

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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. COA13-548
NORTH CAROLINA COURT OF APPEALS

Filed: 5 November 2013

STATE OF NORTH CAROLINA

v.

Edgecombe County
No. 12 CRS 52735

SHAUN RAY SHACKLEFORD

Appeal by defendant from judgment entered 11 December 2012 by Judge Milton F. Fitch, Jr., in Edgecombe County Superior Court. Heard in the Court of Appeals 21 October 2013.

Attorney General Roy Cooper, by Assistant Attorney General Kimberly N. Callahan, for the State.

Mobley Law Office, PA, by Marie H. Mobley for defendant-appellant.

STEELMAN, Judge.

On 11 December 2012, defendant Shaun Ray Shackelford pled guilty pursuant to a plea agreement to felonious breaking or entering. The trial court sentenced defendant to a term of eight to nineteen months imprisonment.

On 16 December 2012, defendant sent a letter to the Clerk of Court indicating his intent to appeal his conviction. However, this letter lacked the requisite language indicating

the court to which appeal was taken, nor was it accompanied by a certificate of service as required by Rule 4 of the North Carolina Rules of Appellate Procedure. Cognizant of the deficiencies in the purported notice of appeal, appellate counsel filed a petition for writ of certiorari seeking review of the judgment entered in this matter. In our discretion, we grant defendant's petition for writ of certiorari for the purpose of reviewing the judgment.

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 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 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. By virtue of his guilty plea, defendant's right of appeal was limited to the sentencing issues set forth in N.C. Gen. Stat. § 15A-1444(a1) and (a2) (2011). Defendant stipulated to his prior convictions and prior record level. Furthermore, defendant was properly sentenced from the presumptive range for a Class H, Level II felon. Accordingly, we find no error, conclude that defendant's appeal is wholly frivolous, and affirm the judgment of the trial court.

AFFIRMED.

Judges CALABRIA and STROUD concur.

Report per Rule 30(e).