An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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. COA17-838

Filed: 6 February 2018

Forsyth County, Nos. 13 CRS 52707, 10665

STATE OF NORTH CAROLINA

v.

ROBERT NMN LLOYD

Appeal by defendant from judgment entered 14 November 2016 by Judge Jeffrey P. Hunt in Forsyth County Superior Court. Heard in the Court of Appeals 2 January 2018.

Attorney General Joshua H. Stein, by Assistant Attorney General Kimberly N. Callahan, for the State.

Stephen G. Driggers for defendant-appellant.

BRYANT, Judge.

Where we are unable to find any possible prejudicial error as to the judgment, we conclude that defendant's appeal therefrom is wholly frivolous and affirm the trial court's judgment.

Defendant Robert Lloyd was indicted on charges of possession of a controlled substance on prison/jail premises and attaining habitual felon status. Defendant pled guilty to both charges on 14 November 2016, and the trial court sentenced defendant

to 103 to 136 months' imprisonment. Defendant filed notice of appeal on 8 December 2016.

As an initial matter, we note that defendant's notice of appeal was untimely and failed to conform to the requirements of N.C. R. App. P. 4 in several other respects. In recognition of this fact, defendant has filed a petition for writ of certiorari as an alternate basis for review of his appeal. In our discretion, we allow the petition for writ of certiorari but find his appeal to lack merit.

On appeal, defendant's appointed counsel states that he is unable to identify any issue with sufficient merit to support a meaningful argument for relief on appeal and asks that this Court conduct an independent review of the record for possible prejudicial error. Counsel satisfactorily demonstrates to this Court that he 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 documents 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 issue of arguable merit appears therefrom. Our review of potential error in this case is limited to those issues authorized by N.C. Gen. Stat. § 15A-1444 (2015). We are unable to find any possible

prejudicial error as to the judgment and conclude that defendant's appeal therefrom is wholly frivolous. As a result, the trial court's judgment is affirmed.

AFFIRMED.

Judges HUNTER, JR., and INMAN concur.

Report per Rule 30(e).