

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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. COA14-845
NORTH CAROLINA COURT OF APPEALS

Filed: 3 March 2015

STATE OF NORTH CAROLINA

v.

Halifax County
No. 11 CRS 51960

ROBERT GREGORY BOYD

Appeal by defendant from judgment entered 8 May 2014 by Judge Thomas D. Haigwood in Halifax County Superior Court. Heard in the Court of Appeals 9 February 2015.

Attorney General Roy Cooper, by Assistant Attorney General Tammera S. Hill, for the State.

Leslie Rawls for defendant-appellant.

HUNTER, JR., Robert N., Judge.

On 12 October 2012, defendant was found guilty in district court of driving while impaired ("DWI"). Defendant appealed to superior court, where he was tried by a jury. At the outset of the trial, defendant waived his right to counsel and his court-appointed attorney was dismissed. On 8 May 2014, the jury found defendant guilty of DWI. After making findings regarding aggravating and mitigating factors, the superior court determined

that the aggravating factors substantially outweighed the mitigating factors and that a Level Three punishment was necessary. Thus, the court sentenced defendant to a term of active imprisonment for 120 days. Defendant gave a timely notice of appeal.

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 a potential issue 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).