

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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. COA09-550

NORTH CAROLINA COURT OF APPEALS

Filed: 20 October 2009

STATE OF NORTH CAROLINA

v.

Davidson County
No. 07 CRS 53994

MICHAEL ROY HUGHES

Appeal by defendant from judgment entered 24 July 2008 by Judge Michael E. Beale in Superior Court, Davidson County. Heard in the Court of Appeals 19 October 2009.

Attorney General Roy Cooper, by Assistant Attorney General Christopher W. Brooks, for the State.

Betsy J. Wolfenden for defendant appellant.

WYNN, Judge.

Pursuant to a plea agreement, Defendant Michael Roy Hughes pled guilty to one count of habitual driving while impaired on 24 July 2008. The trial court sentenced Defendant, in accordance with the plea agreement, to forty-nine to fifty-nine months' imprisonment. On 10 November 2008, Defendant filed a petition for writ of certiorari with this Court. On 26 November 2008, this Court allowed Defendant's petition.

Counsel appointed to represent Defendant on appeal has filed an *Anders* brief indicating that she is unable to identify an issue with sufficient merit to support a meaningful argument for relief

on appeal. She asks that this Court conduct its own review of the record for possible prejudicial error. Counsel has filed documentation with the Court showing 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 a copy of the documents pertinent to his appeal. Defendant has filed no additional arguments of his own with this Court, and a reasonable time for such arguments has passed.

In accordance with *Anders*, we have fully examined the record to determine whether any issues of arguable merit appear therefrom, and whether the appeal is wholly frivolous. After careful review, we conclude the appeal is wholly frivolous.

No error.

Judges CALABRIA and STROUD concur.

Report per Rule 30(e).