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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA23-480

Filed 19 March 2024

Mecklenburg County, Nos. 03CRS241344, 241674–75, 241680

STATE OF NORTH CAROLINA

v.

MARVIN COVINGTON, Defendant.

Appeal by defendant from judgment entered 18 November 2022 by Judge W. Robert Bell of Mecklenburg County Superior Court. Heard in the Court of Appeals 20 November 2023.

*Attorney General Joshua H. Stein, by Special Deputy Attorney General Sherri Horner Lawrence, for the State.*

*Appellate Defender Glenn Gerding, by Assistant Appellate Defender Sterling Rozear, for defendant-appellant.*

PER CURIAM.

On 22 September 2023, the Mecklenburg County Grand Jury indicted Marvin Covington (“Defendant”) for, *inter alia*, two counts of first-degree kidnapping, one count of first-degree rape, and one count of robbery with a dangerous weapon. On 27 April 2006, Defendant was found guilty of these crimes as well as having attained habitual felon status. Defendant was sentenced to four consecutive terms of life

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imprisonment without parole. Defendant appealed, and this Court found no error. *See State v. Covington*, 186 N.C. App. 305, 650 S.E.2d 676 (2007) (unpublished).

On 1 March 2022, Defendant filed a motion for appropriate relief, requesting resentencing on the grounds that one of the predicate felonies upon which his habitual felon status was based had been vacated. This matter came on for hearing before the trial court on 14 November 2022. On 18 November 2022, the trial court found Defendant to be a prior record level six and imposed one consolidated sentence of 480 to 585 months' imprisonment, with 7,021 days of credit for the kidnapping and rape charges. The trial court also imposed a consecutive sentence of 146 to 185 months' imprisonment for the robbery charge, ordered Defendant register as a sex offender for the remainder of his natural life, and entered a no contact order. Defendant timely appealed.

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 that this Court conduct its own review of the Record for possible prejudicial error. Counsel shows to the satisfaction of this Court that he has complied with the requirements of *Anders v. California*, 386 U.S. 738, 87 S. Ct. 1396, 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.

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Defendant has not filed with this Court any written arguments on his own behalf, and a reasonable time for him to do so has expired. 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. *See Anders*, 386 U.S. at 744, 87 S. Ct. at 1400, 18 L. Ed. 2d 493. The trial court's judgment is affirmed.

AFFIRMED.

Panel consisting of:

Judges TYSON, ZACHARY, and FLOOD.

Report per Rule 30(e).