

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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. COA07-1462

NORTH CAROLINA COURT OF APPEALS

Filed: 6 May 2008

STATE OF NORTH CAROLINA

v.

JOHN DAVID WILLIAMS

Lincoln County  
Nos. 05 CRS 52707  
06 CRS 3474

# Court of Appeals

Appeal by defendant from judgment entered 31 July 2007 by Judge Timothy S. Kincaid in Lincoln County Superior Court. Heard in the Court of Appeals 28 April 2008.

*Attorney General Roy Cooper, by Special Deputy Attorney General Elizabeth Leonard McKey, for the State.*

*Gilda C. Rodriguez, for defendant-appellant.*

STEELMAN, Judge.

On 7 November 2005, defendant John David Williams was indicted for possession of cocaine. On 11 September 2006, defendant was indicted for being an habitual felon. On 31 July 2007, defendant was convicted by the jury on both counts. The trial court imposed an active sentence of 168 to 211 months imprisonment. Defendant appeals.

Counsel appointed to represent defendant has been unable to identify any issue with sufficient merit to support a meaningful argument for relief on appeal and asks that this Court conduct its

own review of the record for possible prejudicial error. Counsel has also 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, *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 the documents necessary for him to do so.

The defendant argues in his *pro se* brief that the arresting officer did not follow proper procedure and failed to advise him of his rights. The officer testified that the arrest occurred during a "knock-and-talk" at a motel, where defendant consented to a search, and defendant was not advised of his rights because he was not interrogated or questioned. While defendant contends that the officer's answers to many questions were untruthful, he does not dispute the officer's denial that he asked defendant anything other than "personal items." Defendant's rights were not violated by a failure to advise him of his right to an attorney under these circumstances.

In accordance with *Anders*, we have fully examined the record and the transcript of the trial to determine whether any issues of arguable merit appear therefrom. We have been unable to find any possible prejudicial error and conclude that the appeal is without merit.

NO ERROR.

Judges HUNTER and McCULLOUGH concur.

Report per Rule 30(e).