

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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. COA19-1013

Filed: 1 December 2020

Union County, No. 17 CRS 52891

STATE OF NORTH CAROLINA

v.

DANDRE LAMONT HARRIS

Appeal by defendant from judgment entered 20 March 2019 by Judge Jeffery K. Carpenter in Union County Superior Court. Heard in the Court of Appeals 17 November 2020.

*Attorney General Joshua H. Stein, by Special Deputy Attorney General Amy Kunstling Irene, for the State.*

*James R. Parish for defendant-appellant.*

TYSON, Judge.

Dandre Lamont Harris (“Defendant”) appeals from a judgment entered upon a jury’s verdict finding him guilty of felony fleeing to elude arrest. We find no error.

I. Background

The evidence tended to show a law enforcement officer initiated a traffic stop of a speeding vehicle on United States Highway 74 in Monroe, North Carolina, at

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12:50 a.m. on 15 June 2017. The male driver handed the officer a driver's license. Three small children were seated in the backseat of the vehicle, and a baby was on the passenger floorboard between the legs of a female passenger. Only two of the children in the backseat were wearing seatbelts.

The officer believed he smelled marijuana and asked Defendant to step out of the vehicle. Defendant was not cooperative and refused to exit after the officer asked Defendant to step out of the vehicle multiple times. After several minutes the driver fled the scene in the vehicle. Officers pursued the vehicle for approximately three miles before calling off the chase for "the safety of the children" after having observed the driver run through at least two intersections emitting red traffic lights.

Law enforcement officers obtained felony warrants against Defendant based upon the information contained in the driver's license handed to the officer during the traffic stop. Defendant was identified in court as the driver of the vehicle.

The jury found Defendant guilty of felony fleeing to elude arrest. The trial court sentenced him to a term of five to fifteen months of imprisonment. Defendant appealed.

II. Jurisdiction

Appeal from a final judgment entered in the superior court upon conviction lies of right directly with this Court. N.C. Gen. Stat. §§ 7A-27(b), 15A-1444(a) (2019).

III. Anders Brief

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Counsel appointed to represent Defendant on appeal has filed a brief pursuant to *Anders v. California*, 386 U.S. 738, 18 L. Ed. 2d 493 (1967), indicating he is unable to identify any non-frivolous issue to support a meaningful argument for any relief on appeal after close examination of the record and relevant law. Defendant asks this Court to conduct its own review of the record for possible error.

Counsel has filed documentation with the Court showing that he has complied with the requirements of *Anders* 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 the Court and providing him with a copy of the documents pertinent to his appeal. Unlike the appellant in *Kinch*, Defendant has not filed a *pro se* brief with this Court, and a reasonable time for him to do so has expired. *See id.* at 102, 331 S.E.2d at 666.

IV. Conclusion

In accordance with *Anders* and *Kinch*, we have examined the record to determine whether any issues of arguable merit appear to exist and have found none. Defendant received a fair trial, free from prejudicial errors he preserved and argued. There is no error in the jury's verdicts or in the judgments entered thereon. *It is so ordered.*

NO ERROR.

Judges STROUD and HAMPSON concur.

Report per Rule 30(e).