

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,)
)
 Respondent,)
)
 v.)
)
 BRENDA NICHOLAS,)
)
 Appellant.)

No. 74112-8-1
DIVISION ONE
UNPUBLISHED OPINION
FILED: August 22, 2016

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COURT OF APPEALS DIVISION ONE
STATE OF WASHINGTON

PER CURIAM. Brenda Nicholas appeals the sentence imposed on remand from our prior decision affirming her convictions for first degree murder, theft and identity theft. Nicholas's court-appointed attorney has filed a motion to withdraw on the ground that there is no basis for a good faith argument on review. Pursuant to State v. Theobald, 78 Wn.2d 184, 470 P.2d 188 (1970), and Anders v. California, 386 U.S. 738, 87 S. Ct. 1396, 18 L. Ed. 2d 493 (1967), the motion to withdraw must

[1] be accompanied by a brief referring to anything in the record that might arguably support the appeal. [2] A copy of counsel's brief should be furnished the indigent and [3] time allowed him to raise any points that he chooses; [4] the court--not counsel--then proceeds, after a full examination of all the proceedings, to decide whether the case is wholly frivolous.

Theobald, 78 Wn.2d at 185 (quoting Anders, 386 U.S. at 744).

This procedure has been followed. Nicholas's counsel on appeal filed a brief with the motion to withdraw. Nicholas was served with a copy of the brief and informed of her right to file a statement of additional grounds for review. She did not file a statement of additional grounds.

The facts are accurately set forth in counsel's brief in support of the motion to withdraw. The court has reviewed the briefs filed in this court and has independently reviewed the entire record. The court specifically considered the following potential issues raised by counsel:

1. Did the resentencing court err in concluding that Nicholas's California conviction for grand theft is comparable to second degree theft in Washington?
2. Did Nicholas's resentencing counsel have a conflict of interest?

The potential issues are wholly frivolous. Counsel's motion to withdraw is granted and the appeal is dismissed.

For the court:

Trickey, ACT
Schubert, J.
COX, J.