

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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

NO. COA01-1417

NORTH CAROLINA COURT OF APPEALS

Filed: 16 July 2002

STATE OF NORTH CAROLINA

v.

JEFFREY LEIGH INGLE

Buncombe County

Nos. 99 CRS 02300-08

98 CRS 65872-75

98 CRS 65869

98 CRS 65866-67

98 CRS 65864

98 CRS 65798-800

98 CRS 65859-62

Appeal by defendant from judgment entered 13 May 1999 by Judge Zoro J. Guice in Buncombe County Superior Court. Heard in the Court of Appeals 1 July 2002.

*Attorney General Roy Cooper, by Assistant Attorney General Christopher W. Brooks, for the State.*

*Leah Broker for defendant-appellant.*

BRYANT, Judge.

Defendant entered a guilty plea to twenty counts of forgery and uttering, one count of breaking and entering, one count of larceny after breaking and entering, and three counts of habitual felon status. In addition to the three prior felony convictions supporting his habitual felon status, defendant stipulated to convictions giving him nine prior record points and a Prior Record Level of IV. Pursuant to the terms of defendant's plea agreement,

Judge Guice consolidated defendant's offenses for judgment and sentenced him in the presumptive range to 125 to 159 months' imprisonment. On 7 December 2000, we allowed defendant's petition for writ of certiorari to review defendant's sentence and prior record level calculation.

Counsel appointed to represent defendant on appeal has filed an *Anders* brief indicating that she is unable to identify an issue with sufficient merit to support a meaningful argument for relief on appeal. She asks that this Court 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 v. California*, 386 U.S. 738, 18 L. Ed. 2d 493 (1967), 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 filed no arguments of his own, and a reasonable time for him to do so has passed.

In accordance with *Anders*, we have fully examined the record to determine whether any issues of arguable merit appear therefrom and whether the appeal is wholly frivolous. Although the judgment reflects the trial court's erroneous finding of ten, rather than nine, prior record points, this error does not affect defendant's Prior Record Level of IV. See N.C.G.S. § 15A-1340.14(c)(4) (2001). Absent any prejudicial error appearing in the record, we conclude the appeal is frivolous.

No error.

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Judges MARTIN and HUNTER concur.

Report per Rule 30(e).