

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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. COA05-1014

NORTH CAROLINA COURT OF APPEALS

Filed: 2 May 2006

STATE OF NORTH CAROLINA

v.

Forsyth County
No. 04 CRS 55492
04 CRS 15563

ANDERSON GLENN

Appeal by defendant from a judgment entered 1 March 2005 by Judge Ronald E. Spivey in Forsyth County Superior Court. Heard in the Court of Appeals 27 March 2006.

Attorney General Roy Cooper, by Assistant Attorney General V. Lori Fuller, for the State.

Jarvis John Edgerton, IV, for defendant.

BRYANT, Judge.

Defendant Anderson Glenn was charged with possession of cocaine with intent to sell or deliver and with habitual felon status. He was found guilty of possession of cocaine. After the jury returned its verdict, defendant pled guilty to habitual felon status. The trial court sentenced defendant within the presumptive range to a minimum term of 107 months and a maximum term of 138 months.

The State presented evidence tending to show that on 4 May 2004, officers of the Winston-Salem Police Department were dispatched to a residence to investigate a complaint of

trespassing. The person who answered the door permitted the officers to come inside the residence. The officers observed defendant sitting on a couch. After discovering an outstanding arrest warrant had been issued for defendant, the officers arrested him. During a search incident to the arrest, an officer found pieces of a substance subsequently identified as crack cocaine, total weight of 0.8 gram, and ninety dollars in cash in defendant's pocket. Defendant did not present any evidence.

Counsel has 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 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 must fully examine the record to determine whether any issues of arguable merit appear therefrom or whether the appeal is wholly frivolous. We conclude the appeal is wholly frivolous. In reaching this conclusion, we have conducted our own examination of the record for possible prejudicial error and have found none.

No error.

Chief Judge MARTIN and GEER concur.

Report per Rule 30(e).