

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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. COA05-897

NORTH CAROLINA COURT OF APPEALS

Filed: 3 October 2006

STATE OF NORTH CAROLINA

v. Cumberland County
Nos. 02 CRS 53857
03 CRS 13338

TYNIESSE HARRISON,
Defendant.

Appeal by defendant from judgment entered 15 March 2005 by Judge B. Craig Ellis in Cumberland County Superior Court. Heard in the Court of Appeals 11 September 2006.

Attorney General Roy Cooper, by Assistant Attorney General Allison Smith Corum, for the State.

Appellate Defender Staples Hughes, by Assistant Appellate Defender Katherine Jane Allen, for defendant-appellant.

GEER, Judge.

The Cumberland County grand jury indicted defendant Tyniesse Harrison on 22 July 2002 for felony worthless check and on 23 June 2003 for obtaining property by false pretenses. A jury found defendant guilty of both charges on 15 March 2005. The trial court consolidated the offenses for judgment and imposed a sentence of six to eight months imprisonment. After suspending the sentence, the trial court placed defendant on supervised probation for 36 months. From the trial court's judgment, defendant appeals.

Defendant's counsel brings forward three questions on appeal

but presents no arguments in defendant's brief. Counsel states that she "finds no basis to pursue the matters previously assigned as error after reviewing the record and case law" and "requests this Court to review the record for any prejudicial error." By letter dated 1 September 2005, defendant's counsel informed defendant that in her opinion there was no error in defendant's trial and that defendant could file her own arguments in this Court if she so desired. Copies of the transcript, record, and brief filed by counsel were sent to defendant.

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, 87 S. Ct. 1396 (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.

No error.

Chief Judge MARTIN and Judge BRYANT concur.

Report per Rule 30(e).