

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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. COA01-704

NORTH CAROLINA COURT OF APPEALS

Filed: 2 April 2002

STATE OF NORTH CAROLINA

v.

JAMAR EMMANUEL GORDON

Rutherford County
Nos. 99 CRS 6413,
99 CRS 7372

Appeal by defendant from judgments dated 30 August 2000 by Judge J. Marlene Hyatt in Rutherford County Superior Court. Heard in the Court of Appeals 26 March 2002.

Attorney General Roy Cooper, by Assistant Attorney General David N. Kirkman, for the State.

David W. Rogers for defendant-appellant.

GREENE, Judge.

Jamar Emmanuel Gordon (Defendant) appeals judgments dated 30 August 2000 entered consistent with jury verdicts finding him guilty of first-degree murder and common law robbery. After arresting judgment on the common law robbery conviction, the trial court sentenced Defendant to life imprisonment without parole for the first-degree murder conviction.

Defendant's counsel brings forward one assignment of error but presents no arguments in Defendant's brief. Defendant's counsel states that "[a]fter a thorough study of the transcript and of the

record, counsel for . . . Defendant is unable to find any error that might have substantially affected . . . Defendant's rights." Defendant's counsel "submits the record and transcript of the trial to [this Court] and requests that [we] examine same."

The issue is whether the record reveals any issues of arguable merit in Defendant's appeal or whether the appeal is wholly frivolous.

Where a defendant's counsel is unable to identify any issue with sufficient merit to support a meaningful argument for relief on appeal, counsel may file an *Anders* brief asking this Court to conduct our own review of the record for possible prejudicial error. *Anders v. California*, 386 U.S. 738, 18 L. Ed. 2d 493 (1967); *State v. Kinch*, 314 N.C. 99, 331 S.E.2d 665 (1985).

In this case, counsel has shown to the satisfaction of this Court that he has complied with the requirements of *Anders* and *Kinch* by advising Defendant, in a letter dated 13 September 2001, that in his opinion there was no error in Defendant's trial and that Defendant had the right to file written arguments with this Court. Defendant's counsel provided Defendant with copies of the transcript, the record, and the brief filed by counsel. Defendant has not filed any written arguments on his own behalf with this Court and a reasonable time for him to have done so has passed. The State asserts the record is complete and free from prejudicial error.

In accordance with *Anders*, this Court has fully examined the

record to determine whether any issues of arguable merit appear therefrom or whether the appeal is wholly frivolous. We have been unable to find any possible prejudicial error and, therefore, conclude Defendant's appeal is wholly frivolous.

No error.

Judges HUDSON and TYSON concur.

Report per Rule 30(e).