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IN THE COURT OF APPEALS OF NORTH CAROLINA

2022-NCCOA-611

No. COA21-531

Filed 6 September 2022

Mecklenburg County, Nos. 07 CRS 231089, 08 CRS 34203

STATE OF NORTH CAROLINA

v.

KAREEM ABDULLAH KIRK

Appeal by defendant from order entered 19 June 2020 by Judge George C. Bell in Mecklenburg County Superior Court. Heard in the Court of Appeals 9 August 2022.

Attorney General Joshua H. Stein, by Assistant Attorney General Zachary K. Dunn, for the State.

Appellate Defender Glenn Gerding, by Assistant Appellate Defender Katherine Jane Allen, for defendant-appellant.

TYSON, Judge.

¶ 1 Kareem Abdullah Kirk (“Defendant”) appeals from an order denying his motion to locate and preserve evidence and for post-conviction DNA testing. We affirm.

I. Background

¶ 2 Defendant was convicted of abduction of a child and four counts of statutory

sexual offense. On direct appeal, this Court found no error in the jury's conviction, but vacated the judgment entered thereon for resentencing. *See State v. Kirk*, 221 N.C. App. 245, 725 S.E.2d 923 (2012) (unpublished).

¶ 3 On 26 February 2020, Defendant filed a *pro se* motion to locate and preserve evidence and for DNA testing. The motion was denied without hearing by written order entered 19 June 2020. Defendant filed a *pro se* written notice of appeal in the trial court 9 July 2020.

II. Anders Brief

¶ 4 Counsel appointed to represent Defendant on appeal from the DNA order states she is unable to identify any issue with sufficient merit to support a meaningful argument for relief on appeal. Counsel asks this Court to 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 to do so.

¶ 5 Defendant has filed a *pro se* brief with this Court. Based on our independent review of the record, his arguments have no merit.

III. Conclusion

¶ 6 In accordance with *Anders* and *Kinch*, we have fully examined the record to

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determine whether any issues related to the trial court's denial of Defendant's motion to locate and preserve evidence and for DNA testing. We are unable to find any prejudicial error concerning the trial court's DNA order and conclude Defendant's appeal is wholly frivolous. The trial court's order is affirmed. *It is so ordered.*

AFFIRMED.

Judges INMAN and GORE concur.

Report per Rule 30(e).