

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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. COA08-694

NORTH CAROLINA COURT OF APPEALS

Filed: 16 December 2008

STATE OF NORTH CAROLINA

v.

Cabarrus County
Nos. 07 CRS 8244-45

MATTHEW WHEELER

Court of Appeals

Appeal by defendant from judgments entered 4 February 2008 by Judge W. Erwin Spainhour in Cabarrus County Superior Court. Heard in the Court of Appeals 8 December 2008.

Attorney General Roy Cooper, by Assistant Attorney General Vanessa N. Totten, for the State.

Slip Opinion

Betsy J. Wolfenden for defendant-appellant.

BRYANT, Judge.

On 4 February 2008, the trial court revoked defendant Matthew Wheeler's probation and imposed an active term of 125 to 159 months in prison for attempted first-degree murder and a concurrent term of 25 to 39 months in prison for discharging a firearm into occupied property. From the judgment entered upon the revocation of his probation, 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 by providing defendant with the 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 have fully examined the record and transcript to determine whether any issues of arguable merit appear therefrom or whether the appeal is wholly frivolous. We conclude that the appeal is wholly frivolous.

No error.

Judges TYSON and ARROWOOD concur.

Report per Rule 30(e).