

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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. COA23-673

Filed 4 June 2024

Edgecombe County, No. 20 CRS 51943

STATE OF NORTH CAROLINA

v.

TRAMELLA TINEAK HINTON, Defendant.

Appeal by defendant from judgment entered 10 January 2023 by Judge L. Lamont Wiggins in Edgecombe County Superior Court. Heard in the Court of Appeals 20 November 2023.

*Attorney General Joshua H. Stein, by Special Deputy Attorney General M. Denise Stanford, for the State.*

*Appellate Defender Glenn Gerding, by Assistant Appellate Defender Wyatt B. Osborn, for defendant-appellant.*

PER CURIAM.

Defendant Tramella Tineak Hinton was convicted of Presenting a False Statement to Procure Benefit of an Insurance Policy in violation of N.C.G.S. § 58-2-161 and Attempting to Obtain Property by False Pretenses in violation of N.C.G.S. § 14-100. Both Class H felonies were consolidated into a single judgment and

Defendant received a suspended sentence of 8 to 19 months. Defendant gave notice of appeal in open court and was appointed appellate counsel.

On appeal, counsel filed a no-merit brief in accordance with *Anders v. California*, 386 U.S. 738 (1967), and *State v. Kinch*, 314 N.C. 99 (1985), asking this Court to “fully examine the record on appeal for possible prejudicial error and to determine whether counsel overlooked any meritorious issue.” Counsel mailed a copy of the brief, record on appeal, and transcript to the address he had for Defendant on 18 August 2023.

On 2 January 2024, this Court entered an order:

On its own initiative, and in accordance with Rule 9(b)(5)(b), this Court orders that all bail and/or bond documents, release orders, orders for arrest, or other documents pertaining to Defendant’s potential credits in accordance with N.C.G.S. §§ 15-196.1 et. seq. related to these matters be sent up and added to the record on appeal. Assistant Appellate Defender Wyatt B. Orsbon, counsel for defendant-appellant, shall file a supplement to the record on appeal containing the above material within 30 days of the entry of this order.

Counsel for Defendant timely complied with this order and supplemented the record on 3 January 2024.

On 5 March 2024, we issued an opinion in this matter. However, on 6 March 2024, Defendant, through Assistant Appellate Defender Wyatt Osborn filed a *Motion to Stay Mandate and to Withdraw Opinion*. In essence, after our opinion, Defendant contacted counsel for Defendant indicating that she had not received forwarded mail

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including the *Anders* related materials and that she would have made a pro se argument had she known of her right to do so. On 11 March 2024, we stayed the mandate which was set to issue on 25 March 2024 and held the rest of the motion in abeyance. Defendant was ordered to provide her pro se argument by 5:00 p.m. on 22 March 2024 and she satisfied this request. On 27 March 2024, a divided panel allowed Defendant's motion to withdraw the 5 March 2024 opinion.

Upon review of Defendant's pro se arguments and a renewed review of the record, we find no potential merit in her additional arguments. We are satisfied that counsel has fulfilled all of its obligations under *Anders* and *Kinch*. We have conducted a full review of the record and transcript and hold that there was no prejudicial error.

NO ERROR.

Panel consisting of:

Chief Judge DILLON and Judges MURPHY and GORE.

Report per Rule 30(e).