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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA19-160

Filed: 6 August 2019

Caldwell County, No. 18 CRS 781

STATE OF NORTH CAROLINA

v.

DAVID LEE COX, Defendant.

Appeal by defendant from judgment entered 23 July 2018 by Judge Robert C. Ervin in Caldwell County Superior Court. Heard in the Court of Appeals 22 July 2019.

*Attorney General Joshua H. Stein, by Special Deputy Attorney General Daniel P. O'Brien, for the State.*

*Appellate Defender Glenn Gerding, by Assistant Appellate Defender Heidi Reiner, for defendant-appellant.*

BERGER, Judge.

David Lee Cox (“Defendant”) appeals from a judgment entered upon his guilty plea to possession of methamphetamine. We affirm.

On June 24, 2017, an officer with the Lenoir Police Department conducted a traffic stop of a vehicle with an obstructed license tag. A canine sniff conducted

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during the stop alerted to the presence of drugs in the car. A search of the vehicle yielded a bag containing a residual amount of what a subsequent lab test showed to be methamphetamine. Defendant, who was a passenger in the vehicle, took responsibility for the bag.

On June 4, 2018, Defendant was indicted on charges of possession of methamphetamine and possession of drug paraphernalia. The case came on for trial in Superior Court, Caldwell County, on July 23, 2018. Defendant entered an agreement with the State whereby he would plead guilty to possession of methamphetamine and serve an active sentence in the mitigated range of 6 to 17 months in prison, and the State would dismiss the possession of drug paraphernalia charge. The trial court accepted Defendant's plea and entered judgment according to the terms of the plea agreement. Defendant filed written notice of appeal on July 25, 2018.

As an initial matter, Defendant has filed a petition for writ of certiorari as an alternative basis for review of his case in recognition of the fact that his notice of appeal, while timely, failed in several respects to comply with the requirements of N.C.R. App. P. 4. In our discretion, we allow Defendant's petition.<sup>1</sup>

Counsel appointed to represent Defendant states that she is unable to identify any issue with sufficient merit to support a meaningful argument for relief on appeal

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<sup>1</sup> The State's motion to dismiss the appeal is denied.

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and asks that this Court conduct its own review of the record for possible prejudicial error. Counsel shows 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 providing him with the documents necessary to do so.

Defendant has not filed arguments in this appeal, and a reasonable time for him to have done so has passed. In accordance with *Anders* and *Kinch*, we have fully examined the record to determine whether any issues of arguable merit appear therefrom. We are unable to find any possible prejudicial error as to the judgment and conclude that defendant's appeal therefrom is wholly frivolous. As a result, we affirm the trial court's judgment.

AFFIRMED.

Judges STROUD and ZACHARY concur.

Report per Rule 30(e).