

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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. COA09-305

NORTH CAROLINA COURT OF APPEALS

Filed: 15 September 2009

STATE OF NORTH CAROLINA

v.

New Hanover County
Nos. 07 CRS 56714-16

VANCAL HAWKINS

Appeal by Defendant from judgment entered 7 August 2008 by Judge W. Allen Cobb, Jr. in Superior Court, New Hanover County. Heard in the Court of Appeals 7 September 2009.

Attorney General Roy Cooper, by Assistant Attorney General Kathleen N. Bolton for the State.

Appellate Defender Staples Hughes, by Assistant Appellate Defender Constance E. Widenhouse for defendant-appellant.

WYNN, Judge.

Defendant Vancal Hawkins appeals from his convictions for three counts of robbery with a dangerous weapon and consolidated sentence of fifty-seven to seventy-eight months imprisonment.

Defendant's appellate counsel states that she has been unable to identify any meritorious argument, and therefore requests review pursuant to *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). The record shows that Defendant's appellate counsel has shown, to the satisfaction of this Court, that she has complied with the requirements of *Anders* and *Kinch* by advising Defendant of his right

to file written arguments with this Court and providing him with the documents necessary to do so. Defendant has not filed any written arguments, and a reasonable time for him to do so has passed.

In accordance with *Anders*, we have fully examined the record to determine whether any issues of arguable merit exist. We find no error in the record before this Court, but we note that four of Defendant's assignments of error allege ineffective assistance of counsel. Because we find Defendant's ineffective assistance of counsel claims more appropriately raised in a post-conviction motion, we dismiss those assignments of error without prejudice to Defendant's right to raise them in a motion for appropriate relief in the trial court. See *State v. Clark*, 159 N.C. App. 520, 531, 583 S.E.2d 680, 687 (2003).

No error in part; dismissed without prejudice in part.

Judges CALABRIA and STROUD concur.

Report per Rule 30(e).