

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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. COA23-963

Filed 2 April 2024

Dare County, No. 21 CRS 051368

STATE OF NORTH CAROLINA

v.

JOHN STEVEN WALKER, Defendant.

Appeal by Defendant from judgment entered 30 November 2022 by Judge Marvin K. Blount, III, in Dare County Superior Court. Heard in the Court of Appeals 19 March 2024.

Attorney General Joshua H. Stein, by Assistant Attorney General Megan Shook, for the State.

Ryan Legal Services, PLLC, by John E. Ryan, III, for Defendant.

GRIFFIN, Judge.

Defendant John Steven Walker appeals from a judgment entered after he pled guilty to trafficking in methamphetamine. Defense counsel filed an *Anders* brief on behalf of Defendant, asking this Court to conduct an independent review of the proceedings to determine whether any meritorious issues exist. We find no meritorious issues exist and dismiss the appeal.

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In 2021, Detective Johnson of the Dare County Narcotics Task Force received information from a confidential informant that Defendant would be purchasing and in possession of a large amount of methamphetamine. The informant provided numerous details, including who Defendant would receive the methamphetamine from, the amount received, the vehicle driven, and Defendant's location. **{T.II. p. 8}**. Detective Johnson met with another detective at a storage unit identified by the confidential informant. Defendant was located at the unit. The detectives initially recovered approximately seven grams of methamphetamine, four grams of cocaine, and an unknown amount of marijuana from a duffle bag in Defendant's possession. Suspecting there to be a larger quantity of methamphetamine present based upon the informant's information, Detective Johnson requested to search the storage unit. Defendant consented. Detective Johnson found approximately sixty-four grams of methamphetamine. **{T.II p. 9}**.

On 25 October 2021, Defendant was indicted for trafficking in methamphetamine by possession. **{R. p. 1}**. On 31 August 2022, Defendant pled guilty to trafficking in exchange for the State dismissing charges of possession with intent to distribute methamphetamine and obtaining habitual felon status. **{R. p. 12}**. On 26 September 2022, the trial court entered an order of continuance allowing for the entry of judgment. **{R. p. 15}**. On 30 November 2022, Defendant was sentenced to seventy to ninety-three months' imprisonment. **{R. p. 18}**.

Defendant gave timely notice of appeal. **{R. p. 20}**.

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Counsel for Defendant filed a brief, pursuant to *Anders v. California*, 386 U.S. 738 (1967), and *State v. Kinch*, 314 N.C. 99, 331 S.E.2d 665 (1985), stating that he was “unable to identify an issue with sufficient merit to support a meaningful argument for relief on direct appeal.” **{Def. Br. p. 3}**. Counsel requests this Court to “conduct a full examination of the record on appeal for possible prejudicial error and to determine whether any justiciable issue on direct appeal has been overlooked[.]” **{Id.}**. In his brief, defense counsel presented one potential issue, whether there was any error in Defendant’s sentencing. **{Def. B. p. 4}**.

“[P]ursuant to *Anders* and *Kinch*, we must determine from a full examination of all the proceedings whether the appeal is wholly frivolous.” *State v. Frink*, 177 N.C. App. 144, 145, 627 S.E.2d 472, 473 (2006) (citations and internal quotation marks omitted). This examination includes “a review of the legal points appearing in the record, transcript, and briefs, not for the purpose of determining their merits (if any) but to determine whether they are wholly frivolous.” *State v. Robinson*, 279 N.C. App. 643, 646, 865 S.E.2d 745, 748 (2021) (quoting *Kinch*, 314 N.C. at 102–03, 331 S.E.2d at 667) (cleaned up).

After fully and independently examining the record, we hold no meritorious issues exist entitling Defendant to relief. Accordingly, we conclude the appeal is wholly frivolous and dismiss the appeal.

DISMISSED.

Judges HAMPSON and THOMPSON concur.

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Report per Rule 30(e).