

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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

2021-NCCOA-57

No. COA19-386

Filed 2 March 2021

Forsyth County, No. 18CRS000367

STATE OF NORTH CAROLINA

v.

MICHAEL ANTOUNNE RHYNES, Defendant.

Appeal by defendant from judgment entered on or about 12 September 2018 by Judge V. Bradford Long in Superior Court, Forsyth County. Heard in the Court of Appeals 9 June 2020.

Attorney General Joshua H. Stein, by Special Deputy Attorney General Daniel P. O'Brien, for the State.

Patterson Harkavy LLP, by Narendra K. Ghosh, for defendant-appellant.

Michael Antounne Rhynes, pro se, for defendant-appellant.

STROUD, Chief Judge.

¶ 1 On or about 12 September 2018, the trial court entered judgment on the jury's verdict convicting defendant¹ of attempted first degree murder.² Defendant appeals.

¶ 2 Defendant's attorney 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 review 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. Indeed, on 30 March 2020, defendant filed a *pro se* brief with this Court.

¶ 3 Defendant appears to contend that portions of an evidentiary hearing were not transcribed, and those portions contain crucial exculpatory suppressed evidence of fingerprints on shell casings from two guns; defendant views this as a *Brady* violation. *See generally Brady v. Maryland*, 373 U.S. 83, 10 L. Ed. 2d 215 (1963).

¹ We note defendant's name on the judgment and as captioned on his brief are spelled differently with the brief containing a "w" that the judgment does not.

² Charges for attaining the status of habitual felon and armed habitual felon were dismissed. Further, per the transcript, the jury also found defendant guilty of possession of a firearm by a felon, assault with a deadly weapon with intent to kill inflicting serious injury, and discharging a weapon into occupied property, and the trial court arrested judgment on these convictions. Only the attempted first degree murder judgment is in our record.

Unfortunately, we are unable to discern any reviewable issues from defendant's *pro se* brief.

¶ 4

Without a transcript of the alleged hearing, there is simply nothing for us to review. In fact, our record does not contain any indication this hearing occurred. While we appreciate defendant's dilemma in attempting to raise an argument about a failure to transcribe an evidentiary hearing, while our record does not give any indication of such a hearing, we cannot review this issue without further information. However, this opinion does not prevent defendant from pursuing further review at the trial court level, such as a properly-supported motion for appropriate relief, presuming the trial court has not previously ruled on the issue.

¶ 5

We have fully examined the record to determine whether any issues of arguable merit appear, are unable to find any possible prejudicial error, and conclude this appeal is wholly frivolous.

NO ERROR.

Judges TYSON and COLLINS concur.

Report per Rule 30(e).