

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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. COA16-1274

Filed: 18 July 2017

Pender County, Nos. 15CRS1109, 1379; 16CRS155

STATE OF NORTH CAROLINA,

v.

CHESTER BURTON GRICE, Defendant.

Appeal by defendant from judgments entered 10 June 2016 by Judge William R. Pittman in Pender County Superior Court. Heard in the Court of Appeals 10 July 2017.

*Attorney General Joshua H. Stein, by Assistant Attorney General Kristin J. Uicker, for the State.*

*Appellate Defender Glenn Gerding, by Assistant Appellate Defender Aaron Thomas Johnson, for defendant-appellant.*

BERGER, Judge.

Chester Burton Grice (“Defendant”) appeals from judgments revoking his probation and activating his suspended sentences. For the following reasons, we affirm.

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On July 9, 2015, Defendant pleaded guilty to felony possession of heroin and several motor vehicle violations. The trial court consolidated the offenses into one judgment and sentenced him to a term of six to seventeen months of imprisonment. This sentence was suspended, and Defendant was placed on supervised probation for twenty-four months.

On October 12, 2015, Defendant pleaded guilty to breaking or entering a motor vehicle. The trial court sentenced Defendant to a term of four to fourteen months of imprisonment, suspended the sentence, and placed Defendant on twenty-four months of supervised probation.

A probation violation report was entered on January 20, 2016. On February 5, 2016, the trial court found Defendant violated his probation by: (1) failing to complete community service; (2) failing to report to his probation officer and to court for probation violation; (3) failing to pay monies due to the clerk of court; and (4) possessing an illegal substance. The court entered an order modifying Defendant's probation, requiring him to "[a]ttend or reside in DART Cherry residential program for a period of 90 days."

On February 11, 2016, Defendant pleaded guilty to possession of heroin, and the trial court sentenced him to a term of six to seventeen months of imprisonment. The court suspended the sentence, placed Defendant on twenty-four months of supervised probation, and ordered him to obtain treatment at DART Cherry.

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A probation violation report was filed on February 18, 2016 alleging Defendant violated the conditions of his probation by absconding, leaving the DART Cherry program early without approval, and being convicted of possession of heroin on February 11, 2016. Another violation report was filed on February 23, 2016 alleging Defendant violated his probation by absconding from the DART Cherry program and willfully avoiding supervision.

At the revocation hearing held June 10, 2016, Defendant admitted to the violations set forth in the violation report, but asked the court to consider his six weeks spent in jail as a confinement in response to violation and allow him to continue on probation. The trial court found that Defendant willfully violated the conditions of his probation as alleged in the probation violation reports, revoked his probation, and activated his sentences. Defendant filed written notice of appeal

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 after careful examination of the transcript, record, and relevant law, he “has been unable to identify an issue with sufficient merit to support a meaningful argument for relief on appeal.” He asks this Court to conduct its own review of the record for possible prejudicial error. Counsel has filed documentation with the Court showing that he has complied with the requirements of *Anders* and *State v. Kinch*, 314 N.C. 99, 331

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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 judgments.

AFFIRMED.

Judges ELMORE and DIETZ concur.

Report per Rule 30(e).