

IN THE UTAH COURT OF APPEALS

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State of Utah,)	MEMORANDUM DECISION
)	(Not For Official Publication)
Plaintiff and Appellee,)	
)	Case No. 20040822-CA
v.)	
)	F I L E D
Bruce Earl Cragun,)	(September 1, 2005)
)	
Defendant and Appellant.)	2005 UT App 371

Second District, Ogden Department, 041902232
The Honorable Parley R. Baldwin

Attorneys: Dee W. Smith, Ogden, for Appellant
Mark L. Shurtleff and Karen A. Klucznik, Salt Lake
City, for Appellee

Before Judges Billings, Bench, and McHugh.

PER CURIAM:

Appellant Bruce Earl Cragun appeals his sentence for three counts of obtaining a prescription under false pretenses, third degree felonies. Cragun's counsel filed a brief in accordance with Anders v. California, 386 U.S. 783 (1967) and State v. Clayton, 639 P.2d 168 (Utah 1981). The brief "objectively demonstrate[s] that the issues raised are frivolous." State v. Flores, 855 P.2d 258, 260 (Utah Ct. App. 1993) (per curiam); see also Dunn v. Cook, 791 P.2d 873, 877 (Utah 1990) (stating an Anders brief must demonstrate any "potentially meritorious" issues are actually frivolous). Based upon our independent examination of the record, we determine that the appeal is, indeed, wholly frivolous and, accordingly, we affirm the decision of the district court and grant counsel's motion to withdraw.

Judith M. Billings,
Presiding Judge

Russell W. Bench,
Associate Presiding Judge

Carolyn B. McHugh, Judge