An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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. COA05-1189

NORTH CAROLINA COURT OF APPEALS

Filed: 16 May 2006

STATE OF NORTH CAROLINA	Madison County Nos. 04CRS50377, 05CRS624-27, 05CRS50101, 05CRS50106, 05CRS50108
v.	
JASON GARLON HURST	

Appeal by defendant from judgments entered 21 March 2005 by Judge James L. Baker, Jr. in Madison County Superior Court. Heard in the Court of Appeals 8 May 2006.

Attorney General Roy A. Cooper, III, by Assistant Attorney General M. Elizabeth Guzman, for the State.

Irving Joyner for defendant-appellant.

HUNTER, Judge.

Jason Garlon Hurst ("defendant") appeals from judgments entered 21 March 2005 pursuant to two plea agreements. For the reasons stated herein, we find no error.

On 10 January 2005, defendant pled guilty pursuant to a plea arrangement to a charge of possession of a controlled substance on the premises of a local confinement facility. Pursuant to that arrangement, the trial court deferred sentencing to allow defendant to provide some assistance to the Madison County Sheriff's Department which would be considered at the time of his sentencing.

On 21 March 2005, defendant pled guilty pursuant to a second plea arrangement to charges of burning personal property, burning an uninhabited dwelling, breaking and entering a motor vehicle, removing a safe from premises, safecracking, three counts of burning a barn, two counts of felonious breaking and entering, and two counts of felonious larceny. The trial court consolidated the offenses into six judgments and imposed consecutive sentences with a combined term of 91 to 112 months imprisonment. From the trial court's judgments, defendant appeals.

Defendant's counsel brings forward four questions on appeal and discusses three possible appellate issues in defendant's brief. He states that after a thorough review of the trial transcript and extensive research of possible appellate issues, he "has been unable to identify any issue which has sufficient merit to support a meaningful argument for relief on appeal." Defendant's counsel asks this Court to "conduct a full independent examination of the sentencing transcript and Record on Appeal and the applicable law for possible prejudicial error(s) which [he] may have overlooked and might benefit [defendant]."

By letter dated 17 October 2005, 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, and the brief filed by counsel were sent to defendant. On 10 November 2005, defendant filed *pro se* arguments in which he asserted he had never been served with indictments in file numbers 05CRS624, 05CRS625,

and 05CRS627. Pursuant to this Court's order of 13 January 2006, defendant's counsel filed an addendum to the record on appeal which contained the missing indictments.

We hold that defendant's counsel has substantially complied with the holdings in *Anders v. California*, 386 U.S. 738, 18 L. Ed. 2d 493 (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.

In his *pro se* arguments, defendant contends some of his guilty pleas were unlawfully induced or not made voluntarily with an understanding of the nature of the plea because he was never served with a warrant, indictment, or a bill of information for the charges of breaking and entering a motor vehicle (05CRS624), felonious larceny and felonious breaking and entering (05CRS625), and removing a safe from premises and safecracking (05CRS627). In related arguments, defendant asserts his counsel provided ineffective assistance and the trial court improperly entered convictions and imposed sentences for those offenses. Because the record on appeal as amended does reflect that the grand jury returned proper indictments for these charges, defendant's arguments are without merit. Upon review of the entire record, the assignments of error noted in the record, and defendant's *pro se* arguments, we find the appeal to be wholly frivolous.

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

No error.

Judges WYNN and McGEE concur.

Report per Rule 30(e).