NO. COA14-1013
NORTH CAROLINA COURT OF APPEALS

Filed:3 March 2015

STATE OF NORTH CAROLINA

v. Craven County
Nos. 11 CRS 50791; 12 CRS 1014

EDDIE TYRONE DAVIS

Appeal by defendant from judgment entered 12 March 2014 by Judge W. Allen Cobb, Jr. in Craven County Superior Court. Heard in the Court of Appeals 9 February 2015.

Attorney General Roy Cooper, by Assistant Attorney General Adrian W. Dellinger, for the State.

Kimberly P. Hoppin for defendant-appellant.

HUNTER, JR., Robert N., Judge.

On 14 November 2011, defendant was indicted for possession with the intent to sell and deliver cocaine, resisting a public officer, and possession of drug paraphernalia. On 27 November 2012, a jury found defendant guilty of these offenses. Thereafter, defendant admitted to attaining the status of an habitual felon. The trial court sentenced defendant to a term of imprisonment for

87 to 114 months, which was within the mitigated range for defendant's prior record level of VI and Class C felony.

Defendant appealed. This Court found no error as to defendant's trial, but held that the trial court erred in determining defendant's prior record level by failing to make a finding of substantial similarity with respect to one of defendant's prior out-of-state convictions. Consequently, this Court reversed and remanded for a new sentencing hearing. *State v. Davis*, ___ N.C. App. ___, 754 S.E.2d 259 (2014) (Jan. 21, 2014) (No. COA 13-677)(unpublished).

The case came on for resentencing at the 12 March 2014 criminal session of Craven County Superior Court. The trial court resentenced defendant based on the same prior record level and again imposed a mitigated-range sentence of 87 to 114 months. 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 she has complied with the requirements of *Anders v. California*, 386 U.S. 738 (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 by providing him with the documents necessary for him to do so. Counsel directs our attention to potential issues on appeal, but acknowledges that she has detected no reversible error on the part of the trial court.

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 or whether the appeal is wholly frivolous. We conclude the appeal is wholly frivolous. Furthermore, we have examined the record for possible prejudicial error and found none.

No error.

Chief Judge MCGEE and Judge STEPHENS concur

Report per Rule 30(e).