

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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. COA09-1698

NORTH CAROLINA COURT OF APPEALS

Filed: 6 July 2010

STATE OF NORTH CAROLINA

v.

Henderson County  
Nos. 09 CR 52206-08

MATTHEW PETER PHILIPSHECK

Appeal by defendant from judgment entered 17 July 2009 by Judge Peter Knight in Henderson County District Court. Heard in the Court of Appeals 14 June 2010.

*Attorney General Roy Cooper, by Assistant Attorney General Daniel S. Hirschman, for the State.*

*Charlotte Gail Blake, for defendant-appellant.*

STEELMAN, Judge.

On 17 July 2009, Matthew Peter Philipsheck (defendant) pled guilty pursuant to a plea agreement to three counts of possession with intent to sell or deliver cocaine. In accordance with the terms of the plea agreement, the convictions were consolidated for judgment and defendant was sentenced to 7 to 9 months. This sentence was suspended and defendant was placed on supervised probation for 18 months. Defendant appeals. Although defendant pled guilty in district court, appeal of right lies with this Court pursuant to N.C. Gen. Stat. §15A-1029.1(b).

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 (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.

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 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 wholly frivolous.

AFFIRMED.

Judges HUNTER, Robert C. and BRYANT concur.

Report per Rule 30(e).