

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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. COA05-1063

NORTH CAROLINA COURT OF APPEALS

Filed: 2 May 2006

STATE OF NORTH CAROLINA

v.

Columbus County
No. 04 CRS 51726

STANLEY DWAYNE CUMMINGS

Appeal by defendant from a judgment entered 7 February 2005 by Judge Ola M. Lewis in Columbus County Superior Court. Heard in the Court of Appeals 27 March 2006.

Attorney General Roy Cooper, by Assistant Attorney General Daniel P. O'Brien, for the State.

Jon W. Myers for defendant.

BRYANT, Judge.

Defendant Stanley Dwayne Cummings pled guilty pursuant to a plea agreement to trafficking in cocaine by possession. As part of defendant's plea agreement, he reserved the right to appeal the trial court's denial of his motion to suppress. The trial court sentenced defendant to thirty-five to forty-two months imprisonment. Defendant appeals from the denial of his motion to suppress.

Defendant's counsel states that "[a]fter repeated and close examination of the record, extensive review of the law," he is "unable to identify appellate issues supported by law or good faith

argument" and asks this Court to review the record for possible prejudicial error.

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.

We affirm the trial court's denial of defendant's motion to suppress.

Affirmed.

Chief Judge MARTIN and Judge GEER concur.

Report per Rule 30(e).