

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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. COA09-387

NORTH CAROLINA COURT OF APPEALS

Filed: 1 September 2009

STATE OF NORTH CAROLINA

v.

Guilford County
Nos. 05 CRS 23067, 23128

GEORGE GRIFFIN, JR.

Appeal by defendant from judgment entered 7 September 2005 by Judge Michael E. Helms in Guilford County Superior Court. Heard in the Court of Appeals 27 July 2009.

Attorney General Roy Cooper, by Assistant Attorney General Joan M. Cunningham, for the State.

William D. Auman for defendant-appellant.

ELMORE, Judge.

By judgment entered 7 September 2005, defendant George Griffin, Jr., pled guilty, pursuant to an *Alford* plea, to possession of marijuana and attaining habitual felon status. The trial court sentenced defendant to 120 to 153 months imprisonment, which is within the presumptive range for a Class C felony at a prior record level IV. Defendant appeals.

Defendant's counsel states that he "was unable to identify any issue in the case that would potentially support a finding by this Court of prejudicial error" and asks this Court to review the record for possible prejudicial error. Counsel has shown to the

satisfaction of this Court that he 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 letter dated 21 April 2009, defendant's counsel advised defendant of his right to file written arguments with this Court and provided him with the necessary documents 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.

Pursuant to *Anders* and *Kinch*, we must fully examine the record to determine whether any issues of arguable merit appear therefrom or whether the appeal is wholly frivolous. Upon review of the entire record, we find the appeal to be wholly frivolous.

No error.

Chief Judge MARTIN and Judge BRYANT concur.

Report per Rule 30(e).