

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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. COA24-630

Filed 19 November 2024

Cherokee County, No. 21 CRS 050348

STATE OF NORTH CAROLINA

v.

KELLY DENISE WALKER

Appeal by defendant from judgment entered 29 November 2023 by Judge William H. Coward in Cherokee County Superior Court. Heard in the Court of Appeals 7 November 2024.

Attorney General Joshua H. Stein, by Assistant Attorney General Hillary F. Patterson, for the State.

Appellate Defender Glenn Gerding, by Assistant Appellate Defender Emily Holmes Davis, for defendant-appellant.

PER CURIAM.

The trial court entered judgment based upon a jury's verdict convicting Defendant Kelly Denise Walker of one count of possession of methamphetamine. On appeal, Defendant asks this Court to conduct an independent review of the record of her case in accordance with *Anders v. California*, 386 U.S. 738 (1967), and *State v.*

Kinch, 314 N.C. 99 (1985). We conclude that Defendant received a fair trial, free of reversible error.

The evidence tended to show that Defendant was apprehended in a vehicle that belonged to her, with a syringe of methamphetamine in the storage compartment of her car door, to which she admitted knowledge thereof.

At trial, the trial court denied Defendant’s motion to dismiss for insufficient evidence. On appeal, Defendant offers that the trial court may have erred by doing so. We review the denial of a motion to dismiss for insufficiency of the evidence *de novo*. *State v. Smith*, 186 N.C. App. 57, 62 (2007). “[T]he trial court must view the evidence in the light most favorable to the State, drawing all reasonable inferences in the State’s favor.” *State v. Bradshaw*, 366 N.C. 90, 92 (2012). “[I]t must determine ‘whether there is substantial evidence [] of each essential element of the offense charged[.]’ ” *Id.* at 93. According to the elements laid out in N.C.G.S. § 90-95(a)(3) (2024), we agree with the trial court that substantial evidence existed to support a finding that Defendant knowingly possessed methamphetamine.

Defendant also asks this Court to review the trial court’s determination that her prior record calculation was a level II with two points for felony sentencing. We find no error in the trial court’s calculation.

Lastly, Defendant asks us to review the trial court’s sentencing for error. Here, the trial court sentenced her to a minimum of six months and maximum of seventeen months. This is in the presumptive range for a prior record level II offender sentenced

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for a Class I felony. See N.C.G.S. § 15A-1340.17(c),(d) (2013). Therefore, we determine that the trial court did not commit error in arriving at the Defendant's sentence.

Defendant's counsel shows to the satisfaction of this Court that she has complied with the requirements of *Anders* and *Kinch*. Counsel has advised Defendant of her right to file supplemental arguments with this Court and provided her with the documents necessary to do so. Defendant has not filed with this Court any arguments on her 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 find any prejudicial error and conclude that this appeal is wholly frivolous. Accordingly, we discern no reversible error.

NO ERROR.

Panel consisting of Chief Judge DILLON and Judges HAMPSON and CARPENTER.

Report per Rule 30(e).