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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA16-1036

Filed: 6 June 2017

Vance County, No. 15 CRS 50869

STATE OF NORTH CAROLINA

v.

MICHAEL JOHNSON

Appeal by defendant from judgment entered 19 April 2016 by Judge Donald W. Stephens in Vance County Superior Court. Heard in the Court of Appeals 8 May 2017.

*Attorney General Joshua H. Stein, by Assistant Attorney General Alexander G. Walton, for the State.*

*Leslie Rawls for defendant-appellant.*

ZACHARY, Judge.

On 19 April 2016, a jury found defendant guilty of first-degree burglary and injury to real property and not guilty of assault on a female. At sentencing, he stipulated to having two prior convictions for assault on a female, which resulted in a corresponding prior record level II. *See* N.C. Gen. Stat. § 15A-1340.14(b)(5), (c)(2) (2015). The trial court consolidated defendant's offenses for judgment and sentenced

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him at the bottom of the applicable presumptive range to a term of 59 to 83 months' imprisonment. See N.C. Gen. Stat. § 15A-1340.17(c), (e) (2015). Defendant gave notice of appeal in open court.

Appellate counsel appointed to represent defendant was 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 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.

Defendant has not filed any written arguments on his own behalf with this Court, 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.

NO ERROR.

Judges BRYANT and DAVIS concur.

Report per Rule 30(e).