An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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. COA17-1074

Filed: 17 April 2018

Davidson County, No. 15 CRS 54482

STATE OF NORTH CAROLINA

v.

DONALD EUGENE GREENE

Appeal by defendant from judgment entered 30 November 2016 by Judge Martin B. McGee in Davidson County Superior Court. Heard in the Court of Appeals 29 March 2018.

Attorney General Joshua H. Stein, by Special Deputy Attorney General E. Burke Haywood, for the State.

Appellate Defender Glenn Gerding, by Assistant Appellant Defender John F. Carella, for defendant.

ELMORE, Judge.

On 8 September 2015, Donald Eugene Greene ("defendant") was charged by bills of indictment with first-degree murder, robbery with a dangerous weapon, felonious larceny of a vehicle, and possession of a firearm by a felon. Defendant initially entered a not guilty plea and sought a jury trial. However, in the midst of

the pretrial motions hearing, defendant entered into a plea arrangement with the State, under the terms of which he agreed to plead guilty to second degree murder and robbery with a dangerous weapon. In exchange, the State agreed to an active sentence of 285 to 354 months and to a dismissal of the remaining charges. After defendant entered his guilty plea, the trial court found that he was a Level III offender with seven prior record points. This calculation included three out-of-state felony convictions which were classified by default as Class I felonies. The trial court thereafter sentenced defendant in accordance with the plea arrangement. 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 full examination 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, 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 for him to do so. Counsel directs our attention to potential issues on appeal, such as the calculation of defendant's prior record level, but acknowledges that he is unable to identify an issue with sufficient merit to support a meaningful argument for relief.

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. We have found no error on the part of the trial court in the calculation of defendant's prior record level for sentencing purposes. Additionally, in accordance with *Anders*, we have fully examined the record to determine whether any issues of arguable merit appear therefrom or whether the appeal is wholly frivolous. We conclude that the appeal is wholly frivolous. We have also examined the record for possible prejudicial error and found none.

AFFIRMED.

Judges TYSON and ZACHARY concur.

Report per Rule 30(e).