

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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. COA05-45

NORTH CAROLINA COURT OF APPEALS

Filed: 17 January 2006

STATE OF NORTH CAROLINA

v.

Rowan County
No. 03 CRS 53540

ALONZO LUIS MIRAFUENTES

Appeal by defendant from judgment entered 9 August 2004 by Judge Steve A. Balog in Rowan County Superior Court. Heard in the Court of Appeals 9 January 2006.

Attorney General Roy Cooper, by Special Deputy Attorney General Thomas J. Pitman, for the State.

Appellate Defender Staples S. Hughes, by Assistant Appellate Defender Kelly D. Miller, for defendant-appellant.

CALABRIA, Judge.

Alonzo Luis Mirafuentes ("defendant") pled guilty to seven narcotics offenses, including two counts of trafficking in at least 400 grams of cocaine. Pursuant to his written plea agreement, the trial court consolidated defendant's offenses for one judgment and sentenced him to the statutorily mandated term of a minimum of 179 months to a maximum of 219 months in the custody of the North Carolina Department of Correction. Defendant appeals.

Defendant's appointed appellate counsel was unable to identify any issue with sufficient merit to support a meaningful argument

for relief on appeal. Defendant's counsel asks this Court to conduct its own review of the record for possible prejudicial error. Counsel has shown to the satisfaction of this Court that she has complied with the requirements of *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), by advising defendant of his right to file written arguments with this Court and providing him with the necessary documents to do so. Defendant has not filed any written arguments and a reasonable time for him to have done so has passed.

As provided by *Anders* and *Kinch*, *supra*, we have fully examined the record and determined the defendant has no issue of arguable merit. Defendant entered a guilty plea and received a single, statutorily-prescribed sentence unaffected by his prior record level calculation. Thus, the terms of his plea agreement greatly restricted his already limited appeal as of right pursuant to N.C. Gen. Stat. § 15A-1444(a1), (a2) (2004). Accordingly, we dismiss defendant's appeal.

Dismissed.

Judges WYNN and JACKSON concur.

Report per Rule 30(e).