

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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. COA01-1071

NORTH CAROLINA COURT OF APPEALS

Filed: 7 May 2002

STATE OF NORTH CAROLINA

v.

PATRICK BRIAN MOODY,
Defendant.

Forsyth County
Nos. 99 CRS 23310
99 CRS 23311

Appeal by defendant from judgments entered 31 May 2001 by Judge Howard R. Greeson, Jr., in Forsyth County Superior Court. Heard in the Court of Appeals 22 April 2002.

Attorney General Roy Cooper, by Special Deputy Attorney General Victoria L. Voight, for the State.

Urs R. Gsteiger for defendant-appellant.

HUDSON, Judge.

On 2 January 2001, the Forsyth County grand jury indicted defendant on charges of obtaining property by false pretenses, felonious breaking and/or entering, felonious larceny, and felonious possession of stolen goods. The jury found defendant guilty of all the charges, and the trial court arrested judgment as to the charge of felonious possession of stolen goods. Defendant then pled guilty to being an habitual felon. The trial court consolidated the charges of felonious breaking and/or entering and felonious larceny for judgment. After finding that the mitigating

factors outweighed the aggravating factors, the trial court imposed two consecutive mitigated-range sentences of 80 to 105 months imprisonment. From the trial court's judgments, defendant appeals.

Defendant's counsel brings forward no questions on appeal and presents no arguments in defendant's brief. He states that "[a]fter thorough research of the complete record in this case, counsel for defendant has concluded that no meritorious issues can be raised on this appeal." Defendant's counsel listed two potential issues, but stated he "believes them to be frivolous."

By letter dated 4 October 2001, defendant's counsel informed defendant that in his opinion there was no error in defendant's trial and that defendant could file his own arguments in this Court if he so desired. Copies of the transcript, record, and the brief filed by counsel were sent to defendant. Defendant has filed no arguments in this Court.

We hold that defendant's counsel has substantially complied with the holdings in *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). Pursuant to *Anders* and *Kinch*, we must determine from a full examination of all the proceedings whether the appeal is wholly frivolous. Upon review of the entire record and of the potential issues identified by defendant's counsel, we find the appeal to be wholly frivolous.

No error.

Judges GREENE and TYSON concur.

Report per Rule 30(e).

