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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA24-771

Filed 21 May 2025

Gaston County, No. 21CRS054547-350

STATE OF NORTH CAROLINA

v.

JAMES EUGENE PITTMAN, JR.

Appeal by defendant from judgment entered 31 January 2024 by Judge Sarah E. Kirby-Turner in Gaston County Superior Court, No. 21CRS054547-350. Heard in the Court of Appeals 13 February 2025.

*Attorney General Jeff Jackson, by Assistant Attorney General Janon M. Harris, for the State.*

*Stephen G. Driggers for defendant.*

FREEMAN, Judge.

Defendant appeals from the trial court’s judgment entered upon a jury verdict finding him guilty of violating a domestic violence protection order. Defendant’s appellate counsel “has been unable to identify any issue with sufficient merit to support a meaningful argument on appeal” and has therefore filed an *Anders* brief. After careful review of the proceedings below, we conclude defendant received a fair

trial free of prejudicial error.

### **I. Factual and Procedural Background**

On 25 March 2021, Judge Michael K. Lands issued a one-year domestic violence protective order (“DVPO”) against defendant in Gaston County District Court. The DVPO was issued in favor of Adrian Reynolds, defendant’s prior girlfriend and mother of five of his children. For the duration of the DVPO, defendant was ordered to have no contact with Ms. Reynolds, including “any defendant-initiated contact . . . direct or indirect, by means such as telephone, personal contact, email, pager, gift-giving or telefacsimile machine.”

On 11 May 2021, Ms. Reynolds filed an affidavit in Gaston County District Court stating that defendant had sent her three letters and more than twenty emails. Defendant was arrested that same day on the charge of violating a valid DVPO. On 1 November 2021 in Gaston County District Court, Judge James A. Jacks found defendant guilty and sentenced him to 150 days with a pretrial credit of 150 days served. Defendant timely appealed to Gaston County Superior Court.

Defendant’s matter came on for a jury trial in Gaston County Superior Court on 29 January 2024. Ms. Reynolds testified that defendant sent her multiple letters and emails while the DVPO was in effect. The State submitted five letters sent to Ms. Reynolds, and Ms. Reynolds testified that these letters, including the addresses on the envelopes, were written in defendant’s handwriting. Defendant testified that he wrote these letters and the addresses on the envelopes while in jail but did not

mail them to Ms. Reynolds. Instead, defendant claimed he lost the letters while moving from cellblock to cellblock and that another inmate must have mailed them.

Defendant moved to dismiss the charge at the close of all the evidence and the trial court denied his motion. The jury found defendant guilty of violating a valid DVPO and the trial court sentenced defendant to 150 days in jail with 150 days of pretrial credit. The trial court further entered a civil judgment against defendant for attorney's fees totaling \$1,300.00. Defendant gave oral notice of appeal in open court.

## **II. Jurisdiction**

As this Court has jurisdiction to review an appeal from “any final judgment of a superior court,” N.C.G.S. § 7A-27(b)(1) (2023), we have jurisdiction to review defendant's appeal.

## **III. Discussion**

Defendant's counsel “has been unable to identify any issue with sufficient merit to support a meaningful argument for relief on appeal.” Accordingly, defendant's counsel has filed a brief pursuant to *Anders v. California*, 386 U.S. 738 (1967), and *State v. Kinch*, 314 N.C. 99 (1985), requesting that this Court “conduct a full examination of the record on appeal for possible prejudicial error.” Defendant's counsel provided defendant with a copy of the *Anders* brief, the record on appeal, the complete trial transcript, and advised him of his right to file supplemental arguments. As defendant's counsel also pointed this Court to two potential issues that might arguably support this appeal, we are satisfied that defendant's counsel

complied with the requirements of *Anders* and *Kinch*. Defendant has been afforded a reasonable amount of time to submit written arguments but has not elected to do so.

“Under our review pursuant to *Anders* and *Kinch*, we must determine from a full examination of all the proceedings whether the appeal is wholly frivolous.” *State v. Frink*, 177 N.C. App. 144, 145 (2006) (cleaned up). Defendant’s counsel raised two potential issues for our consideration: (1) whether the trial court erred in denying defendant’s motion to dismiss, and (2) whether the trial court erred in entering a civil judgment for attorney’s fees without providing defendant with notice and an opportunity to be heard.

After careful review of the entire record of proceedings, we conclude that neither of these issues have merit. First, the trial court did not err in denying defendant’s motion to dismiss because the evidence, including defendant’s own testimony, constituted substantial evidence that defendant violated the DVPO. Second, we do not have jurisdiction to consider the civil judgment issue because defendant’s noncompliance with Rule 3 of the North Carolina Rules of Appellate Procedure is a jurisdictional error. *See* N.C. R. App. P. 3 (providing rules for taking appeals in civil cases); *see also Abels v. Renfro Corp.*, 126 N.C. App. 800, 802 (1997) (“The provisions of Rule 3 are jurisdictional, and failure to follow the requirements thereof requires dismissal of an appeal.”). Accordingly, this appeal presents no prejudicial error or issue that might entitle defendant to relief in this Court.

**IV. Conclusion**

We have conducted a thorough review of the proceedings in this matter and conclude that this appeal presents no issue that might entitle defendant to relief in this Court.

NO ERROR.

Judges STROUD and ARROWOOD concur.

Report per Rule 30(e).