

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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. COA16-535

Filed: 17 January 2017

Cabarrus County, Nos. 12CRS052151, 12CRS052152, 15CRS000274

STATE OF NORTH CAROLINA

v.

JONATHAN DANIEL POTEAT

Appeal by Defendant from judgments entered 16 September 2015 by Judge Martin B. McGee in Cabarrus County Superior Court. Heard in the Court of Appeals 3 January 2017.

*Attorney General Roy A. Cooper, III, by Assistant Attorney General Martin T. McCracken, for the State.*

*Appellate Defender Glenn G. Gerding, by Assistant Appellate Defender Paul M. Green, for the Defendant.*

DILLON, Judge.

On 16 September 2015, Jonathan Daniel Poteat (“Defendant”) was convicted by a jury of selling heroin, possession with intent to sell or deliver heroin, maintaining a dwelling place for keeping or selling a controlled substance, conspiracy to sell or deliver heroin, possession of drug paraphernalia, and delivery of heroin. Defendant then pled guilty to having attained habitual felon status. The trial court arrested judgment on the charge of delivery of heroin. The trial court sentenced Defendant to

STATE V. POTEAT

*Opinion of the Court*

consecutive terms of 114 to 149 and 99 to 131 months of imprisonment. Defendant appeals.

Counsel appointed to represent Defendant has been 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 has also shown to the satisfaction of this Court that he 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 for him to do so.

Defendant has not filed any written arguments on his own behalf with this Court and a reasonable time in which he could have done so has passed. In accordance with *Anders* and *Kinch*, we have fully examined the record to determine whether there are any issues of arguable merit. We have been unable to find any possible prejudicial error and conclude that the appeal is wholly frivolous.

NO ERROR.

Chief Judge McGEE and Judge CALABRIA concur.

Report per Rule 30(e).