

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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. COA12-404  
NORTH CAROLINA COURT OF APPEALS

Filed: 16 October 2012

STATE OF NORTH CAROLINA

v.

Cleveland County  
No. 04 CRS 54090

KEITH E. PATTERSON

Appeal by Defendant from order entered 16 December 2011 by Judge Forrest D. Bridges in Cleveland County Superior Court. Heard in the Court of Appeals 8 October 2012.

*Attorney General Roy Cooper, by Assistant Attorney General Daniel P. O'Brien, for the State.*

*Winifred H. Dillon for Defendant.*

STEPHENS, Judge.

On 2 December 2004, Defendant Keith E. Patterson pled guilty to second-degree murder. After seeking post-conviction review that was denied by the trial court, this Court, and our Supreme Court, Patterson filed a motion for DNA testing on 2 May 2011. Judge Forrest D. Bridges denied the motion for DNA testing in an order entered 16 December 2011. Patterson appeals from Judge Bridges's order.

Counsel appointed to represent Patterson 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 Patterson of his right to file written arguments with this Court and providing him with the documents necessary for him to do so.

Patterson has not filed any written arguments on his own behalf with this Court and a reasonable time within 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. The order appealed from is therefore

AFFIRMED.

Chief Judge MARTIN and Judge ERVIN concur.

Report per Rule 30(e).