

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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. COA11-1575
NORTH CAROLINA COURT OF APPEALS

Filed: 21 August 2012

STATE OF NORTH CAROLINA

v.

Burke County
No. 09 CRS 3513

BARRY RONNIE CARVER, JR.

Appeal by defendant from judgment entered 30 August 2011 by Judge Beverly T. Beal in Burke County Superior Court. Heard in the Court of Appeals 11 June 2012.

Roy Cooper, Attorney General, by Sherri G. Horner, Assistant Attorney General, for the State.

W. Michael Spivey, for the defendant-appellant.

THIGPEN, Judge.

Defendant pled guilty on 30 August 2011 to statutory rape of a 13, 14, or 15 year old. The plea agreement provided for imposition of a mitigated sentence of a minimum term of 173 months and a maximum term of 217 months to run concurrently with another sentence defendant was serving. The court sentenced defendant in accordance with the plea agreement on the same

date. Defendant, *pro se*, filed notice of appeal on 9 September 2011.

Counsel appointed to represent defendant on appeal has filed a brief in which he states he has been "unable to identify an issue with sufficient merit to support a meaningful argument for relief on appeal." Pursuant to *Anders v. California*, 386 U.S. 738, 87 S.Ct. 1396 18 L. Ed. 2d 493 (1967), and *State v. Kinch*, 314 N.C. 99, 331 S.E.2d 665 (1985), he asks this Court "to conduct a full examination of the Record on Appeal for possible prejudicial error" or "any justiciable issue" which may have been overlooked by counsel. Counsel has provided this Court with information as to what matters and possible issues he considered. Counsel has also included with the brief a copy of a letter he wrote to defendant advising defendant of counsel's inability to find any significant error, of counsel's request to this Court to conduct its own independent review of the record for possible prejudicial error, and of defendant's right to file his own written arguments directly with this Court. To assist defendant, counsel provided him with a copy of the record on appeal, the transcript, and the brief filed by counsel on defendant's behalf. Counsel also directed defendant to send notice as soon as possible to this Court of his intention to

file his own written arguments. Defendant has not given this Court notice of any intention to file his own written arguments and has not filed any arguments.

After carefully reviewing the record, we are unable to finding anything to support a meaningful argument on appeal. We therefore find no error.

NO ERROR.

Chief Judge Martin and Judge Steelman concur.

Report per Rule 30(e).