

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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. COA19-148

Filed: 3 December 2019

New Hanover County, No. 17 CRS 59354

STATE OF NORTH CAROLINA

v.

GARY DEANDREYA AUSTIN

Appeal by Defendant from judgment entered 15 August 2018 by Judge Susan E. Bray in New Hanover County Superior Court. Heard in the Court of Appeals 18 November 2019.

Attorney General Joshua H. Stein, by Assistant Attorney General Robert C. Ennis, for the State.

Guy J. Loranger for Defendant-Appellant.

DILLON, Judge.

On 15 August 2018, Defendant was charged with aggravated felony serious injury by vehicle. Pursuant to a written plea arrangement, he entered an *Alford*¹ plea to the charge and was sentenced within the applicable mitigated range to an

¹ See *North Carolina v. Alford*, 400 U.S. 25 (1970).

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active prison term of 30 to 48 months. Defendant filed timely notice of appeal from the trial court's judgment.

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 this Court to conduct its own review of the record for possible prejudicial error. Counsel shows to the satisfaction of this Court that he 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 providing him with the documents necessary to do so. Defendant has not filed any *pro se* arguments 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 been unable to find any possible prejudicial error and conclude that the appeal is wholly frivolous. Thus, the trial court's judgment is affirmed.

AFFIRMED.

Judges DIETZ and MURPHY concur.

Report per Rule 30(e).