

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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. COA01-526

NORTH CAROLINA COURT OF APPEALS

Filed: 19 March 2002

STATE OF NORTH CAROLINA

v.

ANTHONY LAMONT JOHNSON

Cumberland County
Nos. 99 CRS 71833,
99 CRS 71834,
99 CRS 71836

Appeal from judgment entered 26 October 2000 by Judge Gregory A. Weeks in Cumberland County Superior Court. Heard in the Court of Appeals 18 February 2002.

Attorney General Roy Cooper, by Assistant Attorney General M. A. Kelly Chambers, for the State.

Cooper, Davis & Cooper, by Robert L. Cooper, for defendant-appellant.

EAGLES, Chief Judge.

A jury found defendant Anthony Lamont Johnson guilty of two counts of statutory rape of a child between thirteen and fifteen years of age, two counts of taking indecent liberties with a child, and one count of first-degree kidnapping. Thereafter, defendant pled guilty to charges of assault with a deadly weapon inflicting serious injury, attempted robbery with a dangerous weapon, conspiracy to possess cocaine with intent to sell or deliver, possession of cocaine with intent to sell or deliver, sale of cocaine, delivery of cocaine, and habitual felon status. In light

of defendant's convictions on the statutory rape counts, the trial court arrested judgment on defendant's first-degree kidnapping conviction and substituted a conviction for second-degree kidnapping. See *State v. Wiggins*, 136 N.C. App. 735, 742, 526 S.E.2d 207, 211-12, *disc. review denied*, 352 N.C. 156, 544 S.E.2d 243 (2000). The trial court then consolidated defendant's convictions and sentenced him to a single term of 269 to 332 months imprisonment. Defendant gave notice of appeal in open court.

Counsel appointed to represent defendant on appeal has filed an *Anders* brief indicating that he is unable to identify an issue with sufficient merit to support a meaningful argument for relief on appeal. He asks that this Court conduct its own review of the record for possible prejudicial error. Counsel has filed documentation with the Court showing 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 the Court and providing him with a copy of the documents pertinent to his appeal. Defendant has filed no additional arguments of his own with this Court, and a reasonable time for him to 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 and whether the appeal is wholly frivolous. We conclude that the appeal is frivolous and no error exists.

No error.

Judges TIMMONS-GOODSON and McCULLOUGH concur.

Report per Rule 30(e).