

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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. COA02-209

NORTH CAROLINA COURT OF APPEALS

Filed: 3 September 2002

STATE OF NORTH CAROLINA

v.

Union County
No. 00 CRS 54352

PRENTISS ROBINSON,
Defendant

Appeal by defendant from judgment entered 12 December 2001 by Judge Sanford L. Steelman, Jr. in Superior Court, Union County. Heard in the Court of Appeals 26 August 2002.

Attorney General Roy Cooper, by Assistant Attorney General Dolores O. Smith, for the State.

James M. Bell for defendant-appellant.

WYNN, Judge.

In this appeal, defendant argues that the trial court improvidently accepted his plea of guilt to the charge of resisting a public officer. We disagree.

Initially, defendant argues that the trial court committed reversible error by accepting his transcript of plea because it was unclear that he had a complete understanding of what he was doing. However, because the record does not show that defendant made a motion to withdraw his guilty plea, he "is not entitled to appellate review as a matter of right" N.C. Gen. Stat. §

15A-1444(e) (2001); *State v. Washington*, 116 N.C. App. 318, 320, 447 S.E.2d 799, 800 (1994). This assignment of error is therefore dismissed.

In his second argument, defendant contends the trial court erred by accepting a written transcript of plea which was incomplete on its face. He asserts the incomplete form "is further evidence that [he] lacked knowledge and understanding as to what he was doing and that the plea was not his informed choice." As noted in the preceding discussion, the issue of whether defendant lacked knowledge and understanding to enter his plea is not before this Court. See N.C. Gen. Stat. § 15A-1444(e). Defendant, citing *State v. Pope*, 257 N.C. 326, 335, 126 S.E.2d 126, 133 (1962), also argues the judgment should be disturbed for the procedural irregularities present in this case. We are not persuaded by this argument.

A defendant must show he was prejudiced to be entitled to have his plea vacated. See *State v. Hendricks*, 138 N.C. App. 668, 670, 531 S.E.2d 896, 898 (2000) (failure to comply with procedural requirements of N.C. Gen. Stat. § 15A-1022 did not invalidate plea); see also N.C. Gen. Stat. § 15A-1443(a) (2001). Defendant's written transcript of plea form does not contain responses to inquiries as to his date of birth, age, and highest level of education completed. However, his prior record worksheet lists his date of birth as 23 February 1963, which would indicate that he was thirty-eight years old at the time of his guilty plea. He also indicated on the transcript of plea form that he could read and write at the twelfth grade level. Defendant has not argued nor

shown any disabilities related to age or educational background which would raise questions about his competence to enter into a plea arrangement.

Defendant also complains the transcript of plea form lacks responses to questions 9(a) and 9(b) (automatic forfeiture of licensing privileges), 9A (Victims Rights Act cases), and 14, 14(a) and 14(b) (terms and conditions of plea arrangement, the completeness of any plea arrangement described, and acceptance of those terms). As noted on the transcript of plea form itself, responses to these six questions are conditioned upon their applicability to the individual. Defendant has failed to show that those specific provisions were applicable to him and required a response. He has not argued that he unknowingly forfeited any licensing privileges or that his offense subjected him to the terms of the Victims Rights Act. Because defendant had no plea arrangement, the three questions as to "the terms and conditions of [his] plea" did not require a response. Defendant has failed to show that he has suffered any prejudice as a result of the alleged omissions on the transcript of plea form. See N.C. Gen. Stat. § 15A-1443. Accordingly, the trial court's judgment is,

Affirmed.

Judges McGEE and CAMPBELL concur.

Report per Rule 30(e).