

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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. COA01-933

NORTH CAROLINA COURT OF APPEALS

Filed: 4 June 2002

STATE OF NORTH CAROLINA

v.

Johnston County  
No. 99 CRS 51965

ANDY WAYNE WOOD

Appeal by defendant from judgment entered 21 March 2001 by Judge E. Lynn Johnson in Johnston County Superior Court. Heard in the Court of Appeals 28 May 2002.

*Attorney General Roy Cooper, by Assistant Attorney General Christopher W. Brooks, for the State.*

*Woodruff, Reece & Fortner, by Michael J. Reece, for defendant appellant.*

McCULLOUGH, Judge.

On 25 October 1999, the Johnston County Grand Jury indicted defendant on a charge of assault with a deadly weapon with intent to kill inflicting serious injury. A jury found defendant guilty of the lesser included offense of assault with a deadly weapon inflicting serious injury. The trial court sentenced defendant to a term of 46 to 65 months' imprisonment. From the trial court's judgment, defendant appeals.

Defendant's counsel brings forward no questions on appeal and presents no arguments in defendant's brief. He states that he,

"after repeated and close examination of the Record, and after extensive review of the relevant law, is unable to identify an issue with sufficient merit to support a meaningful argument for relief on appeal." Defendant's counsel "respectfully requests this Court to conduct a full examination of the Record on Appeal for possible prejudicial error and to determine whether any justiciable issue has been overlooked by counsel."

By letter dated 30 August 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, the brief filed by counsel, and the State's brief were sent to defendant. Defendant has filed no arguments in this Court.

We hold that defendant's counsel has fully complied with the holdings in *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). 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 assignments of error noted in the record, we find the appeal to be wholly frivolous.

We hold defendant had a fair trial, free from prejudicial error.

No error.

Chief Judge EAGLES and Judge TIMMONS-GOODSON concur.

Report per Rule 30(e).