen goods. Both sentences were ordered to run concurrently and were suspended for 24 months of supervised probation.

Probation violation reports were filed on 8 March 2022 and 26 April 2022. Warrants for Defendant's arrest were issued on 9 March 2022. Defendant's probation expired on 15 September 2022. The 8 March 2022 and 26 April 2022 violations reports were not heard *until a year later* and over *seven months after* the probation had expired on 24 April 2023. The trial court revoked Defendant's probation following a hearing. Defendant appeals.

II. Jurisdiction

Jurisdiction lies in this Court pursuant to N.C. Gen. Stat. §§ 7A-27(b) and 15A-1347 (2023).

III. Issue

Defendant argues the trial court erred in revoking her probation without a finding of good cause pursuant to N.C. Gen. Stat. § 15A-1344(f)(3) (2023).

IV. Analysis

The trial court may revoke Defendant's probationary suspended sentence after the probationary period has ended. N.C. Gen. Stat. § 15A-1344. The probation officer promptly prepared and filed Defendant's probation violation reports prior to the scheduled expiration of Defendant's probation. The trial court also found Defendant had violated a condition of her probation, and she had also absconded supervision.

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The year's delay, from the filing of the probation violation reports and until hearing were due to delays occasioned in the trial court. The reasons for the year's delay are not addressed in the order.

Defendant argues, and the State concedes, the trial court erred in revoking her probation without making a required finding of good cause pursuant to N.C. Gen. Stat. § 15A-1344(f)(1)-(3). The State does not explain this year's delay, but concedes to remand this cause to the trial court for its failure to make a finding of good cause for revoking Defendant's probation *after* her probationary period expired, as is required by statute. *Id.*

V. Conclusion

The trial court inexplicably erred in revoking Defendant's probation after the probationary period had ended without making a required finding of good cause pursuant to N.C. Gen. Stat. § 15A-1344(f)(3). The order of the trial court is vacated and remanded for prompt hearing on and correction of the error. *It is so ordered.*

VACATED AND REMANDED.

Judges STROUD and ZACHARY concur.

Report per Rule 30(e).