

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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. COA11-123
NORTH CAROLINA COURT OF APPEALS

Filed: 6 September 2011

STATE OF NORTH CAROLINA

v.

Guilford County
No. 08CRS89735

JAMES THOMAS PARKER, JR.

Appeal by defendant from judgment entered 20 August 2010 by Judge William Z. Wood, Jr. in Superior Court, Guilford County. Heard in the Court of Appeals 29 August 2011.

Attorney General Roy A. Cooper III, by Assistant Attorney General Alexandra Gruber, for the State.

Irving Joyner, for defendant-appellant.

STROUD, Judge.

I. Background

On 4 August 2008, James Thomas Parker, Jr. ("defendant") was indicted for two counts of statutory rape of a person who was fourteen years of age and two counts of statutory sexual offense of a person who was fourteen years of age. Defendant was tried at the 16 August 2010 Criminal Session of Superior Court, Guilford County, and on 19 August 2010, the jury found defendant guilty of one count of statutory rape and one count of

statutory sexual offense. The jury found defendant not guilty of the remaining two charges. Thereafter, the trial court consolidated the two offenses into one judgment and imposed a sentence of 307 to 378 months imprisonment. Defendant gave timely oral notice of appeal in open court pursuant to Rule 4(a)(1) of the North Carolina Rules of Appellate Procedure.

II. Standard of Review

Upon review of an appeal pursuant to *Anders v. California*, 386 U.S. 738, 744, 18 L.Ed. 2d 493, 498, *reh'g denied*, 388 U.S. 924, 18 L.Ed. 2d 1377 (1967) and *State v. Kinch*, 314 N.C. 99, 331 S.E.2d 665 (1985), we conduct an independent review of the record for possible prejudicial error.

III. *Anders* Brief

Counsel appointed to represent defendant has been unable to identify any issue with sufficient merit to support a meaningful argument for relief on appeal and asks that this Court conduct its own review of the record for possible prejudicial error. Counsel has also shown to the satisfaction of this Court that he has complied with the requirements of *Anders v. California*, 386 U.S. 738, 744, 18 L.Ed. 2d 493, 498, and *State v. Kinch*, 314 N.C. 99, 331 S.E.2d 665, by advising defendant of his right to

file written arguments with this Court and providing him with the documents necessary for him to do so.

Counsel directs our attention to the following issues: (1) whether a two-count indictment charging defendant with statutory rape and statutory sexual offense was proper; (2) whether the evidence was sufficient to support the convictions; and (3) whether the evidence was sufficient to support defendant's sentence. Counsel considered these issues and detected no error. We concur.

Defendant has not filed any written arguments on his own behalf with this Court and the reasonable time period in which he could have done so has elapsed. In accordance with *Anders*, we have fully examined the record to determine whether any issues of arguable merit appear therefrom or whether the appeal is wholly frivolous. We conclude the appeal is wholly frivolous. Furthermore, we have examined the record for possible prejudicial error and found none.

NO ERROR.

Judges CALABRIA and STEELMAN concur.

Report per Rule 30(e).