

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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. COA24-528

Filed 19 November 2024

Forsyth County, Nos. 12 CRS 51379, 13 CRS 153

STATE OF NORTH CAROLINA

v.

RICHARD PRIDGEN

Appeal by defendant from order entered 5 July 2023 by Judge Eric C. Morgan in Superior Court, Forsyth County. Heard in the Court of Appeals 27 September 2024.

*Attorney General Joshua H. Stein, by Special Deputy Attorney General Zachary K. Dunn, for the State.*

*Appellate Defender Glenn Gerding, by Assistant Appellate Defender Jillian C. Franke, for defendant-appellant.*

PER CURIAM.

Defendant was convicted of one count of first-degree sexual offense with a child, two counts of indecent liberties with a child, and one count of rape of a child by an adult offender. He was sentenced to an active term of imprisonment.

Defendant later filed a post-conviction motion for DNA testing. The trial court denied this motion. Defendant filed a *pro se* written notice of appeal that failed to

STATE V. PRIDGEN

*Opinion of the Court*

comply with the North Carolina Rules of Appellate Procedure as it did not state which court Defendant is appealing to and there is no indication it was served on the State. *See* N.C. R. App. P. 4(b), (c). Defendant then filed a petition for writ of *certiorari*, which we hereby grant.

Defendant's counsel filed a no-merit brief on appeal pursuant to *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), requesting this Court conduct an independent examination of the record for any prejudicial error. Defendant's counsel refers this Court to the following issues which may support Defendant's appeal: (1) whether the trial court improperly denied Defendant's motion and (2) whether the trial court erred in denying appointment of counsel.

Defendant's counsel shows to the satisfaction of this Court that she has complied with the requirements of *Anders* and *Kinch*. *See Anders*, 386 U.S. 738, 18 L. Ed. 2d 493; *Kinch*, 314 N.C. 99, 331 S.E.2d 665. Counsel has advised Defendant of his right to file supplemental arguments with this Court and provided him with the documents necessary to do so. Defendant has not filed with this Court any arguments on his own behalf.

After conducting a full and independent examination of the record, including the potential issues presented by Defendant's counsel, we are unable to conclude there was any prejudicial error and determine that this appeal is wholly frivolous. Accordingly, we discern no error in the trial court's judgment.

STATE V. PRIDGEN

*Opinion of the Court*

NO ERROR.

Panel consisting of Judges STROUD, TYSON, and WOOD.

Report per Rule 30(e).