

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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. COA14-882
NORTH CAROLINA COURT OF APPEALS

Filed: 17 March 2015

STATE OF NORTH CAROLINA

v.

Union County
Nos. 80 CRS 2109, 3175

RAYFORD ASHFORD, JR.

Appeal by Defendant from order entered 22 May 2014 by Judge W. David Lee in Union County Superior Court. Heard in the Court of Appeals 23 February 2015.

Attorney General Roy Cooper, by Assistant Attorney General Anne G. Kirby, for the State.

Appellate Defender Staples Hughes, by Assistant Appellate Defender Jillian C. Katz, for Defendant.

STEPHENS, Judge.

On 30 April 1980, a jury found Defendant Rayford Ashford, Jr., guilty of first-degree rape and kidnapping. The trial court sentenced Defendant to two terms of life in prison. Defendant appealed, and our Supreme Court found no error. On 15 April 2013,¹

¹ The order from which Defendant appeals states that Defendant's motion was filed 16 September 2013, but the copy of the motion in the record on appeal shows a file-stamp date of 15 April 2013.

Defendant filed a motion to locate and preserve evidence and for DNA testing. After a hearing on 5 May 2014, the trial court entered an order denying the motion on 22 May 2014. From that order, Defendant appeals.

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 she 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 filed nothing with this Court, and a reasonable time for him to do 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 thoroughly considered the points and authorities identified by appellate counsel to assist our review. We have been unable to find any possible prejudicial error and conclude that the appeal is wholly frivolous. Accordingly, the trial

court's order denying Defendant's motion to locate and preserve evidence and for DNA testing is

AFFIRMED.

Chief Judge MCGEE and Judge HUNTER, JR. concur.

Report per Rule 30(e).