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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA24-774

Filed 19 March 2025

Davidson County, Nos. 23CRS484064, 24CRS000046

STATE OF NORTH CAROLINA

v.

COLON MARSH EVANS

Appeal by defendant from judgment entered 23 January 2024 by Judge Lori I. Hamilton in Davidson County Superior Court. Heard in the Court of Appeals 11 February 2025.

Attorney General Jeff Jackson, by Assistant Attorney General Joseph R. Mouer, for the State.

Appellate Defender Glenn Gerding, by Assistant Appellate Defender Candace Washington, for defendant-appellant.

MURRY, Judge.

Defendant Colon Marsh Evans appeals from the trial court's judgment entered upon Defendant's pleas in response to bills of information filed by the State, which charged him with habitual larceny and attaining habitual felon status. Defendant pled no contest to the charge of habitual larceny and guilty to the charge of attaining

habitual felon status. Counsel for Defendant filed an *Anders* brief on appeal. After careful review, we grant Defendant's petition for writ of certiorari and conclude that the trial court did not reversibly err. Accordingly, we affirm the trial court's judgment.

Background

On 17 January 2024, the State filed bills of information charging Defendant with habitual larceny and having attained habitual felon status. That same day, at a hearing before the Davidson County Superior Court, Defendant pled no contest to the charge of habitual larceny and guilty to the charge of attaining habitual felon status. Defendant had previously been convicted of misdemeanor larceny on four separate occasions in Davidson County district court. The previous larceny convictions elevated the charge in the first bill of information to felony larceny under N.C.G.S. § 14-72(b)(6). In exchange for Defendant's pleas, the State agreed to acknowledge two mitigating sentencing factors.

At the conclusion of the hearing, the trial court entered judgment against Defendant. The court sentenced Defendant to a mitigated sentence consisting of a minimum of 89 months and a maximum of 119 months in the custody of the North Carolina Division of Adult Corrections. On 26 January 2024, Defendant gave written notice of appeal. Defendant filed a brief and a petition for writ of certiorari to this Court on 3 October 2024.

Anders Review

On appeal, Defendant's counsel filed a brief under *Anders v. California*, 386

U.S. 738 (1967). Counsel is “unable to identify any discernable issue with sufficient merit to support a meaningful argument for relief on appeal” and thus requests our “full examination of the record for any prejudicial error [to] determine if any issue has been overlooked.” Counsel has shown to our satisfaction her compliance with the requirements of *Anders* and *State v. Kinch*, 314 N.C. 99, 331 S.E.2d 665 (1985); she advised Defendant of his right to file his own written arguments with this Court and provided him with the documents necessary to do so.

Defendant has not filed any written arguments on his own behalf with this Court, and a reasonable time in which he could have done so has passed. In his *Anders* brief, Defendant’s counsel raised three potential issues for our consideration: (1) whether the trial court’s plea colloquy of Defendant complies with N.C.G.S. § 15A-1022’s requirements, (2) whether the evidence supports Defendant’s prior record level determination, and (3) whether the General Statutes authorize the sentence imposed. Based on our careful review of the record, these potential issues are meritless. Defendant is thus not entitled to relief on their bases.

“Under our review pursuant to *Anders* and *Kinch*, we must determine from a full examination of all the proceedings whether the appeal is wholly frivolous.” *State v. Frink*, 177 N.C. App. 144, 145, 627 S.E.2d 472, 473 (2006) (cleaned up). As required by *Anders* and *Kinch*, we have conducted a full examination of the record for any issue with arguable merit and cannot find any error in the proceedings. Thus, we conclude that this appeal presents no issue that might entitle Defendant to relief.

Conclusion

For the reasons stated above, this Court concludes that Defendant received a fair trial free from error and affirm the trial court's judgment.

AFFIRMED.

Judges ZACHARY and CARPENTER concur.

Report per Rule 30(e).