

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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. COA13-867
NORTH CAROLINA COURT OF APPEALS

Filed: 3 December 2013

STATE OF NORTH CAROLINA

v. Mecklenburg County
Nos. 10 CRS 061291, 238763-64,
238766-67, 238769-70,
238772-73

MARTIN CORNELIUS MILLS,
Defendant.

Appeal by defendant from judgments entered 2 April 2013 by
Judge W. Robert Bell in Mecklenburg County Superior Court.
Heard in the Court of Appeals 18 November 2013.

*Roy Cooper, Attorney General, by Kathleen N. Bolton,
Assistant Attorney General, for the State.*

Richard Croutharmel, for defendant-appellant.

MARTIN, Chief Judge.

On 20 May 2011, a judgment was entered against defendant,
Martin Cornelius Mills, upon jury verdicts for possession with
intent to sell or deliver cocaine, possession with intent to
sell or deliver marijuana, sale of cocaine, sale of marijuana,
and having attained the status of a habitual felon. The trial
court consolidated all the offenses into one judgment and

sentenced defendant as a Class C felon to a term of 146 to 185 months imprisonment. This Court found no error on appeal. *State v. Mills*, __ N.C. App. __, 723 S.E.2d 584 (2012) (unpublished).

On 29 November 2012, defendant filed a *pro se* motion for appropriate relief ("MAR") in superior court. Defendant argued that he was entitled to relief because one of the three convictions used to support his habitual felon indictment was subsequently vacated due to a defect in the bill of information. On 4 March 2013, the trial court granted the MAR, vacated defendant's habitual felon conviction, and ordered resentencing on the substantive felonies. On 2 April 2013, the trial court entered judgment on the substantive felonies and sentenced defendant to consecutive terms of 20 to 24, 25 to 30, 20 to 24, and 25 to 30 months imprisonment. Defendant appeals.

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, 744, 18 L. Ed. 2d 493, 498 (1967), and *State v. Kinch*, 314 N.C. 99, 103, 331 S.E.2d 665, 666-67 (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 HUNTER, JR. and DILLON concur.

Report per Rule 30(e).