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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA17-610

Filed: 5 December 2017

Gaston County, No. 16 CRS 59251

STATE OF NORTH CAROLINA

v.

DAVID LANCE COOK, Defendant.

Appeal by defendant from judgment entered 3 January 2017 by Judge Yvonne M. Evans in Superior Court, Gaston County. Heard in the Court of Appeals 13 November 2017.

*Attorney General Joshua H. Stein, by Assistant Attorney General Carolyn McLain, for the State.*

*Sean P. Vitrano for defendant-appellant.*

STROUD, Judge.

On 3 January 2017, defendant entered a guilty plea to driving while impaired (DWI) and habitual impaired driving. He stipulated to prior convictions resulting in five prior record level (“PRL”) points and to committing his current offenses while on supervised probation, resulting in a sixth PRL point and a corresponding PRL III. *See* N.C.G.S. § 15A-1340.14(b)-(c) (2015). In accordance with the plea arrangement,

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the trial court arrested judgment on the DWI charge and sentenced defendant for habitual impaired driving to an active prison term of 17 to 30 months, consecutive to the sentence he was then serving. See N.C.G.S. §§ 20-138.5(b), 15A-1340.17(c), (e) (2015). Defendant filed timely notice of appeal.

Counsel appointed to represent defendant is 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 shows to the satisfaction of this Court that he 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 this Court and providing him with the documents necessary to do so.

Defendant has not filed any written arguments on his own behalf with this Court, and a reasonable time for him to do so has expired. In accordance with *Anders*, we have fully examined the record to determine whether any issues of arguable merit appear therefrom. We have been unable to find any possible prejudicial error and conclude that the appeal is wholly frivolous.

DISMISSED.

Chief Judge McGEE and Judge DILLON concur.

Report per Rule 30(e).