An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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. COA18-100

Filed: 7 August 2018

Columbus County, No. 13-CRS-50034

STATE OF NORTH CAROLINA

v.

CONNIE PRENTICE REAVES, Defendant.

Appeal by defendant from judgment entered 8 June 2017 by Judge D. Jack Hooks in Columbus County Superior Court. Heard in the Court of Appeals 6 August 2018.

Attorney General Joshua H. Stein, by Assistant Attorney General Mary Carla Babb, for the State.

Gilda C. Rodriguez for defendant-appellant.

BERGER, Judge.

A Columbus County jury convicted Connie Prentice Reaves ("Defendant") of assault with a deadly weapon inflicting serious injury. Defendant has appealed this matter to this Court three times.

In his first appeal, Defendant challenged the calculation of his sentence, *inter alia*. Defendant was initially sentenced to serve forty to sixty months in prison and

pay $61,000.00 in restitution. This Court affirmed Defendant's conviction but remanded the case for resentencing after identifying an error in the calculation of his prior record level. *See State v. Reaves*, 241 N.C. App. 657, 775 S.E.2d 693 (unpublished), *disc. review denied*, 368 N.C. 354, 776 S.E.2d 847 (2015), *and appeal dismissed*, 368 N.C. 682, 781 S.E.2d 613 (2016). Defendant was resentenced on August 7, 2015. The trial court again found Defendant to be at a prior record level of V and again sentenced Defendant to forty to sixty months in prison and ordered him to pay $61,000.00 in restitution.

During his second appeal, Defendant argued he was denied the right to counsel at the resentencing hearing. On September 20, 2016, a panel of this Court agreed with Defendant's assertion, vacated the trial court's judgment, and remanded for a new sentencing hearing. *See State v. Reaves*, ___ N.C. App. ___, 791 S.E.2d 682 (2016) (unpublished). Another resentencing hearing was held on June 8, 2017. Defendant was again determined to be at a prior record level V and sentenced to forty to sixty months of in prison. However, no restitution was ordered. Defendant stated in open court that he was "going to ask for an appeal."

This matter is presently before this Court pursuant to Defendant's petition for a writ of certiorari, which Defendant filed on April 3, 2018 in the event this Court should determine his oral notice of appeal to be ineffective. This Court assesses the sufficiency of oral notices of appeal by determining whether the purported appellant

manifested their intent to enter a notice of appeal to this Court. *State v. Daughtridge*, ___ N.C. App. ___, ___,789 S.E.2d 667, 670 (2016), *disc. review denied in part and dismissed as moot in part*, 369 N.C. 482, 795 S.E.2d 363 (2017). We note that, in response to Defendant's statement, the trial court signed appellate entries and appointed counsel to represent Defendant on appeal. Additionally, the State does not contend that it was misled or prejudiced in any way by any defect in Defendant's notice of appeal. *See Von Ramm v. Von Ramm*, 99 N.C. App. 153, 156-57, 392 S.E.2d 422, 424 (1990) (stating that notice of appeal may be liberally construed where "the intent to appeal . . . can be fairly inferred from the notice and the appellee is not misled by the mistake") (citations and emphasis omitted). Consequently, we conclude that Defendant's oral notice of appeal was sufficient to confer jurisdiction upon this Court, and his petition for a writ of certiorari is dismissed as moot.

Counsel appointed to represent Defendant has been unable to identify any issue with sufficient merit to support a meaningful argument for relief on appeal. Counsel 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 she has complied with the requirements of *Anders v. California*, 386 U.S. 738, 18 L. Ed. 2d 493, *reh'g denied*, 388 U.S. 924, 18 L. Ed. 2d 1377 (1967), and *State v. Kinch*, 314 N.C. 99, 331 S.E.2d 665 (1985). Counsel advised Defendant of his right to file written

arguments with this Court and provided him with the documents necessary for him to do so.

Defendant has not filed any written 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 issues of arguable merit appear therefrom. We find no possible prejudicial error.

NO ERROR.

Judges CALABRIA and DAVIS concur.

Report per Rule 30(e).