

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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.

IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA14-1189

Filed: 16 June 2015

Durham County, Nos. 92 CRS 5132—35

STATE OF NORTH CAROLINA

v.

DONALD DURRANT FARROW

Appeal by defendant from order entered 9 June 2014 by Judge W. Osmond Smith, III, in Durham County Superior Court. Heard in the Court of Appeals 1 June 2015.

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

*Bryan Gates for defendant-appellant.*

BRYANT, Judge.

Where a review of the record pursuant to *Anders* reveals that defendant's appeal contains no issues of arguable merit, we affirm the judgment of the trial court.

On 11 September 1992, defendant Donald Durrant Farrow pled guilty to two counts of first-degree rape, 92 CRS 5132—33, and two counts of first-degree sexual offense, 92 CRS 5134—35. The trial court sentenced defendant to life in prison. In 2013, defendant filed a motion for appropriate relief and a motion for DNA testing.

STATE V FARROW

*Opinion of the Court*

After a hearing on 4 June 2014, Judge W. Osmond Smith, III, entered an order denying the motions on 9 June 2014.<sup>1</sup> Defendant appeals from the order denying his motion for DNA testing.

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Counsel appointed to represent defendant on appeal 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 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.

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.

AFFIRMED.

Judges DIETZ and TYSON concur.

Report per Rule 30(e).

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<sup>1</sup> We note that the trial court's order presents defendant's original judgments as 92 CRS 5131—55. As this appears to be merely a typographical error and does not affect our review of the instant case, we will proceed to address defendant's appeal.