

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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

COA01-1296

NORTH CAROLINA COURT OF APPEALS

Filed: 7 May 2002

STATE OF NORTH CAROLINA

v.

JOHN ROBERT ALLEN

Union County
Nos. 00 CRS 11367,
53356

Appeal by defendant from judgment entered 31 May 2001 by Judge Carl L. Tilghman in Union County Superior Court. Heard in the Court of Appeals 22 April 2002.

Attorney General Roy Cooper, by Assistant Attorney General Clinton C. Hicks, for the State.

Brian Michael Aus for defendant-appellant.

MARTIN, Judge.

Defendant was convicted by a jury of sale and delivery of cocaine and possession with intent to sell and deliver cocaine. He admitted his habitual felon status. The convictions were consolidated for judgment and defendant was sentenced to 133 to 169 months imprisonment. Defendant appeals.

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, 18 L. Ed. 2d 493, *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), 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.

Defendant has not filed any written arguments on his own behalf with this Court and a reasonable time in which he could have done so has passed. 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.

No error.

Judges HUNTER and BRYANT concur.

Report per Rule 30(e).