

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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. COA22-1025

Filed 02 May 2023

Craven County, Nos. 22 SPC 623; 20 CR 50040-41; 21 CR 53158, 53254-58, 704341

IN THE MATTER OF: C.S.B.

Appeal by Respondent from order entered 7 July 2022 by Judge Bob R. Cherry  
in Craven County District Court. Heard in the Court of Appeals 12 April 2023.

*Attorney General Joshua H. Stein, by Assistant Attorney General Hilary R. Ventura, for the State.*

*Appellate Defender Glenn Gerding, by Assistant Appellate Defender Emily Holmes Davis, for Respondent.*

GRIFFIN, Judge.

Respondent C.S.B. appeals from an involuntary commitment custody order finding him incapable to proceed after he was charged with a violent crime. Counsel for Respondent filed an *Anders* brief on behalf of Respondent, asking this Court to conduct an independent review of the proceedings to determine whether any meritorious issues exist, and Respondent submitted a *pro se* brief. We find no

meritorious issues and affirm.

### **I. Factual and Procedural History**

In 2020 and 2021, Respondent was charged with several criminal offenses including assault on a female, common law false imprisonment, and disorderly conduct. Respondent was arrested for assault and false imprisonment after he shoved his mother to the ground with both hands and prevented her from using her phone or leaving the house. Respondent was arrested for disorderly conduct during a separate incident at a church.

In September 2021 and June 2022, forensic psychologists examined Respondent and determined he lacked capacity to proceed with a criminal trial on his charges. Respondent's counsel filed a motion for a capacity hearing on 5 July 2022. The capacity hearing took place on 7 July 2022. At the capacity hearing, the trial court determined Respondent lacked capacity to proceed and entered an involuntary commitment custody order. Respondent timely appeals.

### **II. Analysis**

Counsel for Respondent filed a brief pursuant to *Anders v. California*, 386 U.S. 738 (1967), and *State v. Kinch*, 314 N.C. 99, 331 S.E.2d 665 (1985), indicating that she was “unable to identify any issue with sufficient merit to support a meaningful argument for relief on appeal.” Counsel requests that this Court “conduct a full examination of the record for any prejudicial error and to determine if any issue has been overlooked.” In her brief, Counsel presented one potential issue: “Whether the

trial court erred by finding [Respondent] was charged with a violent crime under N.C. Gen. Stat. § 15A-1003(a) in the involuntary commitment custody order.” Counsel demonstrated to the satisfaction of this Court that she has complied with the requirements of *Anders* and *Kinch* by advising Respondent of his right to file arguments with this Court and providing him with the documents necessary to do so.

Respondent filed a *pro se* brief with this Court, “only appeal[ing] the finding of being dangerous” on grounds that the “court did not use any facts.” Based on our review of the record, Respondent’s proposed issue has no merit.

“Pursuant to *Anders*, this Court must now determine from a full examination of all the proceedings whether the appeal is wholly frivolous.” *Kinch*, 314 N.C. at 102, 331 S.E.2d at 667. In accordance with *Anders*, “we [ ] review the legal points appearing in the record, transcript, and briefs, not for the purpose of determining their merits (if any) but to determine whether they are wholly frivolous.” *Id* at 102–03, 331 S.E.2d at 667 (citation omitted). Our full review of the record has not revealed a meritorious issue entitling Respondent to relief. Including our consideration of the legal points presented by Respondent’s counsel and by Respondent, we conclude that this appeal presents no issue entitling Respondent to relief.

AFFIRMED.

Judges ARROWOOD and HAMPSON concur.

Report per Rule 30(e).