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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA24-1025

Filed 7 May 2025

Forsyth County, No. 23CRS439640-330

STATE OF NORTH CAROLINA

v.

REGINALD REYNARD LAMPKINS, Defendant.

Appeal by Defendant from judgment entered 27 March 2024 by Judge Alyson A. Grine in Forsyth County Superior Court. Heard in the Court of Appeals 23 April 2025.

*Attorney General Jeff Jackson, by Special Deputy Attorney General Daniel P. O'Brien, for the State.*

*Appellate Defender Glenn Gerding, by Assistant Appellate Defender Amanda S. Zimmer, for defendant-appellant.*

STADING, Judge.

Reginald R. Lampkins (“Defendant”) appeals from final judgment entered against him after pleading guilty to three counts of second-degree rape. Counsel for Defendant filed a brief requesting independent review of the record in accordance

with *Anders v. California*, 386 U.S. 738, 87 S. Ct. 1396 (1967) and *State v. Kinch*, 314 N.C. 99, 331 S.E.2d 665 (1985). After careful review, we affirm.

### **I. Background**

On 25 March 2024, Defendant entered into a plea agreement with the State in which he pled guilty to three counts of second-degree rape. The trial court entered judgment, consolidated the offenses on sentencing, and sentenced Defendant to a term of twenty-four years' imprisonment under the Fair Sentencing Act.<sup>1</sup> Defendant entered his oral notice of appeal in open court.

### **II. Jurisdiction**

Defendant submits this appeal under *Anders v. California*, and Defendant's counsel complied with the requirements of *Anders*. 386 U.S. at 744, 87 S. Ct. at 1400. Notwithstanding Defendant's guilty plea, this Court has jurisdiction to conduct a limited review since Defendant's counsel complied with *Anders*. *Id.*; see also *State v. Hamby*, 129 N.C. App. 366, 369–70, 499 S.E.2d 195, 196–97 (1998) (conducting an *Anders* review even though the defendant pleaded guilty and “brought forward no issues on appeal”).

### **III. Analysis**

We first note that Defendant has not filed any written arguments on his own behalf, and the time for Defendant to do so has passed. In his *Anders* brief,

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<sup>1</sup> The dates of Defendant's offenses range between 25 June 1984 and 3 March 1986.

Defendant's counsel presents one potential issue for our review: whether Defendant's sentence "was authorized and supported by the evidence." Since the dates of the offenses occurred between 1984 and 1986, we look to N.C. Gen. Stat. § 15A-1444(a1) (1983) to consider Defendant's appeal. *See Anders*, 386 U.S. at 744, 87 S. Ct. at 1400; *see also Hamby*, 129 N.C. App. at 369–70, 499 S.E.2d at 196–97; *see also State v. Lawrence*, 193 N.C. App. 220, 222, 667 S.E.2d 262, 263 (2008) ("Offenses committed prior to 1 October 1994 are controlled by the Fair Sentencing Act."). Under subsection 15A-1444(a1):

A defendant who has been found guilty, or entered a plea of guilty or no contest to a felony, is entitled to appeal as a matter of right the issue of whether his sentence is supported by evidence introduced at the trial and sentencing hearing only if the prison term of the sentence exceeds the presumptive term set by G.S. 15A-1340.4, and if the judge was required to make findings as to aggravating or mitigating factors pursuant to this Article. Otherwise, he is not entitled to appeal this issue as a matter of right but may petition the appellate division for review of this issue by writ of certiorari.

Here, for the three offenses of second-degree rape, Defendant received a consolidated sentence of twenty-four years. *See* N.C. Gen. Stat. § 15A-1340.4(a) (1983) (Under the Fair Sentencing Act, "[i]f the judge imposes a prison term . . . he must impose the presumptive term provided in this section unless, . . . when two or more convictions are consolidated for judgment he imposes a prison term (i) that does not exceed the total of the presumptive terms for each felony so consolidated, (ii) that does not exceed the maximum terms for the most serious felony so consolidated, and

(iii) that is not shorter than the presumptive term for the most serious felony so consolidated.”).

The presumptive term for each offense, a Class D felony under the Fair Sentencing Act, is twelve years. *Id.* § 15A-1340.4(f)(2) (1983) (“Unless otherwise specified by statute, presumptive prison terms . . . [f]or a Class D felony, [is] imprisonment for 12 years.”). The twenty-four-year sentence imposed did not exceed the combined presumptive terms for each felony—thirty-six years in this case—and is not shorter than the presumptive term for the most serious felony imposed. *See id.* (“For a Class D felony, imprisonment for 12 years.”); *see also id.* § 15A-1340.4(a) (“[W]hen two or more convictions are consolidated for judgment he imposes a prison term (i) that does not exceed the total of the presumptive terms for each felony so consolidated, (ii) that does not exceed the maximum terms for the most serious felony so consolidated, and (iii) that is not shorter than the presumptive term for the most serious felony so consolidated.”). Nor does the sentence imposed “exceed the maximum terms for the most serious felony so consolidated.” *See id.* § 14-1.1(a)(4) (1981) (“A Class D felony shall be punishable by imprisonment up to 40 years . . .”).

Defendant’s appellate counsel also asks us to review whether his sentence was “supported by the evidence.” Again, the applicable statute provides:

A defendant who . . . entered a plea of guilty or no contest to a felony, is entitled to appeal as a matter of right the issue of whether his sentence is supported by evidence introduced at the . . . sentencing hearing *only if the prison term of the sentence exceeds the presumptive term set by*

*G.S. 15A-1340.4, and if the judge was required to make findings as to aggravating or mitigating factors pursuant to this Article. Otherwise, he is not entitled to appeal this issue as a matter of right but may petition the appellate division for review of this issue by writ of certiorari.*

*Id.* § 15A-1444(a1) (emphasis added). Defendant's sentence does not exceed the statutory presumptive term, and he has not petitioned our Court for certiorari. In any event, we have reviewed the transcript of Defendant's plea, and it shows that the State provided a sufficient factual basis to support three counts of second-degree rape. *See id.* § 14-27.3(a) (1981).

After an independent review of the record within the confines of subsection 15A-1444(a1) and Defendant's appellate counsel's *Anders* request, we conclude he is not entitled to relief because his sentence was authorized by the Fair Sentencing Act.

#### **IV. Conclusion**

As required by *Anders* and *Kinch*, our full examination of the record yielded no issues with arguable merit. Accordingly, we affirm the lower court's judgment.

AFFIRMED.

Chief Judge DILLON and Judge WOOD concur.

Report per Rule 30(e).