

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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. COA14-796
NORTH CAROLINA COURT OF APPEALS

Filed: 16 December 2014

STATE OF NORTH CAROLINA

v.

Scotland County
Nos. 12 CRS 50970-71

JOSEPH MCKOY, JR.

Appeal by defendant from judgment entered 16 December 2013 by Judge Ebern T. Watson, III, in Scotland County Superior Court. Heard in the Court of Appeals 10 November 2014.

Attorney General Roy Cooper, by Assistant Attorney General Jonathan D. Shaw, for the State.

Paul F. Herzog for defendant-appellant.

ELMORE, Judge.

A jury found defendant guilty of possession of a firearm by a convicted felon and discharging a firearm into occupied property. Defendant stipulated to prior convictions resulting in a prior record level II. The trial court consolidated his offenses for judgment and sentenced him at the bottom of the applicable presumptive range to an active prison term of 23 to 40 months. Defendant gave notice of appeal in open court.

Counsel appointed to represent defendant is 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 shows 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 for him to do so has expired. 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 STEELMAN and DILLON concur.

Report per Rule 30(e).