

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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. COA24-432

Filed 17 September 2024

Forsyth County, Nos. 22CRS353186, 22CRS357432

STATE OF NORTH CAROLINA

v.

FRANKLIN DONYEA PARKER

Appeal by defendant from judgment entered 3 October 2023 by Judge Aaron Jay Berlin in Forsyth County Superior Court. Heard in the Court of Appeals 5 September 2024.

Attorney General Joshua H. Stein, by Special Deputy Attorney General Melody R. Hairston, for the State.

Appellate Defender Glenn Gerding, by Assistant Appellate Defender Katherine Jane Allen, for Defendant-Appellant.

PER CURIAM.

Franklin D. Parker (“Defendant”) was charged for the following ten offenses: three counts of assault with a deadly weapon with the intent to kill; three counts of discharging a firearm from within an enclosure; three counts of discharging a firearm into an occupied dwelling; and injury to personal property. Defendant pled guilty to

the following seven offenses: three counts of discharging a firearm into an occupied dwelling; three counts of assault with a deadly weapon with intent to kill; and injury to personal property.

Defendant filed a petition for writ of *certiorari* with our Court, which we grant.

Defendant's counsel filed a brief on appeal pursuant to *Anders v. California*, 386 U.S. 738 (1967), and *State v. Kinch*, 314 N.C. 99 (1985). Defense counsel requests that this Court conduct an independent examination of the record for any prejudicial error.

Though counsel was “unable to identify any issue with sufficient merit to support a meaningful argument for relief on appeal[.]” counsel “respectfully requests this Court to conduct a full and independent review of the record[.]” Counsel also advised Defendant of his right to file supplemental arguments on his own behalf in accordance with *Anders* and *Kinch*.

Defendant's counsel refers this Court to the following issues which may support Defendant's appeal: (1) whether Defendant's prior record level was correct; (2) whether Defendant's sentence was proper based on the class of offense and prior record level; and (3) whether Defendant's terms of imprisonment were statutorily authorized.

Pursuant to *Anders* and *Kinch*, we are tasked to independently examine the entire proceedings to determine whether Defendant's appeal is wholly frivolous. *Anders*, 386 U.S. at 744; *see also Kinch*, 314 N.C. at 102–03 (“[W]e [] review the legal

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points appearing in the record, transcript, and briefs, not for the purpose of determining their merits (if any) but to determine whether they are wholly frivolous.”).

After conducting a full and independent examination of the record, including the potential issues presented by Defendant's counsel, we hold the record contains no meritorious issue which would entitle Defendant to relief.

NO ERROR.

Panel consisting of Chief Judge DILLON and Judges MURPHY and STADING.

Report per Rule 30(e).