

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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. COA13-541
NORTH CAROLINA COURT OF APPEALS

Filed: 15 October 2013

STATE OF NORTH CAROLINA

v.

Durham County
Nos. 10 CRS 60247-49

DOMINIQUE DESHAWN TOOMER

Appeal by defendant from judgments entered 28 June 2012 by Judge William O. Smith in Durham County Superior Court. Heard in the Court of Appeals 30 September 2013.

Attorney General Roy Cooper, by Special Deputy Attorney General Sharon Patrick-Wilson, for the State.

Paul F. Herzog for defendant-appellant.

HUNTER, Robert C., Judge.

On 28 June 2012, defendant Dominique Deshawn Toomer was found guilty by a jury of three counts of robbery with a dangerous weapon. In the first judgment, defendant's robbery with a dangerous weapon conviction in 10 CRS 60247 was consolidated with drug offenses defendant was convicted of earlier that year and he was sentenced to 67 to 90 months imprisonment. For the robbery with a dangerous weapon

convictions in 10 CRS 60248 and 10 CRS 60249, the trial court sentenced defendant to two additional consecutive terms of 67 to 90 months imprisonment. Defendant appeals. After careful review, we find no error.

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

NO ERROR.

Judges BRYANT and McCULLOUGH concur.

Report per Rule 30(e).